

Legislation Relating to
Fish and Wildlife Service Acquisition

General Legislation Authorizing the Service to Purchase Land

1. Migratory Bird Conservation Act of February 18, 1929 (16 U.S.C. 715-715d, 715e, 715f-715r), as amended. This act provides authority to purchase refuge lands and interest therein for migratory bird refuges, both for inviolate sanctuaries and for other management purposes.
2. Migratory Bird Hunting and Conservation Stamp Act of March 16, 1934 (16 U.S.C. 718-718h), as amended. This Act is the basic authority to purchase fee and easements for Waterfowl Production Areas.
3. Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742j), as amended. This Act authorized the acquisition of refuge lands for development, advancement, management, conservation, and protection of fish and wildlife resources; and Section 7(a)(1) of the Land and Water Conservation Fund Act (16 U.S.C. 4601-9) provides authority to use Land and Water Conservation Fund (LWCF) monies for acquisition under this Act.
4. Refuge Recreation Act of September 28, 1962 (16 U.S.C. 460k-460k-4), as amended. This Act authorizes the acquisition of lands and interests therein suitable for (1) fish and wildlife-oriented recreation; (2) protection of natural resources; (3) conservation of endangered or threatened species; or (4) carrying out two or more of the above. Acquisition may be made with LWCF monies.
5. Land and Water Conservation Fund (16 U.S.C. 4601-4601-11), as amended. Public Law 88-578, approved September 3, 1964, (78 Stat. 897) created the Land and Water Conservation Fund, derived from various types of revenue (primarily Outer Continental Shelf oil monies) and authorizes appropriations from the Fund for (1) matching grants to States for outdoor recreation projects and (2) land acquisition for various Federal agencies. P.L. 94-422, approved September 28, 1976, (90 Stat. 1313) authorized funds for, among other things, the National Wildlife Refuge System for acquisition of: (1) habitat of endangered and threatened species of fish, wildlife, and plants under section 5(a) of the Endangered Species Act; (2) areas authorized by section 2 of the Refuge Recreation Act; (3) areas under section 7(a)(5) of the Fish and Wildlife Act of 1956, except migratory waterfowl areas which are authorized by the Migratory Bird Conservation Act; and (4) any areas authorized by specific Acts of Congress.
6. Endangered Species Act of December 28, 1973 (16 U.S.C. 1531-1543), as amended. This Act authorizes the acquisition of land for the conservation of listed species with LWCF monies.
7. Emergency Wetlands Resources Act of November 10, 1986 (16 U.S.C. 3901-3931). This Act authorizes the purchase of wetlands or interests in wetlands, which are not acquired under the authority of the Migratory Bird Conservation Act, consistent with the wetlands priority conservation plan using LWCF monies.
8. North American Wetlands Conservation Act of December 13, 1989 (16 U.S.C. 4401-4412). Public Law 101-233 provides funding and administrative direction for implementation of the North American Waterfowl Management Plan and the Tripartite Agreement on wetlands between Canada, U.S., and Mexico. The Act converts the Pittman-Robertson account into a trust fund, with the interest available without appropriation through the year 2006 to carry out the programs authorized by the Act, along with an authorization for annual appropriation of \$15 million plus an amount equal to the fines and forfeitures collected under the Migratory Bird Treaty Act.
9. Food Security Act of 1985 (Title XII, Public Law 99-198, 99 Stat. 1354, December 23, 1985) as amended. This Act authorizes acquisition of easements in real property for a term of not less than 50 years for conservation, recreation, and wildlife purposes.

10. Agricultural Credit Act of 1987, Public Law 100-233. This Act authorized the Farmer's Home Administration to transfer fee title or assign interests in real estate to the Fish and Wildlife Service for the protection of floodplains, wetlands, and surrounding uplands.

Legislation Authorizing the Service to Accept Donations of Land

1. Migratory Bird Conservation Act of February 19, 1929 (16 U.S.C. 715d), as amended.
2. Migratory Bird Hunting and Conservation Stamp Act of March 16, 1934 (16 U.S.C. 718d), as amended.
3. Fish and Wildlife Act of 1956 (16 U.S.C. 742f), as amended. Allows the Service to accept donations of real and personal property for both program and non-program purposes.
4. Fish and Wildlife Coordination Act of March 10, 1934 (16 U.S.C. 661), as amended.
5. Endangered Species Act of 1973 (16 U.S.C. 1534), as amended.
6. National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668d-668j).
7. Wilderness Act of 1964 (16 U.S.C. 1131-1136, 78 Stat. 890). Authorizes the acceptance of gifts, bequests, and contributions in furtherance of the purpose of the Act.

Legislation Authorizing the Service to Exchange Lands

1. National Wildlife Refuge System Administration Act of 1966, (16 U.S.C. 669d(a)(3)). This Act authorizes the Secretary of the Interior to acquire lands or interests therein by exchange for acquired lands or public lands under his/her jurisdiction that he/she finds suitable for disposition; or for the right to remove, in accordance with such terms and conditions as the Secretary may prescribe, products from the acquired or public lands within the system. The values of the property so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. This Act is the preferred authority for exchanges of land in the National Wildlife Refuge System.
2. Migratory Bird Hunting and Conservation Stamp Act of March 16, 1934, (16 U.S.C. 718d(c)), as amended. This Act authorizes the acquisition of small wetland and pothole areas by exchange.
3. Fish and Wildlife Act of 1956 (16 U.S.C. 742f), as amended. This Act authorizes the acquisition of lands, or interest therein, for fish and wildlife programs by exchange. This Act is the basic authority for making exchanges for fish hatcheries and any other areas not in the National Wildlife Refuge System.
4. Federal Land Policy and Management Act of 1976, (43 U.S.C. 1716), as amended. This Act authorizes the exchange of public land for non-Federal lands or interests therein and provides further that "lands so acquired within the boundaries of . . . wildlife refuge, . . . may be transferred to the appropriate agency head for administration as part of such system . . . in accordance with rules and regulations applicable to such system."
5. Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3101-3233) Section 1302(h). For the purposes of this Act, the Secretary of the Interior is authorized to exchange lands or interest therein including native selection rights on the basis of equal value except that if the parties agree to an exchange and the Secretary determines it is in the public interest, such exchanges may be made for other than equal value.

6. Alaska Native Claims Settlement Act of 1971 as amended (48 U.S.C. prec. 21 note) Section 22(f), as amended. For the purpose of effecting land consolidation, or to facilitate the management or development of land, or for other public purposes, the Secretary of this Interior is authorized to exchange land or interest in lands as in the Alaska National Interest Land Conservation Act, Section 1302)(h).

7. Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471-535, and other U.S.C. sections), as amended. "It is the policy of the Administrator of General Services Administration (G.S.A.): That surplus real property shall be disposed of by exchange for privately owned property only for property management considerations such as boundary realignment or provision of access or in those situations in which the acquisition is authorized by law, the requesting Federal agency has received approval from Office of Management and Budget and clearance from its congressional oversight committee to acquire by exchange, and the transaction offers substantial economic or unique program advantages not otherwise obtainable by any other method of acquisition."

Legislation Authorizing the Service to Transfer Land from Another Federal Agency

1. Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471-535 and other U.S.C. sections), as amended.
2. Transfer of Certain Real Property for Wildlife Conservation Purposes Act of May 19, 1948 (16 U.S.C. 667d; Public Law 80-537), as amended.
3. Fish and Wildlife Coordination Act of March 10, 1934 (16 U.S.C. 661-666c), as amended.
4. Bankhead - Jones Farm Tenant Act of July 22, 1937 (7 U.S.C. 1010), as amended.