

**§ 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.