

that the violation by the owner or operator does not warrant termination of the agreement;

(5) upon transfer of his right and interest in the lands subject to the agreement during the agreement period, to forfeit all rights to further payments or grants under the agreement and refund to the United States all payments or grants received thereunder during the year of the transfer unless the transferee of any such land agrees with the Secretary to assume all obligations of the agreement;

(6) not to adopt any practice specified by the Secretary in the agreement as a practice which would tend to defeat the purposes of the agreement; and

(7) to such additional provisions as the Secretary determines are desirable and includes in the agreement to effectuate the purposes of the program or to facilitate its administration.

(Pub. L. 91-559, § 4, Dec. 19, 1970, 84 Stat. 1470.)

#### § 1304. Annual payment; adjustment

In return for the agreement of the owner or operator, the Secretary shall (1) make an annual payment to the owner or operator for the period of the agreement at such rate or rates as the Secretary determines to be fair and reasonable in consideration of the obligations undertaken by the owner or operator; and (2) bear such part of the average cost of establishing and maintaining conservation and development practices on the wetlands and adjacent areas for the purposes of this chapter as the Secretary determines to be appropriate. In making his determination, the Secretary shall consider, among other things, the rate of compensation necessary to encourage owners or operators of wetlands to participate in the water bank program. The rate or rates of annual payments as determined hereunder shall be increased, by an amount determined by the Secretary to be appropriate, in relation to the benefit to the general public of the use of the wetland areas, together with designated adjacent areas, if the owner or operator agrees to permit, without other compensation, access to such acreage by the general public, during the agreement period, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations. The rates of annual payment shall be adjusted, to the extent provided for in advance by appropriation Acts, in accordance with section 1302 of this title.

(Pub. L. 91-559, § 5, Dec. 19, 1970, 84 Stat. 1470; Pub. L. 96-182, § 3, Jan. 2, 1980, 93 Stat. 1317.)

#### AMENDMENTS

1980—Pub. L. 96-182 inserted provisions that the rates of annual payment shall be adjusted, to the extent provided for in advance by appropriation acts, in accordance with section 1302 of this title.

#### § 1305. Renewal or extension of agreement; participation of subsequent owner or operator in program

Any agreement may be renewed or extended at the end of the agreement period for an additional period of ten years by mutual agreement

of the Secretary and the owner or operator, subject to any rate redetermination by the Secretary. If during the agreement period the owner or operator sells or otherwise divests himself of the ownership or right of occupancy of such land, the new owner or operator may continue such agreement under the same terms or conditions, or enter into a new agreement in accordance with the provisions of this chapter, including the provisions for renewal and adjustment of payment rates, or he may choose not to participate in such program.

(Pub. L. 91-559, § 6, Dec. 19, 1970, 84 Stat. 1471.)

#### ONE-YEAR EXTENSION OF AGREEMENTS

Pub. L. 103-393, Oct. 22, 1994, 108 Stat. 4105, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Water Bank Extension Act of 1994’.

“SEC. 2. SPECIAL AUTHORITY TO EXTEND WATER BANK ACT AGREEMENTS.

“(a) Subject to subsection (b), any agreement entered into under the Water Bank Act (16 U.S.C. 1301 et seq.) and due to expire on December 31, 1994, may be extended for 1 year under section 6 of the Water Bank Act (16 U.S.C. 1305).

“(b) The authority to extend Water Bank Act agreements under this Act may only be exercised to the extent that the amount available for obligation under the Wetlands Reserve Program (16 U.S.C. 1637 et seq.) [probably meant former 16 U.S.C. 3837 et seq.], and the amount used for the extension of Water Bank Act agreements under subsection (a), does not exceed \$93,200,000 as provided for the Wetlands Reserve Program under the Agricultural, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1995 [Pub. L. 103-330, 108 Stat. 2453].”

#### § 1306. Termination or modification of agreements

The Secretary may terminate any agreement by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest, and may agree to such modification of agreements as he may determine to be desirable to carry out the purposes of the program or facilitate its administration.

(Pub. L. 91-559, § 7, Dec. 19, 1970, 84 Stat. 1471.)

#### § 1307. Utilization of services and facilities

In carrying out the program, the Secretary may utilize the services of local, county, and State committees established under section 590h of this title. The Secretary is authorized to utilize the facilities and services of the Commodity Credit Corporation in discharging his functions and responsibilities under this program.

(Pub. L. 91-559, § 8, Dec. 19, 1970, 84 Stat. 1471.)

#### § 1308. Advisory Board; appointment; functions; membership; reimbursement for expenses

The Secretary may, without regard to the civil service laws, appoint an Advisory Board to advise and consult on matters relating to his functions under this chapter as he deems appropriate. The Board shall consist of persons chosen from members of organizations such as wildlife organizations, land-grant colleges, farm organi-

zations, State game and fish departments, soil and water conservation district associations, water management organizations, and representatives of the general public. Members of such an Advisory Board who are not regular full-time employees of the United States shall be entitled to reimbursement on an actual expense basis for attendance at Advisory Board meetings.

(Pub. L. 91-559, §9, Dec. 19, 1970, 84 Stat. 1471.)

#### TERMINATION OF ADVISORY BOARDS

Advisory boards in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

#### § 1309. Consultation with Secretary of the Interior; conformity of program with wetlands programs administered by Secretary of the Interior; consultation with and utilization of technical services of appropriate local, State, Federal, and private conservation agencies; coordination of programs

The Secretary shall consult with the Secretary of the Interior and take appropriate measures to insure that the program carried out pursuant to this chapter is in harmony with wetlands programs administered by the Secretary of the Interior. He shall also, insofar as practicable, consult with and utilize the technical and related services of appropriate local, State, Federal, and private conservation agencies to assure coordination of the program with programs of such agencies and a solid technical foundation for the program.

(Pub. L. 91-559, §10, Dec. 19, 1970, 84 Stat. 1471.)

#### § 1310. Authorization of appropriations; maximum amount of payments pursuant to agreements

There are hereby authorized to be appropriated without fiscal year limitation, such sums as may be necessary to carry out the program authorized by this chapter. In carrying out the program, in each fiscal year through the fiscal year ending September 30, 1980, the Secretary shall not enter into agreements with owners and operators which would require payments to owners or operators in any calendar year under such agreements in excess of \$10,000,000. In carrying out the program, in each fiscal year after the fiscal year ending September 30, 1980, the Secretary shall not enter into agreements with owners and operators which would require payments to owners or operators in any calendar year under such agreements in excess of \$30,000,000. Not more than 15 percent of the funds authorized to be appropriated in any fiscal year after the fiscal year ending September 30, 1980, may be used for agreements entered into with owners or operators in any one State.

(Pub. L. 91-559, §11, Dec. 19, 1970, 84 Stat. 1471; Pub. L. 96-182, §4, Jan. 2, 1980, 93 Stat. 1317.)

#### AMENDMENTS

1980—Pub. L. 96-182 limited restrictions on Secretary's authority to enter into agreements in excess of \$10,000,000 to each fiscal year through fiscal year ending Sept. 30, 1980, and inserted restrictions relating to agreements in excess of \$30,000,000 for each fiscal year after fiscal year ending Sept. 30, 1980, and that not more than 15 percent of the funds authorized to be appropriated in any fiscal year after fiscal year ending Sept. 30, 1980, may be used for agreements entered into with owners or operators in any one State.

#### § 1311. Rules and regulations

The Secretary shall prescribe such regulations as he determines necessary and desirable to carry out the provisions of this chapter.

(Pub. L. 91-559, §12, Dec. 19, 1970, 84 Stat. 1471.)

#### CHAPTER 30—WILD HORSES AND BURROS: PROTECTION, MANAGEMENT, AND CONTROL

Sec. 1331.	Congressional findings and declaration of policy.
1332.	Definitions.
1333.	Powers and duties of Secretary.
1334.	Private maintenance; numerical approximation; strays on private lands: removal; destruction by agents.
1335.	Recovery rights.
1336.	Cooperative agreements; regulations.
1337.	Joint advisory board; appointment; membership; functions; qualifications; reimbursement limitation.
1338.	Criminal provisions.
1338a.	Transportation of captured animals; procedures and prohibitions applicable.
1339.	Limitation of authority.
1340.	Joint report to Congress; consultation and coordination of implementation, enforcement, and departmental activities; studies.

#### § 1331. Congressional findings and declaration of policy

Congress finds and declares that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; and that these horses and burros are fast disappearing from the American scene. It is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of the public lands.

(Pub. L. 92-195, §1, Dec. 15, 1971, 85 Stat. 649.)

#### SHORT TITLE

Pub. L. 92-195, Dec. 15, 1971, 85 Stat. 649, which enacted this chapter, is popularly known as the "Wild Free-Roaming Horses and Burros Act".

#### § 1332. Definitions

As used in this chapter—

(a) "Secretary" means the Secretary of the Interior when used in connection with public lands administered by him through the Bureau of Land Management and the Secretary of Agriculture in connection with public lands administered by him through the Forest Service;

(b) "wild free-roaming horses and burros" means all unbranded and unclaimed horses