

# Quick-Reference Legal Summary

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Federal Wildlife and Related Laws Handbook; Chapter 4. Statute Summaries

## FISH AND WILDLIFE ACT OF 1956

16 U.S.C. §§ 742a - 754j-2, August 8, 1956, as amended 1961, 1962, 1964, 1965, 1970-1972, 1974-1976, 1978, 1980, 1982-1984 and 1986.

**Overview.** This Act directs the Secretary of the Interior to develop the policies and procedures necessary for carrying out fish and wildlife laws and to research and report on fish and wildlife matters. The Act establishes the Fish and Wildlife Service within the Department of the Interior, as well as the positions of Assistant Secretary for Fish and Wildlife and Director of the Service.

**Policy/Findings.** Congress declares that: fish, shellfish and wildlife resources of the nation make a material contribution to our national economy and food supply and to the health, recreation and well-being of our citizens; these resources are a living, renewable form of national wealth capable of being maintained and increased with proper management, but equally capable of destruction if neglected or unwisely exploited; these resources afford outdoor recreation throughout the U.S. and provide employment, directly or indirectly, to a substantial number of citizens; fishing industries strengthen the defense of the U.S. through the provision of a trained seafaring citizenry and action-ready fleets of sea-worthy vessels; training and sport afforded by fish and wildlife resources strengthen the national defense by contributing to the general health and physical fitness of millions of citizens; properly developed, the fish and wildlife resources are capable of steadily increasing these valuable contributions to the life of the U.S. The Act lists certain fundamental needs that must be satisfied by means consistent with the public interest and in accord with constitutional functions of governments for the fishing industry to prosper and fulfill its proper function in national life. § 742a.

**U.S. Fish and Wildlife Service.** The Act establishes within the Department of the Interior: the U.S. Fish and Wildlife Service; the position of Assistant Secretary for Fish and Wildlife, to be appointed by the President by and with the consent of the Senate; the position of Director for Fish and Wildlife, to be appointed by the President by and with the consent of the Senate and who is subject to the supervision of the Assistant Secretary. § 742b.

**Fisheries Loan Fund.** The Secretary of the Interior (Secretary) is authorized to make loans for financing or refinancing the cost of purchasing, constructing, equipping, maintaining, repairing or operating new or used commercial fishing vessels or gear. The Act creates a Fisheries Loan Fund, to be used by the Secretary as a revolving fund to make the loans. § 742c.

**Investigations and Reports.** The Secretary must conduct continuing investigations, prepare and disseminate information, and make periodic reports to the public, the President and Congress regarding the: production and flow to market of fish and fishery products domestically produced, and those produced by foreign producers which affect the domestic fisheries; availability and abundance and the biological requirements of the fish and wildlife resources; competitive economic position of the various fish and fishery products with respect to each other, and with respect to competitive domestic and foreign-produced commodities; collection and dissemination of statistics on the nature and availability of wildlife, progress in acquisition of additional refuges and measures being taken to foster a coordinated program to encourage and develop wildlife values; improvement of production and marketing practices in regard to commercial species and the conduct of educational and extension services relative to commercial and sport fishing, and wildlife matters; other matters of public interest in connection with fish and wildlife operations. § 742d.

**Chemical Effects Studies.** The Act authorizes and directs the Administrator of the Environmental Protection Agency to undertake comprehensive, continuing studies on the effects of insecticides, herbicides, fungicides and pesticides upon U.S. fish and wildlife resources to determine the amounts, percentages and formulations of chemicals lethal to or injurious to fish and wildlife and the amounts, percentages, mixtures or formulations that can be used safely, and thereby prevent losses of fish and wildlife from such spraying, dusting or other treatment. § 742d-1.

**Secretarial Powers.** The Secretary of the Interior must determine the policies and procedures necessary to carry out laws relating to fish and wildlife. The Secretary must: develop and recommend measures to assure the maximum



sustainable production of fish and fishery products and to prevent unnecessary and excessive fluctuations in production; study the economic condition of the industry and make recommendations to the President and Congress to aid in stabilizing the domestic fisheries; develop and recommend special promotional and informational activities with a view to stimulating the consumption of fishery products in the event of an actual surplus; take steps for the development, advancement, management, conservation and protection of fish and wildlife resources. § 742f.

**Cooperation with State Department.** The Secretary must cooperate with the Secretary of State in providing representation at all meetings and conferences relating to fish and wildlife in which representatives of the U.S. and foreign countries participate. The Secretary of State and other officials having responsibilities in the fields of technical and economic aid to foreign nations must consult with the Secretary in all cases in which the interests of fish and wildlife are involved. The Secretary is to be represented in international negotiations conducted by the U.S. in cases in which fish products are directly affected. The Secretary must consult periodically with various governmental, private nonprofit and other organizations dealing with fish and wildlife. § 742g.

**Reports on Fishery Products.** The Secretary is authorized to make a report on fishery products to the President and Congress, and to the U.S. International Trade Commission when requested or when an investigation is made under the Tariff Act of 1930. In addition, the Secretary may make reports upon request from a segment of the domestic industry producing a like or directly competitive product. The reports may concern the following with respect to a fishery product imported into the U.S.: whether there has been a downward trend in the production, employment in the production, or prices, or a decline in sales of the like or directly competitive product by the domestic industry; whether there has been an increase in the imports of the fishery products into the U.S.. § 742h.

**Airborne Hunting Act.** § 742j-1. See separate entry in this Handbook.

**Appropriations Authorized.** Congress authorized to be appropriated sums necessary to carry out the Act. § 742j.

**Editor's Note.** There are miscellaneous statutes in the U.S. Code immediately following the Act that pertain to fish and wildlife. Section 742k allows the Secretary to administer, operate, charter, assign or sell a vessel, plant or other property acquired on behalf of the U.S. and arising out of a fishery loan, to facilitate administration of and protect the government's interest in the Fishery Loan Fund.

Section 742l authorizes the Secretary of the Interior and the Secretary of Commerce to conduct training programs and undertake research and development activities to improve fish and wildlife law enforcement and develop new methods for preventing, detecting and reducing violations of fish and wildlife laws and apprehending violators. Section 742m provides that the Secretary may relinquish to a state the U.S.'s exclusive legislative jurisdiction over all or part of U.S. Fish and Wildlife Service lands.

Section 744, passed in 1887, directs the Secretary or the Secretary of Commerce, as appropriate, to prosecute investigations and inquiries into whether a diminution in the number of the food fishes of the U.S. coast and lakes has taken place, the extent of the diminution, what causes the diminution and whether protective or precautionary measures should be adopted. The Secretaries are directed to conduct investigations to ameliorate the damage wrought to fisheries by dogfish and other predacious fishes and aquatic animals.

Section 748 provides that appropriations for propagation of food fishes may not be expended for hatching or planting fish or eggs in a state in which the Secretary judges the laws are not adequate to protect the fishes or in a state in which the Director of the Fish and Wildlife Service is not accorded full and free right to conduct fish-cultural operations.

### **Suggested in-text citation and full reference:**

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(16 U.S.C. 742a et seq.)

16 U.S.C. §§ 742a - 754j-2. Fish and Wildlife Act of 1956. Aug. 8, 1956, ch. 1036, Sec. 2, 70 Stat. 1119.

