

paraphernalia, including guns, fishing equipment, and boats used or attempted to be used contrary to the provisions of this chapter or any regulations made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him and placed in the custody of such persons as the Secretary of the Interior may by regulation prescribe.

(c) Reports of seizures; forfeiture and libel proceedings

A report of the seizure shall be made to the United States attorney for the judicial district in which the seizure is made, for forfeiture either (1) upon conviction of the offender under section 730 of this title, or (2) by proceedings by libel in rem. Such libel proceedings shall conform as near as may be to civil suits in admiralty, except that either party may demand trial by jury upon any issue of fact when the value in controversy exceeds \$20. In case of a jury trial the verdict of the jury shall have the same effect as the finding of the court upon the facts. Libel proceedings shall be at the suit and in the name of the United States. If such forfeiture proceedings are not instituted within a reasonable time, the United States attorney shall give notice thereof, and the custodian shall thereupon release the articles seized.

(June 7, 1924, ch. 346, §8, 43 Stat. 651; 1939 Reorg. Plan No. II, §4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 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, 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.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 727 of this title.

§ 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.
 - (a) Assistant Secretary for Fish and Wildlife.
 - (b) Establishment; Director of United States Fish and Wildlife Service; appointment; qualifications.
 - (c) Succession to United States Fish and Wildlife Service and Bureau of Sport Fisheries and Wildlife.
 - (d) Functions and responsibilities of Secretary of the Interior.
- 742b-1. Assistant Director for Wildlife and Sport Fish Restoration Programs.
 - (a) Establishment.
 - (b) Superior.
 - (c) Responsibilities.
- 742c. Loans for financing or refinancing of cost of purchasing, constructing, equipping, maintaining, repairing, or operating commercial fishing vessels or gear.
 - (a) Authorization.
 - (b) Conditions.
 - (c) Fisheries loan fund; interest payments on appropriations available as capital to fund less average undispersed cash balance.
 - (d) Modification of loan contract.
 - (e) Chartering vessels; loans to Alaskan earthquake victims; termination date.
- 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.
 - (a) Functions of Secretaries of Agriculture, Commerce, etc.
 - (b) Transfer of personnel, property, records, etc.
 - (c) Cooperation of other departments and agencies.
- 742f. Powers of Secretaries of the Interior and Commerce.
 - (a) Policies, procedures, and recommendations.
 - (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.
 - (c) Volunteer services; incidental expenses; Federal employee status; authorization of appropriations.
 - (d) Community partnership enhancement.

- Sec. (e) Refuge education program enhancement.
- (f) Authorization of appropriations.
- 742g. Cooperation with State Department.
 - (a) Representation at international meetings.
 - (b) Consultation with officials responsible for technical and economic aid.
 - (c) International negotiations.
 - (d) Consultation with governmental, private nonprofit, and other organizations.
- 742h. Reports on fishery products.
- 742i. Effect on rights of States and international commissions.
- 742j. Authorization of appropriations.
- 742j-1. Airborne hunting.
 - (a) Prohibition; penalty.
 - (b) Exception; report of State to Secretary.
 - (c) "Aircraft" defined.
 - (d) Enforcement; regulations; arrest; search; issuance and execution of warrants and process; cooperative agreements.
 - (e) Forfeiture.
 - (f) Certain customs laws applied.
- 742j-2. Uniform allowance.
- 742k. Management and disposition of vessels and other property acquired and arising out of fishery loans or related type of activities.
- 742l. Enforcement authority for the protection of fish and wildlife resources.
 - (a) Law enforcement training program.
 - (b) Law enforcement cooperative agreement.
 - (c) Disposal of abandoned or forfeited property.
 - (d) Disclaimer.
 - (e) to (j) Omitted.
 - (k) Law enforcement operations.
- 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.
 - (a) "Agency" defined.
 - (b) Personnel and equipment available.
 - (c) Reports to Congress.
- 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.