

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.