

rine affairs (including coastal zone management) except for measures relating to oil and other pollution of navigable waters, or oceanography by section 1(b)(3) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

SUBCHAPTER II—REVENUES FOR REFUGE OPERATIONS AND THE MIGRATORY BIRD CONSERVATION FUND

§ 3911. Repealed. Pub. L. 108-447, div. J, title VIII, § 813(c), Dec. 8, 2004, 118 Stat. 3390

Section, Pub. L. 99-645, title II, § 201, Nov. 10, 1986, 100 Stat. 3584, related to the sale of admission permits at certain units of the National Wildlife Refuge System.

§ 3912. Transfers to Migratory Bird Conservation Fund

Notwithstanding any other provision of law, an amount equal to the amount of all import duties collected on arms and ammunition, as specified in chapter 93 of the Harmonized Tariff Schedule of the United States, shall, beginning with the next fiscal year quarter after November 10, 1986, be paid quarterly into the migratory bird conservation fund¹ established under section 718d of this title.

(Pub. L. 99-645, title II, § 203, Nov. 10, 1986, 100 Stat. 3586; Pub. L. 100-418, title I, § 1214(f), Aug. 23, 1988, 102 Stat. 1156.)

REFERENCES IN TEXT

The Harmonized Tariff Schedule of the United States, referred to in text, is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of Title 19, Customs Duties.

AMENDMENTS

1988—Pub. L. 100-418 substituted “chapter 93 of the Harmonized Tariff Schedule of the United States” for “subpart A of part 5 of schedule 7 of the Tariff Schedules of the United States”.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-418 effective Jan. 1, 1989, and applicable with respect to articles entered on or after such date, see section 1217(b)(1) of Pub. L. 100-418, set out as an Effective Date note under section 3001 of Title 19, Customs Duties.

SUBCHAPTER III—STATE AND FEDERAL WETLANDS ACQUISITION

§ 3921. National wetlands priority conservation plan

(a) In general

The Secretary shall establish, and periodically review and revise, a national wetlands priority conservation plan which shall specify, on a region-by-region basis or other basis considered appropriate by the Secretary, the types of wetlands and interests in wetlands which should be given priority with respect to Federal and State acquisition.

(b) Consultation

The Secretary shall establish the plan required by subsection (a) after consultation with—

- (1) the Administrator of the Environmental Protection Agency;
- (2) the Secretary of Commerce;
- (3) the Secretary of Agriculture; and
- (4) (the chief executive officer of) each State.

(c) Factors to be considered

The Secretary, in establishing the plan required by subsection (a), shall consider—

- (1) the estimated proportion remaining of the respective types of wetlands which existed at the time of European settlement;
- (2) the estimated current rate of loss and the threat of future losses of the respective types of wetlands; and
- (3) the contributions of the respective types of wetlands to—
 - (A) wildlife, including endangered and threatened species, migratory birds, and resident species;
 - (B) commercial and sport fisheries;
 - (C) surface and ground water quality and quantity, and flood control;
 - (D) outdoor recreation; and
 - (E) other areas or concerns the Secretary considers appropriate.

(Pub. L. 99-645, title III, § 301, Nov. 10, 1986, 100 Stat. 3586.)

§ 3922. Federal acquisition

The Secretary is authorized to purchase wetlands or interests in wetlands, which are not acquired under the authority of the Migratory Bird Conservation Act of 1929 (16 U.S.C. 715-715s), consistent with the wetlands priority conservation plan established under section 3921 of this title.

(Pub. L. 99-645, title III, § 304, Nov. 10, 1986, 100 Stat. 3588.)

REFERENCES IN TEXT

The Migratory Bird Conservation Act of 1929, referred to in text, is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, as amended, which is classified generally to subchapter III (§ 715 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 715 of this title and Tables.

§ 3923. Restriction on use of eminent domain in acquisitions

The powers of condemnation or eminent domain shall not be used in the acquisition of wetlands under any provision of this chapter where such wetlands have been constructed for the purpose of farming or ranching, or result from conservation activities associated with farming or ranching.

(Pub. L. 99-645, title III, § 305, Nov. 10, 1986, 100 Stat. 3588.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 99-645, Nov. 10, 1986, 100 Stat. 3582, known as the Emergency Wetlands Resources Act of 1986. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

¹ So in original. Probably should be capitalized.