

for other measures required to clear title to the items; and

(vi) in the case of the Secretary of the Interior only, processing and shipping of eagles and other migratory birds, and parts of migratory birds, for Native American religious purposes.

(d) Disclaimer

Nothing in this section shall be construed to invalidate any law enforcement agreement or delegation made by the Secretary of the Interior or the Secretary of Commerce with respect to fish and wildlife matters prior to November 8, 1978.

(e) to (j) Omitted

(k) Law enforcement operations

With respect to any undercover or other enforcement operation which is necessary for the detection and prosecution of violations of any laws administered by the United States Fish and Wildlife Service or the National Marine Fisheries Service relating to fish, wildlife, or plants, the Secretary of the Interior or the Secretary of Commerce may, notwithstanding any other provision of law—

(1) direct the advance of funds which may be deposited in commercial banks or other financial institutions;

(2) use appropriations for payment for information, rewards, or evidence concerning violations, without reference to any rewards to which such persons may otherwise be entitled by law, and any moneys subsequently recovered shall be reimbursed to the current appropriation; and

(3) use appropriations to establish or acquire proprietary corporations or business entities as part of an undercover operation, operate such corporations or business entities on a commercial basis, lease space and make other necessary expenditures, and use the proceeds from such undercover operations to offset necessary and reasonable expenses incurred in such operations: *Provided*, That at the conclusion of each such operation the proceeds shall be deposited in the Treasury of the United States as miscellaneous receipts.

(Pub. L. 95-616, § 3 (less (e)-(j)), Nov. 8, 1978, 92 Stat. 3110; Pub. L. 97-396, § 7, Dec. 31, 1982, 96 Stat. 2006; Pub. L. 105-328, § 3, Oct. 30, 1998, 112 Stat. 3058.)

Editorial Notes

REFERENCES IN TEXT

This section, referred to in subsec. (d), means section 3 of Pub. L. 95-616, which in addition to enacting this section, enacted section 712 of this title and amended sections 460k-3, 668dd, 690e, 706, and 718f of this title and sections 1114 and 3112 of Title 18, Crimes and Criminal Procedure.

CODIFICATION

Section is comprised of subsecs. (a) to (d) and (k) of section 3 of Pub. L. 95-616, as amended. For classification of subsecs. (e) through (j) of section 3, see References in Text note above and Tables.

AMENDMENTS

1998—Subsec. (c). Pub. L. 105-328 designated existing provisions as par. (1) and inserted heading, substituted

“Subject to paragraph (2), notwithstanding” for “Notwithstanding”, and added pars. (2) and (3).

1982—Subsec. (k). Pub. L. 97-396 added subsec. (k).

Statutory Notes and Related Subsidiaries

CONGRESSIONAL FINDINGS AND PURPOSES

Pub. L. 105-328, § 2, Oct. 30, 1998, 112 Stat. 3057, provided that:

“(a) FINDINGS.—Congress finds that—

“(1) the United States Fish and Wildlife Service (referred to in this Act [amending this section and enacting provisions set out as a note under section 742a of this title] as the ‘Service’)—

“(A) is responsible for storage and disposal of items derived from fish, wildlife, and plants, including eagles and eagle parts, and other items that have become the property of the United States through abandonment or forfeiture under applicable laws relating to fish, wildlife, or plants;

“(B) distributes many of those items for educational and scientific uses and for religious purposes of Native Americans; and

“(C) unless otherwise prohibited by law, may dispose of some of those items by sale, except items derived from endangered or threatened species, marine mammals, and migratory birds;

“(2) under law in effect on the date of enactment of this Act [Oct. 30, 1998], the revenue from sale of abandoned items is not available to the Service, although approximately 90 percent of the items in possession of the Service have been abandoned; and

“(3) making revenue from the sale of abandoned items available to the Service will enable the Service—

“(A) to cover costs incurred in shipping, storing, and disposing of items derived from fish, wildlife, and plants; and

“(B) to make more extensive distributions of those items for educational, scientific, and Native American religious purposes.

“(b) PURPOSES.—The purposes of this Act are to make proceeds from sales of abandoned items derived from fish, wildlife, and plants available to the Service and to authorize the use of those proceeds to cover costs incurred in shipping, storing, and disposing of those items.”

§ 742l-1. Authority to use available law enforcement funds

In fiscal year 2012 and hereafter of the amount available for law enforcement, up to \$400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary’s certificate.

(Pub. L. 112-74, div. E, title I, Dec. 23, 2011, 125 Stat. 988.)

§ 742m. Relinquishment of exclusive legislative jurisdiction

Notwithstanding any other provision of law, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may relinquish to a State, or to a Commonwealth, territory, or possession of the United States, the exclusive legislative jurisdiction of the United States over all or part of any United States Fish and Wildlife Service lands or interests therein, including but not limited to United Wildlife Refuge System and National

Fish Hatchery System lands, in that State, Commonwealth, territory, or possession. Relinquishment of exclusive legislative jurisdiction under this subsection may be accomplished (1) by filing with the Governor (or, if none, the chief executive officer) of the State, Commonwealth, territory, or possession concerned, a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession may otherwise provide.

(Pub. L. 100-653, title IX, §901, Nov. 14, 1988, 102 Stat. 3834.)

§ 743. Repealed. Pub. L. 93-280, § 1(2), May 10, 1974, 88 Stat. 123

Section, act Mar. 3, 1885, ch. 360, §1(1), 23 Stat. 494, renumbered by Pub. L. 93-280, §1(1), May 10, 1974, 88 Stat. 123, was part of a paragraph entitled: "Propagation of Food Fishes" in the Sundry Civil Expenses Appropriation Act, 1886. It authorized the Secretary of the Treasury to detail Coast Guard personnel to the Fish and Wildlife Services for duty. See section 743a of this title.

§ 743a. Detail of personnel and loan of equipment to Director of Bureau of Sport Fisheries and Wildlife

(a) "Agency" defined

As used in this section, the term "agency" means the department in which the Coast Guard is operating, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Atomic Energy Commission, and the National Aeronautics and Space Administration.

(b) Personnel and equipment available

The chief executive officer of each agency may from time to time—

(i) detail from the agency for duty under the Director of the Bureau of Sport Fisheries and Wildlife, Department of the Interior, such commissioned and enlisted personnel and civilian employees as may be spared for such duty; and

(ii) consonant with the operational needs of the agency, loan equipment of the agency to the Director.

(c) Reports to Congress

The Director of the United States Fish and Wildlife Service shall make a report to Congress at the end of any fiscal year that the provisions of this section are utilized, which describes the use of the provisions of this section, and the additional cost, if any, to the Federal Government resulting therefrom. Such report shall be referred in the Senate to the Committee on Commerce, Science, and Transportation and in the House of Representatives to the Committee on Merchant Marine and Fisheries.

(Mar. 3, 1885, ch. 360, §1(2), as added Pub. L. 93-280, §1(3), May 10, 1974, 88 Stat. 123; amended Pub. L. 96-470, title II, §206(a), Oct. 19, 1980, 94 Stat. 2244; Pub. L. 103-437, §6(t), Nov. 2, 1994, 108 Stat. 4587.)

Editorial Notes

REFERENCES IN TEXT

The Bureau of Sport Fisheries and Wildlife, referred to in subsec. (b), was replaced and succeeded by the

United States Fish and Wildlife Service. See section 742b(c) of this title.

AMENDMENTS

1994—Subsec. (c). Pub. L. 103-437 substituted "Committee on Commerce, Science, and Transportation" for "Committee on Commerce".

1980—Subsec. (c). Pub. L. 96-470 substituted provision requiring that a report to Congress be made at the end of any fiscal year that provisions of this section are utilized for provision requiring an annual report to Congress be made on utilization of the provisions of this section and struck out "annual" before "report shall be".

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See also Transfer of Functions notes set out under those sections.

ABOLITION OF HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction transferred by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. Committee on Merchant Marine and Fisheries of House of Representatives treated as referring to Committee on Resources of House of Representatives in case of provisions relating to fisheries, wildlife, international fishing agreements, marine affairs (including coastal zone management) except for measures relating to oil and other pollution of navigable waters, or oceanography by section 1(b)(3) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 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.