

## 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.
- 742c. Loans for financing or refinancing of cost of purchasing, constructing, equipping, maintaining, repairing, or operating commercial fishing vessels or gear.
- 742c-1. Investment in obligations of the United States; proceeds to be used for fisheries.
- 742d. Investigations; preparation and dissemination of information; reports.
- 742d-1. Studies of effects in use of chemicals.
- 742e. Transfer of functions to Secretary.
- 742f. Powers of Secretaries of the Interior and Commerce.
- 742f-1. National Volunteer Coordination Program.
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- 742j. Authorization of appropriations.
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- 742l. Enforcement authority for the protection of fish and wildlife resources.
- 742l-1. Authority to use available law enforcement funds.
- 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.
- 754e. Funds for contaminant sample analyses.

**§ 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.