53 Stat. 1433; Pub. L. 90–578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101–650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

CHANGE OF NAME

''United States magistrate judge'' substituted for ''United States magistrate'' in subsec. (a) pursuant to section 321 of Pub. L. 101–650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, ''United States magistrate'' substituted in subsec. (a) for ''United States commissioner'' pursuant to Pub. L. 90–578. See chapter 43 (§ 631 et seq.) of Title 28.

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of the Interior under this chapter to Federal Inspector, Office of Federal Inspector for the Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see Transfer of Functions note set out under section 725 of this title.

Transfer of functions of Secretary of Agriculture and Secretary of Commerce to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 723 of this title.

§ 728. Expenditures

The Secretary of the Interior is authorized to make such expenditures for construction, equipment, maintenance, repairs, and improvements, including expenditures for personal services at the seat of government and elsewhere, as may be necessary to execute the functions imposed upon him by this chapter and as may be provided for by Congress from time to time.

(June 7, 1924, ch. 346, § 9, 43 Stat. 652; 1939 Reorg. Plan No. II, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

CODIFICATION

As originally enacted, this section contained an additional paragraph which appropriated a sum half of which was to be available, until expended, for the expenditures mentioned herein.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture and Secretary of Commerce to Secretary of the Interior, by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 723 of this title.

§ 729. Price per acre

The Secretary of the Interior shall not pay for any land or land and water a price which shall exceed an average cost of $10 per acre: *Provided*, That this provision shall not apply to any land or land and water prior to May 12, 1928, acquired or contracted for under the provisions of this chapter.

(June 7, 1924, ch. 346, § 10, 43 Stat. 652; Mar. 4, 1925, ch. 558, 43 Stat. 1354; May 12, 1928, ch. 534, 45 Stat. 502; 1939 Reorg. Plan No. II, § 4 (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

CODIFICATION

Provisions of this section, which authorized an appropriation of $1,500,000 for the acquisition of authorized areas and for all necessary expenses thereto, were omitted. The text set out above constituted the first and second provisos to the omitted provisions.

AMENDMENTS

1928—Act May 12, 1928, substituted ''which shall exceed an average cost of $10 per acre'' for ''which when added to the price of land or land and water theretofore purchased, shall exceed an average cost of $5 per acre'', and inserted proviso making the provision of this section inapplicable to any land or land and water prior to May 12, 1928.

1925—Act Mar. 4, 1925, substituted proviso for restriction on availability of money for acquisition of areas.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 723 of this title.

§ 730. Violations of law or regulations; punishment

Any person who shall violate or fail to comply with any provision of or any regulation made pursuant to this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500 or be imprisoned not more than six months, or both.

(June 7, 1924, ch. 346, § 11, 43 Stat. 652.)

§ 731. Effect on other laws

Nothing in this chapter shall be construed as exempting any portion of the Mississippi River from the provisions of Federal laws for the improvement, preservation, and protection of navigable waters, nor as authorizing any interference with the operations of the Department of the Army in carrying out any project now or hereafter adopted for the improvement of said river.

(June 7, 1924, ch. 346, § 13, 43 Stat. 652; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CHANGE IN NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted ''Title 10, Armed Forces'' which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

CHAPTER 9—FISH AND WILDLIFE SERVICE

Sec.
741, 742. Repealed or Omitted.
742a. Declaration of policy.
742b. United States Fish and Wildlife Service.
742b–1. Assistant Director for Wildlife and Sport Fish Restoration Programs.
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Sec.
742j–1. Airborne hunting.
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742*l*. Enforcement authority for the protection of fish and wildlife resources.
742m. Relinquishment of exclusive legislative jurisdiction.
743. Repealed.
743a. Detail of personnel and loan of equipment to Director of Bureau of Sport Fisheries and Wildlife.
744. Investigations; fish propagation; investigations of damages by predacious fishes; executive assistance.
745. Powers of Secretary.
746. Vessels of Fish and Wildlife Service.
746a. Operation and maintenance fees for the M/V Tiglax and other vessels.
747. Omitted.
748. Expenditure of appropriations for propagation of food fishes.
749. Omitted.
750. Station on Mississippi River for rescue of fishes and propagation of mussels.
751. Personnel.
752. Omitted.
753. Cooperative work.
753a. Cooperative research and training programs for fish and wildlife resources.
753b. Authorization of appropriations.
754. Commutation of rations for officers and crews of vessels of Service.
754a. Appropriations for United States Fish and Wildlife Service; purchases from.
754b. Funds from private entities credited to Resource Management account.
754c. Work under reimbursable agreements; recording obligations and crediting amounts received.
754d. Fee schedule for forensic laboratory services.

§ 741. Repealed. Pub. L. 88–488, title IV, § 402(a)(3), Aug. 19, 1964, 78 Stat. 492

Section, R.S. § 4395; acts Jan. 20, 1888, ch. 1, 25 Stat. 1; Feb. 27, 1925, ch. 364, 43 Stat. 1046, related to appointment, etc. of a Commissioner of Fisheries.

§ 742. Omitted

CODIFICATION

Section, acts Mar. 4, 1911, ch. 285, § 1, 36 Stat. 1436; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736, provided for an acting Commissioner of Fisheries.

TRANSFER OF FUNCTIONS

Reorg. Plan No. II of 1939, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, set out in the Appendix to Title 5, transferred Bureau of Fisheries in Department of Commerce and its functions, and Bureau of Biological Survey in Department of Agriculture and its functions, to Department of the Interior, to be administered under direction and supervision of Secretary of the Interior.

Reorg. Plan No. III of 1940, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232, set out in the Appendix to Title 5, Government Organization and Employees, consolidated Bureau of Fisheries and Bureau of Biological Survey into one agency in Department of the Interior to be known as the Fish and Wildlife Service. It was further provided that functions of consolidated agency should be administered under direction and supervision of Secretary of the Interior by a director and assistants, and that offices of Commissioner and Deputy Commissioner of Fisheries and offices of Chief and Associate Chief of Bureau of Biological Survey should be abolished and their functions transferred to consolidated agency.

The Fish and Wildlife Service, created by Reorg. Plan No. III of 1940 was succeeded by United States Fish and Wildlife Service established by act Aug. 8, 1956, ch. 1036, § 3, 70 Stat. 1119. See section 742b of this title.

EX. ORD. NO. 9634. ESTABLISHMENT OF FISHERY CONSERVATION ZONES

Ex. Ord. No. 9634, Sept. 28, 1945, 10 F.R. 12305, provided in part:

By virtue of and pursuant to the authority vested in me as President of the United States, it is hereby ordered that the Secretary of State and the Secretary of the Interior shall from time to time jointly recommend the establishment by Executive orders of fishery conservation zones in areas of the high seas contiguous to the coasts of the United States, pursuant to the proclamation entitled ''Policy of the United States With Respect to Coastal Fisheries in Certain Areas of the High Seas'' [Proc. No. 2668, Sept. 28, 1945, 10 F.R. 12304], this day signed by me, and said Secretaries shall in each case recommend provisions to be incorporated in such orders relating to the administration, regulation and control of the fishery resources of and fishing activities in such zones, pursuant to authority of law heretofore or hereafter provided.

HARRY S TRUMAN.

§ 742a. Declaration of policy

The Congress declares that the fish, shellfish, and wildlife resources of the Nation make a material contribution to our national economy and food supply, as well as a material contribution to the health, recreation, and well-being of our citizens; that such resources are a living, renewable form of national wealth that is capable of being maintained and greatly increased with proper management, but equally capable of destruction if neglected or unwisely exploited; that such resources afford outdoor recreation throughout the Nation and provide employment, directly or indirectly, to a substantial number of citizens; that the fishing industries strengthen the defense of the United States through the provision of a trained seafaring citizenry and action-ready fleets of seaworthy vessels; that the training and sport afforded by fish and wildlife resources strengthen the national defense by contributing to the general health and physical fitness of millions of citizens; and that properly developed, such fish and wildlife resources are capable of steadily increasing these valuable contributions to the life of the Nation.

The Congress further declares that the fishing industry, in its several branches, can prosper and thus fulfill its proper function in national life only if certain fundamental needs are satisfied by means that are consistent with the public interest and in accord with constitutional functions of governments. Among these needs are:

(1) Freedom of enterprise—freedom to develop new areas, methods, products, and markets in accordance with sound economic principles, as well as freedom from unnecessary administrative or legal restrictions that unreasonably conflict with or ignore economic needs;

(2) Protection of opportunity—maintenance of an economic atmosphere in which domestic production and processing can prosper; protection from subsidized competing products; protection of opportunity to fish on the high seas in accordance with international law;

(3) Assistance—assistance consistent with that provided by the Government for industry generally, such as is involved in promoting good industrial relations, fair trade standards, harmonious labor relations, better health standards and sanitation; and including, but not limited to—

(a) services to provide current information on production and trade, market promotion and development, and an extension service,

(b) research services for economic and technologic development and resource conservation, and

(c) resource management to assure the maximum sustainable production for the fisheries.

The Congress further declares that the provisions of this Act are necessary in order to accomplish the objective of proper resource development, and that this Act shall be administered with due regard to the inherent right of every citizen and resident of the United States to engage in fishing for his own pleasure, enjoyment, and betterment, and with the intent of maintaining and increasing the public opportunities for recreational use of our fish and wildlife resources, and stimulating the development of a strong, prosperous, and thriving fishery and fish processing industry.

(Aug. 8, 1956, ch. 1036, § 2, 70 Stat. 1119.)

REFERENCES IN TEXT

This Act, referred to in text, is act Aug. 8, 1956, ch. 1036, 70 Stat. 1119, as amended, known as the Fish and Wildlife Act of 1956, which is classified generally to sections 742a to 742d and 742e to 742j–2 of this title. For complete classification of this Act to the Code, see Short Title note below and Tables.

SHORT TITLE OF 2011 AMENDMENT

Pub. L. 111–357, § 1, Jan. 4, 2011, 124 Stat. 3979, provided that: ''This Act [amending sections 742f and 742f–1 of this title] may be cited as the 'National Wildlife Refuge Volunteer Improvement Act of 2010'.''

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108–327, § 1, Oct. 16, 2004, 118 Stat. 1271, provided that: ''This Act [amending sections 742f and 742f–1 of this title] may be cited as the 'National Wildlife Refuge Volunteer Act of 2004'.''

SHORT TITLE OF 1998 AMENDMENTS

Pub. L. 105–328, § 1, Oct. 30, 1998, 112 Stat. 3057, provided that: ''This Act [amending section 742*l* of this title and enacting provisions set out as a note under section 742*l* of this title] may be cited as the 'Fish and Wildlife Revenue Enhancement Act of 1998'.''

Pub. L. 105–242, § 1, Oct. 5, 1998, 112 Stat. 1574, provided that: ''This Act [amending section 742f of this title and enacting provisions set out as notes under section 742f of this title] may be cited as the 'National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998'.''

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95–616, § 1, Nov. 8, 1978, 92 Stat. 3110, provided: ''That this Act [enacting sections 695j–1, 712, 742*l* of this title and amending sections 460k–3, 666g, 668a, 668dd, 690e, 695i, 706, 715d, 715i, 715j, 718b, 718c, 718f, 742f, 753a of this title and sections 1114, 3112 of Title 18, Crimes and Criminal Procedure] may be cited as the 'Fish and Wildlife Improvement Act of 1978'.''

SHORT TITLE

Section 1 of act Aug. 8, 1956, provided: ''This Act [enacting this section and sections 742b to 742d and 742e to 742j of this title and amending section 713c–3 of Title 15, Commerce and Trade] may be cited as the 'Fish and Wildlife Act of 1956'.''

§ 742b. United States Fish and Wildlife Service

(a) Assistant Secretary for Fish and Wildlife

There is established within the Department of the Interior the position of Assistant Secretary for Fish and Wildlife. Such Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the same rate as other Assistant Secretaries.

(b) Establishment; Director of United States Fish and Wildlife Service; appointment; qualifications

There is established within the Department of the Interior the United States Fish and Wildlife Service. The functions of the United States Fish and Wildlife Service shall be administered under the supervision of the Director, who shall be subject to the supervision of the Assistant Secretary for Fish and Wildlife. The Director of the United States Fish and Wildlife Service shall be appointed by the President, by and with the advice and consent of the Senate. No individual may be appointed as the Director unless he is, by reason of scientific education and experience, knowledgeable in the principles of fisheries and wildlife management.

(c) Succession to United States Fish and Wildlife Service and Bureau of Sport Fisheries and Wildlife

The United States Fish and Wildlife Service established by subsection (b) of this section shall succeed to and replace the United States Fish and Wildlife Service (as constituted on June 30, 1974) and the Bureau of Sport Fisheries and Wildlife (as constituted on such date). All laws and regulations in effect on June 30, 1974, which relate to matters administered by the Department of the Interior through the United States Fish and Wildlife Service (as constituted on such date) and the Bureau of Sport Fisheries and Wildlife (as constituted on such date) shall remain in effect.

(d) Functions and responsibilities of Secretary of the Interior

All functions and responsibilities placed in the Department of the Interior or any official thereof by this Act shall be included among the functions and responsibilities of the Secretary of the Interior, as the head of the Department, and shall be carried out under his direction pursuant to such procedures or delegations of authority as he may deem advisable and in the public interest.

(Aug. 8, 1956, ch. 1036, § 3, 70 Stat. 1120; Pub. L. 87–367, title I, § 103(14), Oct. 4, 1961, 75 Stat. 788; Pub. L. 87–793, § 607(a)(5), Oct. 11, 1962, 76 Stat. 849; Pub. L. 93–271, § 1, Apr. 22, 1974, 88 Stat. 92.)

REFERENCES IN TEXT

This Act, referred to in subsec. (d), is act Aug. 8, 1956, ch. 1036, 70 Stat. 1119, as amended, known as the Fish and Wildlife Act of 1956, which is classified generally to sections 742a to 742d and 742e to 742j–2 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 742a of this title and Tables.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–271, §1(1), (2), struck out provisions relating to the establishment of the position of and the appointment of the Commissioner of Fish and Wildlife. Provisions for the establishment of the United States Fish and Wildlife Service within the Department of the Interior, consisting of the Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife, the appointment of a Director for each of the Bureaus, and the succession of the United States Fish and Wildlife Service to the Fish and Wildlife Service of the Department, were also struck out.

Subsec. (b). Pub. L. 93–271, §1(3), substituted provisions for the establishment of the United States Fish and Wildlife Service within the Department of the Interior, for its administration by a Director subject to the supervision of the Assistant Secretary for Fish and Wildlife, the qualifications for and the appointment of the Director, for provisions relating to the administration of the United States Fish and Wildlife Service by the Commissioner of Fish and Wildlife subject to the supervision of the Assistant Secretary for Fish and Wildlife.

Subsecs. (c), (d). Pub. L. 93–271, §1(3), added subsec. (c) and redesignated former subsec. (c) as (d). Former subsec. (d), relating to the distribution of functions, powers, and duties of former Fish and Wildlife Service, was struck out.

Subsec. (e). Pub. L. 93–271, §1(3), struck out subsec. (e) which related to continuation of all laws, rules, and regulations administered by the Fish and Wildlife Service.

Subsec. (f). Pub. L. 93–271, §1(3), struck out subsec. (f) which provided for administrative authority in the Secretary of the Interior to carry out the provisions of Act Aug. 8, 1956, and for effective procedure for reorganization.

1962—Subsec. (a). Pub. L. 87–793 struck out provisions which authorized the Commissioner to receive compensation at the same rate as that provided for grade GS–18.

1961—Subsec. (a). Pub. L. 87–367 struck out ''at Grades GS–17 each'' after ''by the Secretary''.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 3 of Pub. L. 93–271 provided that: ''The amendments made by this Act [amending this section and section 5316 of Title 5, Government Organization and Employees] shall take effect on July 1, 1974.''

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87–793 effective on first day of first pay period which begins on or after Oct. 11, 1962, see section 610 of Pub. L. 87–793.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior in view of: creation of National Oceanic and Atmospheric Administration in Department of Commerce and Office of Administrator of such Administration; abolition of Bureau of Commercial Fisheries in the Interior Department and Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in Secretary of the Interior or the Interior Department which were administered through Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

FEES FOR TRAINING BY NATIONAL CONSERVATION TRAINING CENTER

Pub. L. 104–208, div. A, title I, §101(d) [title I], Sept. 30, 1996, 110 Stat. 3009–181, 3009–185, as amended by Pub. L. 105–83, title I, Nov. 14, 1997, 111 Stat. 1547, provided in part: ''That hereafter, pursuant to 31 U.S.C. 9701, the Secretary shall charge reasonable fees for the full costs of providing training by the National Conservation Training Center, to be credited to this account, notwithstanding 31 U.S.C. 3302, for the full costs of providing such training, to remain available until expended.''

§ 742b–1. Assistant Director for Wildlife and Sport Fish Restoration Programs

(a) Establishment

There is established in the United States Fish and Wildlife Service of the Department of the Interior the position of Assistant Director for Wildlife and Sport Fish Restoration Programs.

(b) Superior

The Assistant Director for Wildlife and Sport Fish Restoration Programs shall report directly to the Director of the United States Fish and Wildlife Service.

(c) Responsibilities

The Assistant Director for Wildlife and Sport Fish Restoration Programs shall be responsible for the administration, management, and oversight of the Federal Assistance Program for State Wildlife and Sport Fish Restoration under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.).

(Pub. L. 106–408, title I, §132, Nov. 1, 2000, 114 Stat. 1775.)

REFERENCES IN TEXT

The Pittman-Robertson Wildlife Restoration Act, referred to in subsec. (c), is act Sept. 2, 1937, ch. 899, 50 Stat. 917, as amended, also known as the Federal Aid in Wildlife Restoration Act, which is classified generally to chapter 5B (§669 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 669 of this title and Tables.

The Dingell-Johnson Sport Fish Restoration Act, referred to in subsec. (c), is act Aug. 9, 1950, ch. 658, 64 Stat. 430, as amended, also known as the Federal Aid in Fish Restoration Act and the Fish Restoration and Management Projects Act, which is classified generally to chapter 10B (§777 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 777 of this title and Tables.

§ 742c. Loans for financing or refinancing of cost of purchasing, constructing, equipping, maintaining, repairing, or operating commercial fishing vessels or gear

(a) Authorization

The Secretary of the Interior is authorized, under such rules and regulations and under such terms and conditions as he may prescribe, to make loans for financing or refinancing of the cost of purchasing, constructing, equipping, maintaining, repairing, or operating new or used commercial fishing vessels or gear.

(b) Conditions

Any loans made under the provisions of this section shall be subject to the following restrictions:

(1) Bear an interest rate of not less than (a) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury ob-

ligations of comparable maturity, plus (b) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purpose.

(2) Mature in not more than ten years, except that where a loan is for all or part of the costs of constructing a new fishing vessel, such period may be fourteen years.

(3) No financial assistance shall be extended pursuant to this section unless reasonable financial assistance applied for is not otherwise available on reasonable terms.

(4) Loans shall be approved only upon the furnishing of such security or other reasonable assurance of repayment as the Secretary may require considering the objectives of this section which are to upgrade commercial fishing vessels and gear and to provide reasonable financial assistance not otherwise available to commercial fishermen. The proposed collateral for a loan must be of such a nature that, when considered with the integrity and ability of the management, and the applicant's past and prospective earnings, repayment of the loan will be reasonably assured.

(5) The applicant shall possess the ability, experience, resources, and other qualifications necessary to enable him to operate and maintain new or used commercial fishing vessels or gear.

(6) Before the Secretary approves a loan for the purchase or construction of a new or used vessel which will not replace an existing commercial fishing vessel, he shall determine that the applicant's contemplated operation of such vessel in a fishery will not cause economic hardship or injury to the efficient vessel operators already operating in that fishery.

(7) An applicant for a fishery loan must be a citizen or national of the United States.

(8) Within the meaning of this section, a corporation, partnership, or association shall not be deemed to be a citizen of the United States unless the Secretary determines that it satisfactorily meets all of the requirements set forth in section 50501 of title 46 for determining the United States citizenship of a corporation, partnership, or association operating a vessel in the coastwise trade.

(9)(A) The nationality of an applicant shall be established to the satisfaction of the Secretary. Within the meaning of this section, no corporation, partnership, or association organized under the laws of American Samoa shall be deemed a national of the United States unless 75 per centum of the interest therein is owned by nationals of the United States, citizens of the United States, or both, and in the case of a corporation, unless its president or other chief executive officer and the chairman of its board are nationals or citizens of the United States and unless no more of its directors than a minority of the number necessary to constitute a quorum are nonnationals and noncitizens.

(B) Seventy-five per centum of the interest in a corporation shall not be deemed to be owned by nationals of the United States, citizens of the United States, or both, (i) if the title to 75 per centum of its stock is not vested in such nationals and citizens free from any trust or fiduciary obligation in favor of any person not a national or citizen of the United States; or (ii) if 75 per centum of the voting power in such corporation is not vested in nationals of the United States, citizens of the United States, or both; or (iii) if through any contract or understanding it is so arranged that more than 25 per centum of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a national or citizen of the United States; or (iv) if by any other means whatsoever control of any interest in the corporation in excess of 25 per centum is conferred upon or permitted to be exercised by any person who is not a national or citizen of the United States.

(c) Fisheries loan fund; interest payments on appropriations available as capital to the fund less average undispersed cash balance

There is created a fisheries loan fund, which shall be used by the Secretary as a revolving fund to make loans for financing and refinancing under this section. Any funds received by the Secretary on or before September 30, 1986, in payment of principal or interest on any loans so made shall be deposited in the fund and be available for making additional loans under this section. Any funds received in the fisheries loan fund after September 30, 1986, shall be covered into the Treasury as miscellaneous receipts. There is authorized to be appropriated to the fisheries loan fund the sum of $20,000,000 to provide initial capital.

(d) Modification of loan contract

The Secretary, subject to the specific limitations in this section, may consent to the modification, with respect to the rate of interest, time of payment of any installment of principal, or security, of any loan contract to which he is a party.

(e) Chartering vessels; loans to Alaskan earthquake victims; termination date

The Secretary is authorized under such terms and conditions and pursuant to regulations prescribed by him to use the funds appropriated under this section to make loans to commercial fishermen for the purpose of chartering fishing vessels pending the construction or repair of vessels lost, destroyed, or damaged by the earthquake of March 27, 1964, and subsequent tidal waves related thereto: *Provided*, That any loans made under this subsection shall only be repaid from the net profits of the operations of such chartered vessels, which profits shall be reduced by such reasonable amount as determined by the Secretary for the salary of the fishermen chartering such vessels. The funds authorized herein shall not be available for such loans after June 30, 1966.

(Aug. 8, 1956, ch. 1036, § 4, 70 Stat. 1121; Pub. L. 85–888, Sept. 2, 1958, 72 Stat. 1710; Pub. L. 88–309, § 9, May 20, 1964, 78 Stat. 199; Pub. L. 89–85, §§ 1–4, July 24, 1965, 79 Stat. 262; Pub. L. 91–279, § 9, June 12, 1970, 84 Stat. 309; Pub. L. 91–387, §§ 1, 2, Aug. 24, 1970, 84 Stat. 829; Pub. L. 94–273, § 2(8), Apr. 21, 1976, 90 Stat. 375; Pub. L. 96–478, § 16(a), Oct. 21, 1980, 94 Stat. 2303; Pub. L. 97–347, § 1, Oct. 18, 1982,

96 Stat. 1652; Pub. L. 98–44, title I, § 103(a)(1), July 12, 1983, 97 Stat. 216; Pub. L. 98–498, title IV, § 430(1), Oct. 19, 1984, 98 Stat. 2310; Pub. L. 99–659, title IV, § 409, Nov. 14, 1986, 100 Stat. 3740.)

CODIFICATION

In subsec. (b)(8), ''section 50501 of title 46'' substituted for ''section 2 of the Shipping Act, 1916, as amended,'' on authority of Pub. L. 109–304, § 18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted section 50501 of Title 46, Shipping.

AMENDMENTS

1986—Subsec. (c). Pub. L. 99–659 amended third sentence generally, striking out ''and any balance remaining therein at the close of September 30, 1986 (at which time the fund shall cease to exist),'' after ''1986,''.

1984—Subsec. (c). Pub. L. 98–498 substituted ''September 30, 1986'' for ''September 30, 1984'' wherever appearing.

1983—Subsec. (c). Pub. L. 98–44 substituted ''September 30, 1984'' for ''September 30, 1983'' wherever appearing.

1982—Subsec. (c). Pub. L. 97–347 substituted ''September 30, 1983'' for ''September 30, 1982'' wherever appearing.

1980—Subsec. (c). Pub. L. 96–478 substituted ''September 30, 1982'' for ''September 30, 1980'' wherever appearing and struck out interest payment provisions respecting, payment at close of each fiscal year from fisheries loan fund into miscellaneous receipts of the Treasury on cumulative amount of appropriations available as capital to the fund from and after July 1, 1965, less average undispersed balance in the fund during the year, determination of interest rate on basis of average market yield during month preceding each fiscal year on outstanding Treasury obligations of maturity comparable to average maturity of loans made from the fund, and interest payment deferrals approved by the Secretary of the Treasury subject to interest on deferred amounts.

1976—Subsec. (c). Pub. L. 94–273 substituted ''September'' for ''June'' wherever appearing.

1970—Subsec. (b)(2). Pub. L. 91–279 provided maturity period of fourteen years for loans for all or part of costs of constructing new fishing vessels.

Subsec. (b)(7). Pub. L. 91–387, § 2, permitted a national of the United States to be an applicant for a fishery loan.

Subsec. (b)(8). Pub. L. 91–387, § 2, substituted provision for Secretary's determination of United States citizenship of a corporation, partnership, or association by satisfactorily meeting all requirements set forth in section 802 of title 46 for determination of citizenship of such entity operating a vessel in coastwise trade, for prior provision for establishment of such citizenship within meaning of section 802 of title 46 to satisfaction of the Secretary.

Subsec. (b)(9). Pub. L. 91–387, § 2, added par. (9).

Subsec. (c). Pub. L. 91–387, § 1, extended term for making fisheries loans, substituting ''June 30, 1980'' for ''June 30, 1970'' wherever appearing.

1965—Subsec. (a). Pub. L. 89–85, § 1, substituted ''financing or refinancing of the cost of purchasing, constructing, equipping, maintaining, repairing, or operating new or used commercial fishing vessels or gear'' for ''financing and refinancing of operations, maintenance, replacement, repair, and equipment of fishing gear and vessels'' and struck out provision for research into basic problems of fisheries.

Subsec. (b). Pub. L. 89–85, §§ 2, 3, substituted in par. (1) provision respecting determination of interest rate taking into consideration average market yield on outstanding Treasury obligations of comparable maturity plus additional charge toward coverage of other costs of program for former provision prescribing an interest rate of not less than 3 per centum per annum and added pars. (4) to (8), respectively.

Subsec. (c). Pub. L. 89–85, § 4, extended term for making fisheries loans from June 30, 1965, to June 30, 1970, required Secretary to pay at end of each fiscal year into miscellaneous receipts of the Treasury interest on cumulative amount of appropriations available as capital to fund after July 1, 1965, less average undispersed cash balance in fund during the year, provided formula for determination of rate of interest, and authorized deferral of interest payments but with payment of interest on deferred payments.

1964—Subsec. (e). Pub. L. 88–309 added subsec. (e).

1958—Subsec. (c). Pub. L. 85–888 increased authorization for $10,000,000 to $20,000,000.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 16(b) of Pub. L. 96–478 provided that: ''The amendments made by subsection (a) [amending this section] shall take effect on September 1, 1980.''

EFFECTIVE DATE OF 1970 AMENDMENT; FISHERIES LOAN FUND AVAILABLE FOR LOANS FROM JULY 1, 1970 TO CLOSE OF JUNE 30, 1980

Section 3 of Pub. L. 91–387 provided that: ''The provisions of this Act [amending this section] shall be effective July 1, 1970. Notwithstanding the provisions of section 4(c) of the Fish and Wildlife Act of 1956, as amended [subsec. (c) of this section], any balance remaining in the fisheries loan fund at the close of June 30, 1970, shall be available to make loans for the purposes of section 4 of said Act [this section] from July 1, 1970, to the close of June 30, 1980.''

EFFECTIVE DATE OF 1965 AMENDMENT; REMAINING FUNDS; AVAILABILITY FOR LOANS

Section 5 of Pub. L. 89–85 provided that: ''The provisions of this Act [amending this section] shall be effective July 1, 1965. Notwithstanding the provisions of section 4(c) of the Fish and Wildlife Act of 1956, as amended [subsec. (c) of this section], any balance remaining in the fisheries loan fund at the close of June 30, 1965, shall be available to make loans for the purposes of section 4 of said Act [this section] from July 1, 1965, to the close of June 30, 1970.''

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see note set out under section 742b of this title.

LOANS UNDER FISH AND WILDLIFE ACT OF 1956

Pub. L. 96–561, title II, § 221, Dec. 22, 1980, 94 Stat. 3295, as amended by Pub. L. 98–44, title I, § 103(b), July 12, 1983, 97 Stat. 216; Pub. L. 98–498, title IV, § 431, Oct. 19, 1984, 98 Stat. 2310, provided that during the period beginning Dec. 22, 1980, through the close of Sept. 30, 1986, the Secretary of Commerce could make loans from the fisheries loan fund established under subsec. (c) of this section only for the purpose of assisting obligors to avoid default on obligations covering fishing vessels and to cover operating losses.

§ 742c–1. Investment in obligations of the United States; proceeds to be used for fisheries

All moneys in the Fisheries Loan Fund established under Section[1] 742c of this title shall be invested by the Secretary of Commerce in obligations of the United States, except so much as shall be currently needed for loans or administrative expenses authorized under the Fisheries Loan Fund. All accrued proceeds from such investment shall be, subject to amounts provided in advance by appropriations, credited by the Secretary of the Treasury to the debt of the Secretary of Commerce incurred under section 53723 of title 46 in connection with fisheries financing

[1] So in original. Probably should not be capitalized.

under chapter 537 of title 46 for so long as such debt exists. All accrued proceeds from such investment, after such debt has been liquidated, shall be, subject to amounts provided in advance by appropriations, credited to the fisheries portion of the Federal Ship Financing Fund established under section 1102 of the Merchant Marine Act, 1936, as amended, and used for the fisheries purposes provided in chapter 537 of title 46.

(Pub. L. 98–498, title IV, § 432, Oct. 19, 1984, 98 Stat. 2310.)

REFERENCES IN TEXT

Section 1102 of the Merchant Marine Act, 1936, referred to in text, is section 1102 of Act June 29, 1936, ch. 858, which was classified to section 1272 of former Title 46, Appendix, Shipping. Section 1102 was repealed by Pub. L. 109–304, § 19, Oct. 6, 2006, 120 Stat. 1710. See also Historical and Revision Notes under section 53717 of Title 46, Shipping.

CODIFICATION

In text, ''section 53723 of title 46'' substituted for ''section 1105(d) of the Merchant Marine Act, 1936 (46 U.S.C. 1275), as amended,'' and ''chapter 537 of title 46'' substituted for ''title XI of the Merchant Marine Act, 1936 (46 U.S.C. 1271–1280), as amended,'' and for ''title XI of the Merchant Marine Act, 1936 (46 U.S.C. 1271–1280), as amended'', on authority of Pub. L. 109–304, § 18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted chapter 537 of Title 46, Shipping.

§ 742d. Investigations; preparation and dissemination of information; reports

(a)[1] The Secretary shall conduct continuing investigations, prepare and disseminate information, and make periodical reports to the public, to the President, and to Congress, with respect to the following matters:

(1) The production and flow to market of fish and fishery products domestically produced, and also those produced by foreign producers which affect the domestic fisheries;

(2) The availability and abundance and the biological requirements of the fish and wildlife resources;

(3) The competitive economic position of the various fish and fishery products with respect to each other, and with respect to competitive domestic and foreign-produced commodities;

(4) The collection and dissemination of statistics on commercial and sport fishing;

(5) The collection and dissemination of statistics on the nature and availability of wildlife, progress in acquisition of additional refuges and measures being taken to foster a coordinated program to encourage and develop wildlife values;

(6) The improvement of production and marketing practices in regard to commercial species and the conduct of educational and extension services relative to commercial and sport fishing, and wildlife matters;

(7) Any other matters which in the judgment of the Secretary are of public interest in connection with any phases of fish and wildlife operations.

(Aug. 8, 1956, ch. 1036, § 5, 70 Stat. 1121.)

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which a report to Congress required under this section is listed on page 54), see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see note set out under section 742b of this title.

§ 742d–1. Studies of effects in use of chemicals

The Administrator of the Environmental Protection Agency is authorized and directed to undertake comprehensive continuing studies on the effects of insecticides, herbicides, fungicides and pesticides, upon the fish and wildlife resources of the United States, for the purpose of determining the amounts, percentages, and formulations of such chemicals that are lethal to or injurious to fish and wildlife and the amounts, percentages, mixtures, or formulations that can be used safely, and thereby prevent losses of fish and wildlife from such spraying, dusting, or other treatment.

(Pub. L. 85–582, § 1, Aug. 1, 1958, 72 Stat. 479; 1970 Reorg. Plan No. 3, § 2(a)(2)(i), eff. Dec. 2, 1970, 35 F.R. 15623, 84 Stat. 2086.)

TRANSFER OF FUNCTIONS

''Administrator of the Environmental Protection Agency'' substituted in text for ''Secretary of the Interior'' pursuant to Reorg. Plan No. 3 of 1970, set out in the Appendix to Title 5, Government Organization and Employees, which abolished the Federal Water Quality Administration in Department of the Interior and transferred to Administrator of Environmental Protection Agency all functions vested in Secretary of the Interior by this section.

APPROPRIATIONS

Section 2 of Pub. L. 85–582, Aug. 1, 1958, 72 Stat. 479, as amended by Pub. L. 86–279, Sept. 16, 1959, 73 Stat. 563; Pub. L. 89–232, Oct. 1, 1965, 79 Stat. 902; Pub. L. 90–394, July 11, 1968, 82 Stat. 338, provided that: ''In order to carry out the provisions of this Act [this section], there is authorized to be appropriated $3,500,000 for the fiscal year ending June 30, 1969, and for each of the two fiscal years immediately following such year. Such sums shall remain available until expended.''

§ 742e. Transfer of functions to Secretary

(a) Functions of Secretaries of Agriculture, Commerce, etc.

There shall be transferred to the Secretary all functions of the Secretary of Agriculture, the Secretary of Commerce, and the head of any other department or agency, as determined by the Director of the Office of Management and Budget to relate primarily to the development, advancement, management, conservation, and protection of commercial fisheries; but nothing in this section shall be construed to modify the authority of the Department of State or the Secretary of State to negotiate or enter into any international agreements, or conventions with respect to the development, management, or protection of any fisheries and wildlife resources or with respect to international commissions operating under conventions to which the United States is a party.

[1] So in original. No subsec. (b) has been enacted.

(b) Transfer of personnel, property, records, etc.

There shall be transferred to the Department of the Interior so much of the personnel, property, facilities, records, and unexpended balances of appropriations, allocations, and other funds (available or to be made available) as the Director of the Office of Management and Budget determines to be necessary in connection with the exercise of any functions transferred to the Secretary pursuant to subsection (a) of this section.

(c) Cooperation of other departments and agencies

The Secretary may request and secure the advice or assistance of any department or agency of the Government in carrying out the provisions of this Act, and any such department or agency which furnishes advice or assistance to the Secretary may expend its own funds for such purposes, with or without reimbursement from the Secretary as may be agreed upon between the Secretary and the department or agency.

(Aug. 8, 1956, ch. 1036, § 6, 70 Stat. 1122; 1970 Reorg. Plan No. 2, § 102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is act Aug. 8, 1956, ch. 1036, 70 Stat. 1119, as amended, known as the Fish and Wildlife Act of 1956, which is classified generally to sections 742a to 742d and 742e to 742j–2 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 742a of this title and Tables.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of 1970 Reorg. Plan No. 2 redesignated Bureau of the Budget as Office of Management and Budget.

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see note set out under section 742b of this title.

§ 742f. Powers of Secretaries of the Interior and Commerce

(a) Policies, procedures, and recommendations

The Secretary of the Interior, with such advice and assistance as he may require from the Assistant Secretary for Fish and Wildlife, shall consider and determine the policies and procedures that are necessary and desirable in carrying out efficiently and in the public interest the laws relating to fish and wildlife. The Secretary, with the assistance of the departmental staff herein authorized, shall—

(1) develop and recommend measures which are appropriate to assure the maximum sustainable production of fish and fishery products and to prevent unnecessary and excessive fluctuations in such production;

(2) study the economic condition of the industry, and whenever he determines that any segment of the domestic fisheries has been seriously disturbed either by wide fluctuation in the abundance of the resource supporting it, or by unstable market or fishing conditions or due to any other factors he shall make such recommendations to the President and the Congress as he deems appropriate to aid in stabilizing the domestic fisheries;

(3) develop and recommend special promotional and informational activities with a view to stimulating the consumption of fishery products whenever he determines that there is a prospective or actual surplus of such products; and

(4) take such steps as may be required for the development, advancement, management, conservation, and protection of fish and wildlife resources including, but not limited to, research, development of existing facilities, and acquisition by purchase or exchange of land and water, or interests therein.

(b) Gifts, devises, or bequests for performance of activities and services of United States Fish and Wildlife Service; restrictive or affirmative covenants or conditions of servitude; separate account in Treasury; disbursement orders; gifts or bequests to United States for Federal tax purposes

(1) In furtherance of the purposes of this Act, the Secretary of the Interior is authorized to accept any gifts, devises, or bequests of real and personal property, or proceeds therefrom, or interests therein, for the benefit of the United States Fish and Wildlife Service, in performing its activities and services. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude, if such terms are deemed by the Secretary to be in accordance with law and compatible with the purpose for which acceptance is sought.

(2) USE OF GIFTS, DEVISES, AND BEQUESTS.—

(A) IN GENERAL.—Any gifts and bequests of money and proceeds from the sales of other property received as gifts or bequests pursuant to this subsection shall be deposited in a separate account in the Treasury and shall be disbursed upon order of the Secretary for the benefit of programs administered by the United States Fish and Wildlife Service.

(B) GIFTS, DEVISES, AND BEQUESTS TO PARTICULAR REFUGES.—

(i) DISBURSAL.—Any gift, devise, or bequest made for the benefit of a particular national wildlife refuge or complex of geographically related refuges shall be disbursed only for the benefit of that refuge or complex of refuges and without further appropriations.

(ii) MATCHING.—Subject to the availability of appropriations and the requirements of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law, the Secretary may provide funds to match gifts, devises, and bequests made for the benefit of a particular national wildlife refuge or complex of geographically related refuges. With respect to each gift, devise, or bequest, the amount of Federal funds may not exceed the amount (or, in the case of property or in-kind services, the fair market value) of the gift, devise, or bequest.

(3) For the purpose of Federal income, estate, and gift taxes, property, or proceeds therefrom, or interests therein, accepted under this subsection shall be considered as a gift or bequest to the United States.

(c) Volunteer services; incidental expenses; Federal employee status; authorization of appropriations

(1) The Secretary of the Interior and the Secretary of Commerce may each recruit, train, and accept, without regard to the provisions of title 5, the services of individuals without compensation as volunteers for, or in aid of programs conducted by either Secretary through the United States Fish and Wildlife Service or the National Oceanic and Atmospheric Administration.

(2) The Secretary of the Interior and the Secretary of Commerce are each authorized to provide for incidental expenses such as transportation, uniforms, lodging, awards (including nominal cash awards) and recognition, and subsistence of such volunteers without regard to their places of residence.

(3) Except as otherwise provided in this subsection, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relative to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(4) For the purpose of the tort claim provisions of title 28, a volunteer under this subsection shall be considered a Federal employee.

(5) For the purposes of subchapter I of chapter 81 of title 5, relating to compensation to Federal employees for work injuries, volunteers under this subsection shall be deemed employees of the United States within the meaning of the term ''employees'' as defined in section 8101 of title 5, and the provisions of that subchapter shall apply.

(6) SENIOR VOLUNTEER CORPS.—The Secretary of the Interior may establish a Senior Volunteer Corps, consisting of volunteers over the age of 50. To assist in the recruitment and retention of the volunteers, the Secretary may provide for additional incidental expenses to members of the Corps beyond the incidental expenses otherwise provided to volunteers under this subsection. The members of the Corps shall be subject to the other provisions of this subsection.

(d) Community partnership enhancement

(1) Definition of partner organization

In this subsection, the term ''partner organization'' means an organization that—

(A) draws its membership from private individuals, organizations, corporations, academic institutions, or State or local governments;

(B) is established to promote the understanding of, education relating to, and the conservation of the fish, wildlife, plants, and cultural and historical resources of a particular refuge or complex of geographically related refuges; and

(C) is described in section 501(c)(3) of title 26 and is exempt from taxation under section 501(a) of that title.

(2) Cooperative agreements

(A) In general

Notwithstanding chapter 63 of title 31, the Secretary of the Interior may negotiate and enter into a cooperative agreement with a partner organization, academic institution, State or local government agency, or other person to implement one or more projects or programs for a refuge or complex of geographically related refuges in accordance with the purposes of this subsection and in compliance with the policies of other relevant authorities, regulations, and policy guidance.

(B) Projects and programs

Subject to the requirements of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law, and such terms and conditions as the Secretary determines to be appropriate, the Secretary may approve projects and programs for a refuge or complex of geographically related refuges that—

(i) promote the stewardship of resources of the refuge through habitat maintenance, restoration, and improvement, biological monitoring, or research;

(ii) support the operation and maintenance of the refuge through constructing, operating, maintaining, or improving the facilities and services of the refuge;

(iii) increase awareness and understanding of the refuge and the National Wildlife Refuge System through the development, publication, or distribution of educational materials and products;

(iv) advance education concerning the purposes of the refuge and the mission of the System through the use of the refuge as an outdoor classroom and development of other educational programs; or

(v) contribute financial resources to the refuge, under terms that require that the net revenues be used exclusively for the benefit of the refuge, through donation of net revenues from the sale of educational materials and products and through encouragement of gifts, devises, and bequests.

(C) Federal funding and ownership

(i) Matching

Subject to the availability of appropriations and the requirements of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law, the Secretary may provide funds to match non-Federal funds donated under a cooperative agreement under this paragraph. With respect to each project or program, the amount of funds provided by the Secretary may not exceed the amount of the non-Federal funds donated through the project or program.

(ii) Use of Federal funds

Any Federal funds used to fund a project or program under a cooperative agreement may be used only for expenses directly related to the project or program and may

not be used for operation or administration of any non-Federal entity.

(iii) Ownership of facilities

Any new facility, improvement to an existing facility, or other permanent improvement to a refuge constructed under this subsection shall be the property of the United States Government.

(D) Treasury account

Amounts received by the Secretary of the Interior as a result of projects and programs under subparagraph (B) shall be deposited in a separate account in the Treasury. Amounts in the account that are attributable to activities at a particular refuge or complex of geographically related refuges shall be available to the Secretary of the Interior, without further appropriation, to pay the costs of incidental expenses related to volunteer activities, and to carry out cooperative agreements for the refuge or complex of refuges.

(e) Refuge education program enhancement

(1) Guidance

Not later than 1 year after October 5, 1998, the Secretary of the Interior shall develop guidance for refuge education programs to further the mission of the National Wildlife Refuge System and the purposes of individual refuges through—

(A) providing outdoor classroom opportunities for students on national wildlife refuges that combine educational curricula with the personal experiences of students relating to fish, wildlife, and plants and their habitat and to the cultural and historical resources of the refuges;

(B) promoting understanding and conservation of fish, wildlife, and plants and cultural and historical resources of the refuges; and

(C) improving scientific literacy in conjunction with both formal and nonformal education programs.

(2) Refuge programs

Based on the guidance developed under paragraph (1), the Secretary of the Interior may develop or enhance refuge education programs as appropriate, based on the resources of individual refuges and the opportunities available for such programs in State, local, and private schools. In developing and implementing each program, the Secretary should cooperate with State and local education authorities, and may cooperate with partner organizations in accordance with subsection (d) of this section.

(f) Report

Not later than 1 year after January 4, 2011, and every 5 years thereafter, the Secretary of the Interior shall submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate—

(1) evaluating the accomplishments of the volunteer program, the community partnerships program, and the refuge education programs authorized under this section, and of the National Volunteer Coordination Program and volunteer coordination strategy under section 742f–1(a) of this title; and

(2) making recommendations to improve the effectiveness of such programs, including regarding implementing subparagraphs (A), (B), and (C) of paragraph (1) of subsection (e).

(g) Authorization of appropriations

There is authorized to be appropriated to the Secretary of the Interior to carry out subsections (b), (c), (d), (e), and (f), $2,000,000 for each of fiscal years 2011 through 2014.

(Aug. 8, 1956, ch. 1036, § 7, 70 Stat. 1122; Pub. L. 95–616, § 4, Nov. 8, 1978, 92 Stat. 3112; Pub. L. 97–347, § 2, Oct. 18, 1982, 96 Stat. 1652; Pub. L. 98–44, title I, § 103(a)(2), July 12, 1983, 97 Stat. 216; Pub. L. 98–498, title IV, § 430(2), Oct. 19, 1984, 98 Stat. 2310; Pub. L. 105–242, §§ 3, 4(b), (c), 5–7, Oct. 5, 1998, 112 Stat. 1574–1578; Pub. L. 108–327, §§ 2, 4, Oct. 16, 2004, 118 Stat. 1271; Pub. L. 111–357, §§ 2, 4(a), Jan. 4, 2011, 124 Stat. 3979, 3980.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(1), is act Aug. 8, 1956, ch. 1036, known as the Fish and Wildlife Act of 1956, which is classified generally to sections 742a to 742d and 742e to 742j–2 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 742a of this title and Tables.

The National Wildlife Refuge System Administration Act of 1966, referred to in subsecs. (b)(2)(B)(ii) and (d)(2)(B), (C)(i), consists of sections 4 and 5 of Pub. L. 89–699, Oct. 15, 1966, 80 Stat. 927, and is classified to sections 668dd and 668ee of this title. For further details, see Short Title note set out under section 668dd of this title.

AMENDMENTS

2011—Subsec. (b)(2)(B)(ii). Pub. L. 111–357, § 2(b), substituted ''National Wildlife Refuge System Administration Act of 1966'' for ''National Wildlife Refuge Administration Act of 1966''.

Subsec. (d)(2)(C)(i). Pub. L. 111–357, § 2(b), substituted ''National Wildlife Refuge System Administration Act of 1966'' for ''National Wildlife Refuge Administration Act of 1966''.

Subsec. (f). Pub. L. 111–357, § 4(a)(2), added subsec. (f). Former subsec. (f) redesignated (g).

Pub. L. 111–357, § 2(a), amended subsec. (f) generally. Prior to amendment, text read as follows: ''There is authorized to be appropriated to the Secretary of the Interior to carry out subsections (b), (c), (d), and (e) of this section $2,000,000 for each of fiscal years 2004 through 2009.''

Subsec. (g). Pub. L. 111–357, § 4(a)(1), redesignated subsec. (f) as (g).

2004—Subsec. (d)(2)(A). Pub. L. 108–327, § 4, reenacted heading without change and amended text generally. Prior to amendment, text read as follows: ''The Secretary of the Interior may enter into a cooperative agreement (within the meaning of chapter 63 of title 31) with any partner organization, academic institution, or State or local government agency to carry out 1 or more projects or programs for a refuge or complex of geographically related refuges in accordance with this subsection.''

Subsec. (f). Pub. L. 108–327, § 2, reenacted heading without change and amended text generally. Prior to amendment, text read as follows: ''There is authorized to be appropriated to the Secretary of the Interior to carry out subsections (b), (c), (d), and (e) of this section $2,000,000 for each of fiscal years 1999 through 2004.''

1998—Subsec. (b)(2). Pub. L. 105–242, § 3, inserted par. (2) heading, designated existing provisions as subpar. (A) and inserted heading, and added subpar. (B).

Subsec. (c)(2). Pub. L. 105–242, § 4(b), inserted ''awards (including nominal cash awards) and recognition,'' after ''lodging,'' and ''without regard to their places of residence'' after ''volunteers''.

Subsec. (c)(6). Pub. L. 105–242, § 4(c), added par. (6) and struck out former par. (6) which read as follows: ''There are authorized to be appropriated to carry out this subsection $100,000 for the Secretary of the Interior and $50,000 for the Secretary of Commerce for each of the fiscal years 1980, 1981, 1982, 1983, 1984, 1985, and 1986.''

Subsecs. (d) to (f). Pub. L. 105–242, §§ 5–7, added subsecs. (d) to (f).

1984—Subsec. (c)(6). Pub. L. 98–498 substituted ''1984, 1985, and 1986'' for ''and 1984''.

1983—Subsec. (c)(6). Pub. L. 98–44 substituted '', 1983, and 1984'' for ''and 1983''.

1982—Subsec. (c)(6). Pub. L. 97–347 substituted ''1982 and 1983'' for ''and 1982''.

1978—Subsec. (a)(4). Pub. L. 95–616, § 4(1), reenacted existing provisions, substituting reference to fish resources for prior reference to fisheries resources and incorporated provisions of par. (5) relating to wildlife resources, substituting reference to acquisition by purchase or exchange of land and water for prior reference to acquisition of refuge lands.

Subsec. (a)(5). Pub. L. 95–616, § 4(1), struck out par. (5) relating to wildlife resources. See par. (4).

Subsecs. (b), (c). Pub. L. 95–616, § 4(3), added subsecs. (b) and (c).

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see note set out under section 742b of this title.

CONGRESSIONAL FINDINGS AND PURPOSES

Pub. L. 105–242, § 2, Oct. 5, 1998, 112 Stat. 1574, provided that:

''(a) FINDINGS.—Congress finds that—

''(1) the National Wildlife Refuge System (referred to in this Act [amending this section and enacting provisions set out as notes under this section and section 742a of this title] as the 'System'), consisting of more than 500 refuges and 93,000,000 acres, plays an integral role in the protection of the natural resources of the United States;

''(2) the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105–57; 111 Stat. 1252) [see Tables for classification] significantly improved the law governing the System, although the financial resources for implementing this law and managing the System remain limited;

''(3) by encouraging volunteer programs and donations, and facilitating non-Federal partnerships with refuges, Federal funding for the refuges can be supplemented and the System can fully benefit from the amendments made by the National Wildlife Refuge System Improvement Act of 1997; and

''(4) by encouraging refuge educational programs, public awareness of the resources of the System and public participation in the conservation of those resources can be promoted.

''(b) PURPOSES.—The purposes of this Act are—

''(1) to encourage the use of volunteers to assist the United States Fish and Wildlife Service in the management of refuges within the System;

''(2) to facilitate partnerships between the System and non-Federal entities to promote public awareness of the resources of the System and public participation in the conservation of those resources; and

''(3) to encourage donations and other contributions by persons and organizations to the System.''

PILOT PROJECTS

Pub. L. 105–242, § 4(a), Oct. 5, 1998, 112 Stat. 1575, as amended, formerly set out as a note under this section, was transferred and is classified to section 742f–1 of this title.

§ 742f–1. National Volunteer Coordination Program

(1) In general

Subject to the availability of appropriations, and in conformance with the strategy developed under paragraph (2) and consistent with the authorities regarding gifts, volunteer services, community partnerships, and refuge education enhancement under section 742f of this title, the Secretary of the Interior, through the Director of the United States Fish and Wildlife Service, shall carry out a National Volunteer Coordination Program within the National Wildlife Refuge System to—

(A) augment and support the capabilities and efforts of Federal employees to implement resource management, conservation, and public education programs and activities across the National Wildlife Refuge System;

(B) provide meaningful opportunities for volunteers to support the resource management, conservation, and public education programs and activities of national wildlife refuges or complexes of geographically related national wildlife refuges in each United States Fish and Wildlife Service region; and

(C) fulfill the purpose and mission of the National Wildlife Refuge System under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

(2) Volunteer coordination strategy

(A) In general

No later than one year after January 4, 2011, the Director shall publish in the Federal Register a national strategy for the coordination and utilization of volunteers within the National Wildlife Refuge System.

(B) Consultation required

The strategy shall be developed in consultation with State fish and wildlife agencies, Indian tribes, refuge friends groups or similar volunteer organizations, and other relevant stakeholders.

(C) Volunteer coordinators

The Director shall provide, subject to the availability of appropriations, no less than one regional volunteer coordinator for each United States Fish and Wildlife Service region to implement the strategy published under this paragraph. Such coordinators may be responsible for assisting partner organizations in developing and implementing volunteer projects and activities under cooperative agreements under section 742f(d) of this title.

(3) Authorization of appropriations

There is authorized to be appropriated to carry out this subsection $2,000,000 for each fiscal year through fiscal year 2014.

(Pub. L. 105–242, § 4(a), Oct. 5, 1998, 112 Stat. 1575; Pub. L. 108–327, § 3, Oct. 16, 2004, 118 Stat. 1271; Pub. L. 111–357, §§ 3, 4(b), Jan. 4, 2011, 124 Stat. 3979, 3981.)

REFERENCES IN TEXT

The National Wildlife Refuge System Administration Act of 1966, referred to in par. (1)(C), consists of sections 4 and 5 of Pub. L. 89–669, Oct. 15, 1966, 80 Stat. 927

and is classified to sections 668dd and 668ee of this title. For further details, see Short Title note set out under section 668dd of this title.

CODIFICATION

Section was formerly set out as a note under section 742f of this title.

AMENDMENTS

2011—Pub. L. 111–357, § 3(1), substituted ''National Volunteer Coordination Program'' for ''Projects'' in section catchline.

Par. (1). Pub. L. 111–357, § 3(2), amended par. (1) generally. Prior to amendment, text read as follows: ''Subject to the availability of appropriations, the Secretary of the Interior shall carry out a project at 2 or more national wildlife refuges or complexes of geographically related refuges in each United States Fish and Wildlife Service region.''

Par. (2). Pub. L. 111–357, § 3(3), amended par. (2) generally. Prior to amendment, text read as follows: ''Each project shall provide for the employment of a full-time volunteer coordinator for the refuge or complex of geographically related refuges. The volunteer coordinator shall be responsible for recruiting, training, and supervising volunteers. The volunteer coordinator may be responsible for assisting partner organizations in developing projects and programs under cooperative agreements under section 742f(d) of this title and coordinating volunteer activities with partner organizations to carry out the projects and programs.''

Par. (3). Pub. L. 111–357, § 4(b), redesignated par. (4) as (3) and struck out former par. (3) relating to reports.

Par. (4). Pub. L. 111–357, § 4(b), redesignated par. (4) as (3).

Pub. L. 111–357, § 3(4), substituted ''for each fiscal year through fiscal year 2014'' for ''for for each fiscal year through fiscal year 2009''.

2004–Pub. L. 108–327, § 3(1), struck out ''Pilot'' before ''Projects'' in section catchline.

Par. (1). Pub. L. 108–327, § 3(2), (3), substituted ''project'' for ''pilot project'' and struck out '', but not more than 20 pilot projects nationwide'' before period at end.

Par. (2). Pub. L. 108–327, § 3(2), substituted ''project'' for ''pilot project''.

Par. (3). Pub. L. 108–327, § 3(4), substituted ''after October 16, 2004, and every 3 years thereafter'' for ''after October 5, 1998'' and ''projects'' for ''pilot projects''.

Par. (4). Pub. L. 108–327, § 3(5), substituted ''for each fiscal year through fiscal year 2009'' for ''each of fiscal years 1999 through 2002''.

CHANGE OF NAME

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.

§ 742g. Cooperation with State Department

(a) Representation at international meetings

The Secretary shall cooperate to the fullest practicable extent with the Secretary of State in providing representation at all meetings and conferences relating to fish and wildlife in which representatives of the United States and foreign countries participate.

The Secretary of State shall designate the Secretary of the Interior or the Assistant Secretary for Fish and Wildlife, or a person designated by the Secretary of the Interior to represent the Department of the Interior, as a member of the United States delegation attending such meetings and conferences and also as a member of the negotiating team of any such delegation.

(b) Consultation with officials responsible for technical and economic aid

The Secretary of State and all other officials having responsibilities in the fields of technical and economic aid to foreign nations shall consult with the Secretary in all cases in which the interests of fish and wildlife are involved, with a view to assuring that such interests are adequately represented at all times.

(c) International negotiations

Notwithstanding any other provision of law, the Secretary shall be represented in all international negotiations conducted by the United States pursuant to section 1351 of title 19, in any case in which fish products are directly affected by such negotiations.

(d) Consultation with governmental, private nonprofit, and other organizations

The Secretary shall consult periodically with the various governmental, private nonprofit, and other organizations and agencies which have to do with any phase of fish and wildlife with respect to any problems that may arise in connection with such fish and wildlife.

(Aug. 8, 1956, ch. 1036, § 8, 70 Stat. 1123.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see note set out under section 742b of this title.

§ 742h. Reports on fishery products

(a) Repealed. Pub. L. 96–470, title I, § 103(a), Oct. 19, 1980, 94 Stat. 2237.

(b) The Secretary is authorized to make a report to the President and the Congress, and, when requested by the United States International Trade Commission in connection with section 1364 of title 19, or when an investigation is made under the Tariff Act of 1930 (19 U.S.C. 1332), the Secretary is authorized to make a report to such Commission, concerning the following matters with respect to any fishery product which is imported into the United States, or such reports may be made upon a request from any segment of the domestic industry producing a like or directly competitive product—

(1) whether there has been a downward trend in the production, employment in the production, or prices, or a decline in the sales, of the like or directly competitive product by the domestic industry; and

(2) whether there has been an increase in the imports of the fishery products into the United States, either actual or relative to the production of the like or directly competitive product produced by the domestic industry.

(Aug. 8, 1956, ch. 1036, § 9, 70 Stat. 1123; Pub. L. 93–618, title I, § 171(b), Jan. 3, 1975, 88 Stat. 2009; Pub. L. 96–470, title I, § 103(a), Oct. 19, 1980, 94 Stat. 2237.)

REFERENCES IN TEXT

Section 1364 of title 19, referred to in subsec. (b), was repealed by Pub. L. 87–794, title II, § 257(e)(1), Oct. 11, 1962, 76 Stat. 882.

AMENDMENTS

1980—Subsec. (a). Pub. L. 96–470 struck out subsec. (a) which required Secretary of the Interior to make an

annual report to Congress with respect to activities of United States Fish and Wildlife Service under this Act, accompanied by appropriate legislative recommendations.

1975—Subsec. (b). Pub. L. 93–618 substituted ''United States International Trade Commission'' for ''United States Tariff Commission''.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see note set out under section 742b of this title.

§ 742i. Effect on rights of States and international commissions

Nothing in this Act shall be construed (1) to interfere in any manner with the rights of any State under the Submerged Lands Act [43 U.S.C. 1301 et seq.] or otherwise provided by law, or to supersede any regulatory authority over fisheries exercised by the States either individually or under interstate compacts; or (2) to interfere in any manner with the authority exercised by any International Commission established under any treaty or convention to which the United States is a party.

(Aug. 8, 1956, ch. 1036, § 10, 70 Stat. 1124.)

REFERENCES IN TEXT

This Act, referred to in text, is act Aug. 8, 1956, ch. 1036, 70 Stat. 1119, as amended, known as the Fish and Wildlife Act of 1956, which is classified generally to sections 742a to 742d and 742e to 742j–2 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 742a of this title and Tables.

The Submerged Lands Act, referred to in text, is act May 22, 1953, ch. 65, 67 Stat. 29, as amended, which is classified generally to subchapters I and II (§§ 1301 et seq., 1311 et seq.) of chapter 29 of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of Title 43 and Tables.

§ 742j. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

(Aug. 8, 1956, ch. 1036, § 11, 70 Stat. 1124.)

REFERENCES IN TEXT

This Act, referred to in text, is act Aug. 8, 1956, ch. 1036, 70 Stat. 1119, as amended, known as the Fish and Wildlife Act of 1956, which is classified generally to sections 742a to 742d and 742e to 742j–2 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 742a of this title and Tables.

§ 742j–1. Airborne hunting

(a) Prohibition; penalty

Any person who—

(1) while airborne in an aircraft shoots or attempts to shoot for the purpose of capturing or killing any bird, fish, or other animal; or

(2) uses an aircraft to harass any bird, fish, or other animal; or

(3) knowingly participates in using an aircraft for any purpose referred to in paragraph (1) or (2);

shall be fined not more than $5,000 or imprisoned not more than one year, or both.

(b) Exception; report of State to Secretary

(1) This section shall not apply to any person if such person is employed by, or is an authorized agent of or is operating under a license or permit of, any State or the United States to administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops, and each such person so operating under a license or permit shall report to the applicable issuing authority each calendar quarter the number and type of animals so taken.

(2) In any case in which a State, or any agency thereof, issues a permit referred to in paragraph (1) of this subsection, it shall file with the Secretary of the Interior an annual report containing such information as the Secretary shall prescribe, including but not limited to—

(A) the name and address of each person to whom a permit was issued;

(B) a description of the animals authorized to be taken thereunder, the number of animals authorized to be taken, and a description of the area from which the animals are authorized to be taken;

(C) the number and type of animals taken by such person to whom a permit was issued; and

(D) the reason for issuing the permit.

(c) "Aircraft" defined

As used in this section, the term ''aircraft'' means any contrivance used for flight in the air.

(d) Enforcement; regulations; arrest; search; issuance and execution of warrants and process; cooperative agreements

The Secretary of the Interior shall enforce the provisions of this section and shall promulgate such regulations as he deems necessary and appropriate to carry out such enforcement. Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of this section may, without warrant, arrest any person committing in his presence or view a violation of this section or of any regulation issued hereunder and take such person immediately for examination or trial before an officer or court of competent jurisdiction; may execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this section; and may, with or without a warrant, as authorized by law, search any place. The Secretary of the Interior is authorized to enter into cooperative agreements with State fish and wildlife agencies or other appropriate State authorities to facilitate enforcement of this section, and by such agreements to delegate such enforcement authority to State law enforcement personnel as he deems appropriate for effective enforcement of this section. Any judge of any court established under the laws of the United States, and any United States magistrate judge may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

(e) Forfeiture

All birds, fish, or other animals shot or captured contrary to the provisions of this section, or of any regulation issued hereunder, and all guns, aircraft, and other equipment used to aid

in the shooting, attempting to shoot, capturing, or harassing of any bird, fish, or other animal in violation of this section or of any regulation issued hereunder shall be subject to forfeiture to the United States.

(f) Certain customs laws applied

All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as such provisions of law are applicable and not inconsistent with the provisions of this section; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Treasury Department shall, for the purposes of this section, be exercised or performed by the Secretary of the Interior or by such persons as he may designate.

(Aug. 8, 1956, ch. 1036, § 13, as added Pub. L. 92–159, § 1, Nov. 18, 1971, 85 Stat. 480; amended Pub. L. 92–502, Oct. 18, 1972, 86 Stat. 905; Pub. L. 101–650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

AMENDMENTS

1972—Subsecs. (d) to (f). Pub. L. 92–502 added subsecs. (d) to (f).

CHANGE OF NAME

''United States magistrate judge'' substituted for ''United States magistrate'' in subsec. (d) pursuant to section 321 of Pub. L. 101–650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE

Section 3 of Pub. L. 92–159 provided that: ''The amendments made by the first section of this Act [enacting this section] shall take effect as of the thirtieth day after the date of enactment of such section [Nov. 18, 1971]; except that, in any case in which a State is not authorized to issue any permit referred to in the amendments made by such first section, such amendments shall take effect in any such State as of the thirtieth day after the expiration of the next regular session of the legislature of such State which begins on or after the date of enactment of this Act.''

§ 742j–2. Uniform allowance

Notwithstanding subsection[1] 5901(a) of title 5, the uniform allowance for each uniformed employee of the United States Fish and Wildlife Service may be up to $400 annually.

(Aug. 8, 1956, ch. 1036, § 14, as added Pub. L. 96–291, § 2, June 28, 1980, 94 Stat. 608.)

§ 742k. Management and disposition of vessels and other property acquired and arising out of fishery loans or related type of activities

For the purpose of facilitating administration of, and protecting the interest of the Government in, the fishery loan fund established by section 742c of this title and any related type of activities relating to fisheries for which the Department of the Interior is now or may hereafter be responsible, the Secretary of the Interior, notwithstanding any other provisions of law, may hereafter administer, complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, assign, or sell upon such terms and conditions as he may deem most advantageous to the United States, any vessel, plant, or other property acquired by him on behalf of the United States and arising out of any fishery loan or any related type of activity by the Secretary of the Interior. The Secretary may use any of the applicable funds in each particular instance for the aforesaid purposes.

(Pub. L. 87–219, Sept. 13, 1961, 75 Stat. 493.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see Transfer of Functions note set out under section 742b of this title.

§ 742*l*. Enforcement authority for the protection of fish and wildlife resources

(a) Law enforcement training program

(1) In order to provide for and encourage training, research, and development for the purpose of improving fish and wildlife law enforcement and developing new methods for the prevention, detection, and reduction of violation of fish and wildlife laws, and the apprehension of violators of such laws, the Secretary of the Interior and the Secretary of Commerce may each—

(A) establish and conduct national training programs to provide, at the request of any State, training for State fish and wildlife law enforcement personnel;

(B) develop new or improved approaches, techniques, systems, equipment, and service to improve and strengthen fish and wildlife law enforcement; and

(C) assist in conducting, at the request of any appropriate State official, local or regional training programs for the training of State fish and wildlife law enforcement personnel.

Such training programs shall be conducted to the maximum extent practicable through established programs.

(2) There are authorized to be appropriated beginning with fiscal year 1980 such funds as may be necessary to carry out the purposes of subsection (b) of this section, and the Secretary of the Interior and the Secretary of Commerce may each require reimbursement from the States for expenditures made pursuant to subsections (b)(1)(A) and (C) of this section.

(b) Law enforcement cooperative agreement

Notwithstanding any other provision of law, the Secretary of the Interior and the Secretary of Commerce may each utilize by agreement, with or without reimbursement, the personnel, services and facilities of any other Federal or State agency to the extent he deems it necessary and appropriate for effective enforcement of any Federal or State laws on lands, waters, or interests therein under his jurisdiction which are administered or managed for fish and wildlife purposes and for enforcement of any laws administered by him relating to fish and wild-

[1] So in original. Probably should be ''section''.

life. Persons so designated by either Secretary, who are not employees of another Federal agency—

(1) shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, competitive examination, rates of compensation, and Federal employee benefits, but may be considered eligible for compensation for work injuries under subchapter III of chapter 81 of title 5;

(2) shall be considered to be investigative or law enforcement officers of the United States for the purposes of the tort claim provisions of title 28;

(3) may, to the extent specified by either Secretary, search, seize, arrest, and exercise any other law enforcement functions or authorities under Federal laws relating to fish and wildlife, where such authorities are made applicable by this or any other law to employees, officers, or other persons designated or employed by either Secretary; and

(4) shall be considered to be officers or employees of the Department of the Interior or the Department of Commerce, as the case may be, within the meaning of sections 111 and 1114 of title 18.

(c) Disposal of abandoned or forfeited property

(1) In general

Subject to paragraph (2), notwithstanding any other provision of law, all fish, wildlife, plants, or any other items abandoned or forfeited to the United States under any laws administered by the Secretary of the Interior or the Secretary of Commerce relating to fish, wildlife, or plants, shall be disposed of by either Secretary in such a manner as he deems appropriate (including, but not limited to, loan, gift, sale, or destruction).

(2) Prohibition on sale of certain items

In carrying out paragraph (1), the Secretary of the Interior and the Secretary of Commerce may not sell any species of fish, wildlife, or plant, or derivative thereof, for which the sale is prohibited by another Federal law.

(3) Use of revenues

The Secretary of the Interior and the Secretary of Commerce may each expend any revenues received from the disposal of items under paragraph (1), and all sums referred to in the first sentence of section 1540(d) of this title and the first sentence of section 3375(d) of this title—

(A) to make payments in accordance with those sections; and

(B) to pay costs associated with—

(i) shipping items referred to in paragraph (1) to and from the place of storage, sale, or temporary or final disposal, including temporary or permanent loan;

(ii) storage of the items, including inventory of, and security for, the items;

(iii) appraisal of the items;

(iv) sale or other disposal of the items in accordance with applicable law, including auctioneer commissions and related expenses;

(v) payment of any valid liens or other encumbrances on the items and payment for other measures required to clear title to the items; and

(vi) in the case of the Secretary of the Interior only, processing and shipping of eagles and other migratory birds, and parts of migratory birds, for Native American religious purposes.

(d) Disclaimer

Nothing in this section shall be construed to invalidate any law enforcement agreement or delegation made by the Secretary of the Interior or the Secretary of Commerce with respect to fish and wildlife matters prior to November 8, 1978.

(e) to (j) Omitted

(k) Law enforcement operations

With respect to any undercover or other enforcement operation which is necessary for the detection and prosecution of violations of any laws administered by the United States Fish and Wildlife Service or the National Marine Fisheries Service relating to fish, wildlife, or plants, the Secretary of the Interior or the Secretary of Commerce may, notwithstanding any other provision of law—

(1) direct the advance of funds which may be deposited in commercial banks or other financial institutions;

(2) use appropriations for payment for information, rewards, or evidence concerning violations, without reference to any rewards to which such persons may otherwise be entitled by law, and any moneys subsequently recovered shall be reimbursed to the current appropriation; and

(3) use appropriations to establish or acquire proprietary corporations or business entities as part of an undercover operation, operate such corporations or business entities on a commercial basis, lease space and make other necessary expenditures, and use the proceeds from such undercover operations to offset necessary and reasonable expenses incurred in such operations: *Provided*, That at the conclusion of each such operation the proceeds shall be deposited in the Treasury of the United States as miscellaneous receipts.

(Pub. L. 95–616, §3 (less (e)–(j)), Nov. 8, 1978, 92 Stat. 3110; Pub. L. 97–396, §7, Dec. 31, 1982, 96 Stat. 2006; Pub. L. 105–328, §3, Oct. 30, 1998, 112 Stat. 3058.)

REFERENCES IN TEXT

This section, referred to in subsec. (d), means section 3 of Pub. L. 95–616, which in addition to enacting this section, enacted section 712 of this title and amended sections 460k–3, 668dd, 690e, 706, and 718f of this title and sections 1114 and 3112 of Title 18, Crimes and Criminal Procedure.

CODIFICATION

Section is comprised of subsecs. (a) to (d) and (k) of section 3 of Pub. L. 95–616, as amended. For classification of subsecs. (e) through (j) of section 3, see References in Text note above and Tables.

AMENDMENTS

1998—Subsec. (c). Pub. L. 105–328 designated existing provisions as par. (1) and inserted heading, substituted ''Subject to paragraph (2), notwithstanding'' for ''Notwithstanding'', and added pars. (2) and (3).

1982—Subsec. (k). Pub. L. 97–396 added subsec. (k).

CONGRESSIONAL FINDINGS AND PURPOSES

Pub. L. 105–328, § 2, Oct. 30, 1998, 112 Stat. 3057, provided that:

''(a) FINDINGS.—Congress finds that—

''(1) the United States Fish and Wildlife Service (referred to in this Act [amending this section and enacting provisions set out as a note under section 742a of this title] as the 'Service')—

''(A) is responsible for storage and disposal of items derived from fish, wildlife, and plants, including eagles and eagle parts, and other items that have become the property of the United States through abandonment or forfeiture under applicable laws relating to fish, wildlife, or plants;

''(B) distributes many of those items for educational and scientific uses and for religious purposes of Native Americans; and

''(C) unless otherwise prohibited by law, may dispose of some of those items by sale, except items derived from endangered or threatened species, marine mammals, and migratory birds;

''(2) under law in effect on the date of enactment of this Act [Oct. 30, 1998], the revenue from sale of abandoned items is not available to the Service, although approximately 90 percent of the items in possession of the Service have been abandoned; and

''(3) making revenue from the sale of abandoned items available to the Service will enable the Service—

''(A) to cover costs incurred in shipping, storing, and disposing of items derived from fish, wildlife, and plants; and

''(B) to make more extensive distributions of those items for educational, scientific, and Native American religious purposes.

''(b) PURPOSES.—The purposes of this Act are to make proceeds from sales of abandoned items derived from fish, wildlife, and plants available to the Service and to authorize the use of those proceeds to cover costs incurred in shipping, storing, and disposing of those items.''

§ 742m. Relinquishment of exclusive legislative jurisdiction

Notwithstanding any other provision of law, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may relinquish to a State, or to a Commonwealth, territory, or possession of the United States, the exclusive legislative jurisdiction of the United States over all or part of any United States Fish and Wildlife Service lands or interests therein, including but not limited to National Wildlife Refuge System and National Fish Hatchery System lands, in that State, Commonwealth, territory, or possession. Relinquishment of exclusive legislative jurisdiction under this subsection may be accomplished (1) by filing with the Governor (or, if none, the chief executive officer) of the State, Commonwealth, territory, or possession concerned, a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession may otherwise provide.

(Pub. L. 100–653, title IX, § 901, Nov. 14, 1988, 102 Stat. 3834.)

§ 743. Repealed. Pub. L. 93–280, § 1(2), May 10, 1974, 88 Stat. 123

Section, act Mar. 3, 1885, ch. 360, § 1(1), 23 Stat. 494, renumbered by Pub. L. 93–280, § 1(1), May 10, 1974, 88 Stat. 123, was part of a paragraph entitled: ''Propagation of Food Fishes'' in the Sundry Civil Expenses Appropriation Act, 1886. It authorized the Secretary of the Treasury to detail Coast Guard personnel to the Fish and Wildlife Services for duty. See section 743a of this title.

§ 743a. Detail of personnel and loan of equipment to Director of Bureau of Sport Fisheries and Wildlife

(a) "Agency" defined

As used in this section, the term ''agency'' means the department in which the Coast Guard is operating, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Atomic Energy Commission, and the National Aeronautics and Space Administration.

(b) Personnel and equipment available

The chief executive officer of each agency may from time to time—

(i) detail from the agency for duty under the Director of the Bureau of Sport Fisheries and Wildlife, Department of the Interior, such commissioned and enlisted personnel and civilian employees as may be spared for such duty; and

(ii) consonant with the operational needs of the agency, loan equipment of the agency to the Director.

(c) Reports to Congress

The Director of the United States Fish and Wildlife Service shall make a report to Congress at the end of any fiscal year that the provisions of this section are utilized, which describes the use of the provisions of this section, and the additional cost, if any, to the Federal Government resulting therefrom. Such report shall be referred in the Senate to the Committee on Commerce, Science, and Transportation and in the House of Representatives to the Committee on Merchant Marine and Fisheries.

(Mar. 3, 1885, ch. 360, § 1(2), as added Pub. L. 93–280, § 1(3), May 10, 1974, 88 Stat. 123; amended Pub. L. 96–470, title II, § 206(a), Oct. 19, 1980, 94 Stat. 2244; Pub. L. 103–437, § 6(t), Nov. 2, 1994, 108 Stat. 4587.)

REFERENCES IN TEXT

The Bureau of Sport Fisheries and Wildlife, referred to in subsec. (b), was replaced and succeeded by the United States Fish and Wildlife Service. See section 742b(c) of this title.

AMENDMENTS

1994—Subsec. (c). Pub. L. 103–437 substituted ''Committee on Commerce, Science, and Transportation'' for ''Committee on Commerce''.

1980—Subsec. (c). Pub. L. 96–470 substituted provision requiring that a report to Congress be made at the end of any fiscal year that provisions of this section are utilized for provision requiring an annual report to Congress be made on utilization of the provisions of this section and struck out ''annual'' before ''report shall be''.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Secu-

rity, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See also Transfer of Functions notes set out under those sections.

ABOLITION OF HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction transferred by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. Committee on Merchant Marine and Fisheries of House of Representatives treated as referring to Committee on Resources of House of Representatives in case of provisions relating to fisheries, wildlife, international fishing agreements, marine 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.

§ 744. Investigations; fish propagation; investigations of damages by predacious fishes; executive assistance

The Secretary of the Interior or the Secretary of Commerce, as appropriate, shall prosecute investigations and inquiries on the subject, with the view of ascertaining whether any and what diminution in the number of the food fishes of the coast and the lakes of the United States has taken place; and, if so, to what causes the same is due; and also whether any and what protective, prohibitory, or precautionary measures should be adopted in the premises; and shall report upon the same to Congress. He is authorized and directed to conduct investigations and experiments for the purpose of ameliorating the damage wrought to the fisheries by dogfish and other predacious fishes and aquatic animals. Said investigations and experiments shall be such as to develop the best and cheapest means of taking such fishes and aquatic animals, of utilizing them for economic purposes, especially for food, and to encourage the establishment of fisheries and markets for them.

The heads of the several executive departments shall cause to be rendered all necessary and practicable aid to the Secretary in the prosecution of his investigations and inquiries.

(R.S. §§ 4396, 4397; Mar. 3, 1887, ch. 362, 24 Stat. 523; June 21, 1916, ch. 160, §§ 1, 2, 39 Stat. 232; 1939 Reorg. Plan No. II, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232; 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 62 Stat. 1262; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Pub. L. 96–470, title I, § 101(c), Oct. 19, 1980, 94 Stat. 2237.)

CODIFICATION

R.S. § 4396 derived from Res. Feb. 9, 1871, No. 22, § 2, 16 Stat. 594.

R.S. § 4397 derived from Res. Feb. 9, 1871, No. 22, § 3, 16 Stat. 594.

AMENDMENTS

1980—Pub. L. 96–470 struck out provision requiring a detailed statement of expenditures under all appropriations for ''propagation of fishes'' be submitted annually to Congress at the beginning of each session.

TRANSFER OF FUNCTIONS

Secretary of the Interior or Secretary of Commerce, as appropriate, and Secretary substituted for Director of Fish and Wildlife Service and Director in view of: creation of National Oceanic and Atmospheric Administration in Department of Commerce and Office of Administrator of such Administration; abolition of Bureau of Commercial Fisheries in Department of the Interior and Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in Secretary of the Interior or Department of the Interior which were administered through Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5.

Reorg. Plan No. III of 1940, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232, set out in the Appendix to Title 5, Government Organization and Employees, consolidated Bureau of Fisheries and Bureau of Biological Survey into one agency in Department of the Interior to be known as Fish and Wildlife Service. It was further provided that functions of consolidated agency should be administered under direction and supervision of Secretary of the Interior by a director and assistants, and that offices of Commissioner and Deputy Commissioner of Fisheries and offices of Chief and Associate Chief of Bureau of Biological Survey should be abolished and their functions transferred to consolidated agency.

Reorg. Plan No. II of 1939, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, set out in the Appendix to Title 5, transferred Bureau of Fisheries in Department of Commerce and its functions, and Bureau of Biological Survey in Department of Agriculture and its functions, to Department of the Interior, to be administered under direction and supervision of Secretary of the Interior.

SURVEY OF MARINE AND FRESH-WATER RESOURCES

Act May 11, 1944, ch. 195, 58 Stat. 220, which expired January 1, 1945, provided for a comprehensive survey of all marine, fresh-water, and other aquatic resources of the United States, its Territories, and possessions; and for a report on survey, together with recommendations to Congress. It also appropriated $20,000 to carry out the purposes of the act.

§ 745. Powers of Secretary

The Secretary of the Interior or the Secretary of Commerce, as appropriate, may take or cause to be taken at all times, in the waters of the seacoast of the United States, where the tide ebbs and flows, and also in the waters of the lakes, such fish or specimens thereof as may in his judgment, from time to time, be needful or proper for the conduct of his duties, any law, custom, or usage of any State to the contrary notwithstanding.

(R.S. § 4398; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232; 1970 Reorg.

Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

CODIFICATION

R.S. § 4398 derived from Res. Feb. 9, 1871, No. 22, § 4, 16 Stat. 594.

TRANSFER OF FUNCTIONS

Secretary of the Interior or Secretary of Commerce, as appropriate, substituted for Director of Fish and Wildlife Service in view of transfer of functions by Reorg. Plan No. 4 of 1970, see note set out under section 744 of this title.

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Transfer and consolidation of bureaus and functions, see note set out under section 742 of this title.

§ 746. Vessels of Fish and Wildlife Service

The Secretary of the Navy is authorized to place the vessels of the United States Fish and Wildlife Service on the same footing with the Navy Department as those of the National Ocean Survey.

(May 31, 1880, ch. 113, 21 Stat. 151; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232; Aug. 8, 1956, ch. 1036, § 3, 70 Stat. 1120.)

CHANGE OF NAME

Coast and Geodetic Survey consolidated with National Weather Bureau in 1965 to form Environmental Science Services Administration by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318. Environmental Science Services Administration abolished in 1970 and its personnel, property, records, etc., transferred to National Oceanic and Atmospheric Administration by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090. By order of Acting Associate Administrator of National Oceanic and Atmospheric Administration, 35 F.R. 19249, Dec. 19, 1970, Coast and Geodetic Survey redesignated National Ocean Survey. See notes under section 851 of Title 33, Navigation and Navigable Waters. See, also, notes under section 311 of Title 15, Commerce and Trade.

TRANSFER OF FUNCTIONS

Fish and Wildlife Service, created by Reorg. Plan No. III of 1940, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, succeeded by United States Fish and Wildlife Service established by act Aug. 8, 1956, ch. 1036, § 3, 70 Stat. 1120. See section 742b of this title.

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Transfer and consolidation of bureaus and functions, see note set out under section 742 of this title.

§ 746a. Operation and maintenance fees for the M/V Tiglax and other vessels

On and after October 21, 1998, pursuant to section 9701 of title 31 and notwithstanding section 3302 of title 31, the Secretary shall charge reasonable fees for the full costs of the U.S. Fish and Wildlife Service in operating and maintaining the M/V Tiglax and other vessels, to be credited to this account and to be available until expended.

(Pub. L. 105–277, div. A, § 101(e) [title I], Oct. 21, 1998, 112 Stat. 2681–231, 2681–236.)

§ 747. Omitted

CODIFICATION

Section, acts Mar. 28, 1922, ch. 117, title I, 42 Stat. 484; Jan. 5, 1923, ch. 24, title I, 42 Stat. 1125; May 28, 1924, ch. 204, title III, 43 Stat. 238; Feb. 27, 1925, ch. 364, title III, 43 Stat. 1047, which related to the commutation of rations of officers and crews on vessels, was provision of an appropriation act which was confined to specific appropriations.

§ 748. Expenditure of appropriations for propagation of food fishes

Appropriations for propagation of food fishes shall not be expended for hatching or planting fish or eggs in any State in which, in the judgment of the Secretary of the Interior, there are not adequate laws for the protection of the fishes, nor in any State in which the United States Director of the Fish and Wildlife Service and his duly authorized agents are not accorded full and free right to conduct fish-cultural operations, and all fishing and other operations necessary therefor, in such manner and at such times as is considered necessary and proper by the said director or his agents.

(July 1, 1918, ch. 113, § 1, 40 Stat. 693; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232; Aug. 8, 1956, ch. 1036, § 3, 70 Stat. 1120.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see note set out under section 742b of this title.

Fish and Wildlife Service, created by Reorg. Plan No. III of 1940, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, succeeded by United States Fish and Wildlife Service established by act Aug. 8, 1956, ch. 1036, § 3, 70 Stat. 1120. See section 742b of this title.

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Transfer and consolidation of bureaus and functions, see note set out under sections 742 and 744 of this title.

§ 749. Omitted

CODIFICATION

Section, act June 16, 1921, ch. 23, § 4, 42 Stat. 63, provided for an advisory committee to report on condition and needs of the Fish and Wildlife Service, and is omitted since it was derived from an appropriation act and is obsolete.

§ 750. Station on Mississippi River for rescue of fishes and propagation of mussels

There shall be established on the Mississippi River, at a point to be selected by the Secretary of the Interior or the Secretary of Commerce, as appropriate, a station for the rescue of fishes

and the propagation of mussels in connection with fish-rescue operations throughout the Mississippi Valley.

(Apr. 28, 1922, ch. 153, § 1, 42 Stat. 501; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232.)

TRANSFER OF FUNCTIONS

Secretary of Commerce also empowered to carry out statutory provisions in view of: creation of National Oceanic and Atmospheric Administration in Department of Commerce and Office of Administrator of such Administration; abolition of Bureau of Commercial Fisheries in Department of the Interior and Office of Director of such Bureau; transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife; and certain transfers of functions, including functions formerly vested by law in Secretary of the Interior or Department of the Interior which were administered through Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5.

Transfer and consolidation of bureaus and functions, see note set out under section 742 of this title.

§ 751. Personnel

In connection with the establishment of such fish-rescue station there is authorized the following personnel, namely: One district supervisor, to have general charge of fish-rescue and fish-cultural operations in the Mississippi Valley; a superintendent, two field foremen, four fish-culturists at large, one engineer at large, one clerk, two coxswains at large, and two apprentice fish-culturists.

(Apr. 28, 1922, ch. 153, § 2, 42 Stat. 501.)

CODIFICATION

Provisions relating to the compensation of such personnel have been omitted as such pay is fixed pursuant to chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 752. Omitted

CODIFICATION

Section, act July 2, 1942, ch. 473, § 1, 56 Stat. 557, which authorized the Fish and Wildlife Service to exchange equipment as part payment for other equipment, was from the Interior Department Appropriation Act, 1943, and was not repeated in subsequent appropriation acts. Similar provisions were contained in act June 28, 1941, ch. 259, § 1, 55 Stat. 357.

§ 753. Cooperative work

On and after July 2, 1942, cooperative work conducted by the United States Fish and Wildlife Service shall be subject to the provisions of the Act of July 24, 1919 [7 U.S.C. 450b, 2220].

(July 2, 1942, ch. 473, § 1, 56 Stat. 558; Aug. 8, 1956, ch. 1036, § 3, 70 Stat. 1120.)

REFERENCES IN TEXT

Act of July 24, 1919, referred to in text, was formerly classified to sections 563 and 564 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in act June 28, 1941, ch. 259, § 1, 55 Stat. 357.

TRANSFER OF FUNCTIONS

Fish and Wildlife Service, created by Reorg. Plan No. III of 1940, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, succeeded by United States Fish and Wildlife Service established by act Aug. 8, 1956, ch. 1036, § 3, 70 Stat. 1120. See section 742b of this title.

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 753a. Cooperative research and training programs for fish and wildlife resources

For the purpose of developing adequate, coordinated, cooperative research and training programs for fish and wildlife resources, the Secretary of the Interior or the Secretary of Commerce, as appropriate, is authorized to continue to enter into cooperative agreements with colleges and universities, with game and fish departments of the several States, and with nonprofit organizations relating to cooperative research units: *Provided*, That Federal participation in the conduct of such cooperative unit programs shall be limited to the assignment of Department of the Interior or Department of Commerce scientific personnel by the Secretary to serve at the respective units, to the provision of assistance (including reasonable financial compensation) for the work of researchers on fish and wildlife ecology and resource management projects funded under this subsection[1] to supply for the use of the particular units' operations such equipment as may be available to the Secretary for such purposes, and the payment of incidental expenses of Federal personnel and employees of cooperating agencies assigned to the units.

(Pub. L. 86–686, § 1, Sept. 2, 1960, 74 Stat. 733; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Pub. L. 95–616, § 2, Nov. 8, 1978, 92 Stat. 3110.)

AMENDMENTS

1978—Pub. L. 95–616, in proviso, substituted "scientific personnel" for "technical personnel" and authorized provision of assistance (including reasonable financial compensation) for the work of researchers on

[1] So in original. Probably should be "section".

funded fish and wildlife ecology and resource management projects.

TRANSFER OF FUNCTIONS

Reference to Secretary of Commerce and Department of Commerce inserted in view of: creation of National Oceanic and Atmospheric Administration in Department of Commerce and Office of Administrator of such Administration; abolition of Bureau of Commercial Fisheries in Department of the Interior and Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in Secretary of the Interior or Department of the Interior which were administered through Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

§ 753b. Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary to carry out the purposes of section 753a of this title.

(Pub. L. 86–686, § 2, Sept. 2, 1960, 74 Stat. 733.)

§ 754. Commutation of rations for officers and crews of vessels of Service

On and after July 2, 1942, commutation of rations (not to exceed $1 per man per day) may be paid to officers and crews of vessels of the United States Fish and Wildlife Service under regulations prescribed by the Secretary of the Interior, and money accruing from commutation of rations on board vessels may be paid on proper vouchers to the persons having charge of the mess of such vessels; and section 5911 of title 5, shall not be construed to require deductions from the salaries of officers and crews of vessels of the United States Fish and Wildlife Service for quarters and rations furnished on vessels of said Service.

(July 2, 1942, ch. 473, § 1, 56 Stat. 558; Aug. 8, 1956, ch. 1036, § 3, 70 Stat. 1120.)

CODIFICATION

"Section 5911 of title 5" substituted in text for "the Act of March 5, 1928 (5 U.S.C. 75a)" on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in act June 28, 1941, ch. 259, § 1, 55 Stat. 357.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see note set out under section 742b of this title.

Fish and Wildlife Service, created by Reorg. Plan No. III of 1940, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, succeeded by United States Fish and Wildlife Service established by act Aug. 8, 1956, ch. 1036, § 3, 70 Stat. 1120. See section 742b of this title.

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 754a. Appropriations for United States Fish and Wildlife Service; purchases from

The Secretary of the Interior may purchase, to the extent of not to exceed $5,000, from the appropriations for the United States Fish and Wildlife Service, clothing and small stores for the crews of vessels, to be sold to the employees of said service and the appropriations reimbursed.

(July 1, 1918, ch. 113, § 1, 40 Stat. 694; 1939 Reorg. Plan No. II, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232; Aug. 8, 1956, ch. 1036, § 3, 70 Stat. 1120.)

CODIFICATION

Section was formerly classified to section 662 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

TRANSFER OF FUNCTIONS

Fish and Wildlife Service, created by Reorg. Plan No. III of 1940, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, succeeded by United States Fish and Wildlife Service established by act Aug. 8, 1956, ch. 1036, § 3, 70 Stat. 1120. See section 742b of this title.

Functions of all other officers of Department of the Interior and functions of all agencies and employees of Department, with two exceptions, transferred to Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Bureau of Fisheries consolidated with Bureau of Biological Survey into Fish and Wildlife Service in Department of the Interior, and offices of Commissioner and Deputy Commissioner of Fisheries abolished by Reorg. Plan No. III of 1940, set out in the Appendix to Title 5, Government Organization and Employees. See, also, sections 8 and 9 of that plan for provisions relating to transfer of records, property, personnel, and funds. Bureau previously transferred to Department of the Interior by Reorg. Plan No. II of 1939, § 4(e), also set out in the Appendix to Title 5.

§ 754b. Funds from private entities credited to Resource Management account

Notwithstanding any other provision of law, in fiscal year 1999 and thereafter, sums provided by private entities for activities pursuant to reimbursable agreements shall be credited to the "Resource Management" account and shall remain available until expended.

(Pub. L. 106–113, div. B, § 1000(a)(3) [title I], Nov. 29, 1999, 113 Stat. 1535, 1501A–139.)

§ 754c. Work under reimbursable agreements; recording obligations and crediting amounts received

Before, on, and after November 29, 1999, in carrying out work under reimbursable agreements with any State, local, or tribal government, the United States Fish and Wildlife Service may, without regard to section 1341 of title 31 and notwithstanding any other provision of law or regulation, record obligations against accounts

receivable from such entities, and shall credit amounts received from such entities to this appropriation, such credit to occur within 90 days of the date of the original request by the Service for payment.

(Pub. L. 106–113, div. B, §1000(a)(3) [title I], Nov. 29, 1999, 113 Stat. 1535, 1501A–140.)

§ 754d. Fee schedule for forensic laboratory services

In fiscal year 2001 and thereafter and notwithstanding any other provision of law, the United States Fish and Wildlife Service shall establish and implement a fee schedule to permit a return to the Service for forensic laboratory services provided to non-Department of the Interior entities. Fees shall be collected as determined appropriate by the Director of the Fish and Wildlife Service and shall be credited to this appropriation and be available for expenditure without further appropriation until expended.

(Pub. L. 106–291, title I, §136, Oct. 11, 2000, 114 Stat. 948.)

CHAPTER 9A—PRESERVATION OF FISHERY RESOURCES

Sec.
755. Salmon-cultural stations; establishment; expenditure of funds.
756. Investigations, surveys, and experiments; construction and installation of conservation devices, etc.
757. Utilization of State services; expenditure of funds.
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758. Exploration, investigation, development, and maintenance of fishing resources and industry of Pacific Ocean.
758a. Conduct of explorations and related work in Pacific Ocean.
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758e. Central, Western, and South Pacific Ocean fisheries development program.
758e–1. Consultation and cooperation between certain Federal officers, affected States, etc., in carrying out program.
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758e–2. Repealed.
758e–3. Regulations; contract terms and conditions.
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Sec.
760. Establishment of rearing ponds and fish hatchery in Kentucky.
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760–3. Establishment of trout hatchery in Pisgah National Forest.
760–4. Establishment of trout hatchery at Pittsford, Vermont.
760–5. Establishment of fish hatchery at Paint Bank, Virginia.
760–6. Virginia fish hatchery; authorization of appropriations.
760–7. Establishment of fish hatchery in West Virginia.
760–8. West Virginia fish hatchery; authorization of appropriations.
760–9. Establishment of fish hatchery in Pennsylvania.
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760–11. Acceptance and development of fish hatchery in South Carolina.
760–12. South Carolina fish hatchery; authorization of appropriations.
760a. Atlantic Coast fish study for development and protection of fish resources.
760b. Equipment for studies; cooperation of Federal departments and agencies.
760c. Studies; authorization of appropriations.
760d. Grants for education and training of personnel in the field of commercial fishing.
760e. Study of migratory game fish; waters; research; purpose.
760f. Migratory game fish study; authorization to acquire facilities, employ officers and employees, cooperate with State and other agencies, and to publish results.
760g. Authorization of appropriations for migratory game fish study.
760h to 760*l*. Omitted.

§ 755. Salmon-cultural stations; establishment; expenditure of funds

The Secretary of Commerce is authorized and directed to establish one or more salmon-cultural stations in the Columbia River Basin in each of the States of Oregon, Washington, and Idaho. Any sums appropriated for the purpose of establishing such stations may be expended, and such stations shall be established, operated and maintained, in accordance with the provisions of the Act entitled ''An Act to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries'', approved May 21, 1930, ch. 306, 46 Stat. 371, insofar as the provisions of such Act are not inconsistent with the provisions of this section and sections 756 and 757 of this title.

(May 11, 1938, ch. 193, §1, 52 Stat. 345; 1939 Reorg. Plan No. II, §4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

REFERENCES IN TEXT

Act May 21, 1930, ch. 306, 46 Stat. 371, referred to in text, was not classified to the Code.

TRANSFER OF FUNCTIONS

Secretary of Commerce substituted for Secretary of the Interior in view of: creation of National Oceanic and Atmospheric Administration in Department of Commerce and Office of Administrator of such Administration; abolition of Bureau of Commercial Fisheries in Department of the Interior and Office of Director of