

Public Law 105-328  
105th Congress

An Act

To amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items.

Oct. 30, 1998  
[S. 2094]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Fish and Wildlife Revenue Enhancement Act of 1998”.

Fish and Wildlife Revenue Enhancement Act of 1998.  
16 USC 742a note.

**SEC. 2. FINDINGS AND PURPOSES.**

16 USC 742l note.

(a) **FINDINGS.**—Congress finds that—

(1) the United States Fish and Wildlife Service (referred to in this Act 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, 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.

**SEC. 3. USE OF PROCEEDS OF CERTAIN SALES.**

Section 3(c) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742l(c)) is amended—

(1) by striking “Notwithstanding” and inserting the following:

“(1) IN GENERAL.—Subject to paragraph (2), notwithstanding”; and

(2) by adding at the end the following:

“(2) PROHIBITION ON SALE OF CERTAIN ITEMS.—In carrying out paragraph (1), the Secretary of the Interior and the Secretary of Commerce may not sell any species of fish, wildlife, or plant, or derivative thereof, for which the sale is prohibited by another Federal law.

“(3) USE OF REVENUES.—The Secretary of the Interior and the Secretary of Commerce may each expend any revenues received from the disposal of items under paragraph (1), and all sums referred to in the first sentence of section 11(d) of the Endangered Species Act of 1973 (16 U.S.C. 1540(d)) and the first sentence of section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))—

“(A) to make payments in accordance with those sections; and

“(B) to pay costs associated with—

“(i) shipping items referred to in paragraph (1) to and from the place of storage, sale, or temporary or final disposal, including temporary or permanent loan;

“(ii) storage of the items, including inventory of, and security for, the items;

“(iii) appraisal of the items;

“(iv) sale or other disposal of the items in accordance with applicable law, including auctioneer commissions and related expenses;

“(v) payment of any valid liens or other encumbrances on the items and payment 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.”.

Approved October 30, 1998.

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**LEGISLATIVE HISTORY—S. 2094:**

SENATE REPORTS: No. 105-285 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 144 (1998):

Sept. 11, considered and passed Senate.

Oct. 9, considered and passed House.

