

SHORT TITLE OF 1998 AMENDMENTS

Pub. L. 105-328, §1, Oct. 30, 1998, 112 Stat. 3057, provided that: “This Act [amending section 742f of this title and enacting provisions set out as a note under section 742l 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, 742l 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’.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1534 of this title.

§ 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."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1534 of this title.

§ 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 obligations 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.