

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2018 AMENDMENT

Pub. L. 115-168, §1, Apr. 23, 2018, 132 Stat. 1284, provided that: “This Act [amending section 742f of this title] may be cited as the ‘Keep America’s Refuges Operational Act.’”

SHORT TITLE OF 2011 AMENDMENT

Pub. L. 111-357, §1, Jan. 4, 2011, 124 Stat. 3979, provided that: “This Act [amending sections 742f and 742f-1 of this title] may be cited as the ‘National Wildlife Refuge Volunteer Improvement Act of 2010.’”

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-327, §1, Oct. 16, 2004, 118 Stat. 1271, provided that: “This Act [amending sections 742f and 742f-1 of this title] may be cited as the ‘National Wildlife Refuge Volunteer Act of 2004.’”

SHORT TITLE OF 1998 AMENDMENTS

Pub. L. 105-328, §1, Oct. 30, 1998, 112 Stat. 3057, provided that: “This Act [amending section 742f of this title and enacting provisions set out as a note under section 742f of this title] may be cited as the ‘Fish and Wildlife Revenue Enhancement Act of 1998.’”

Pub. L. 105-242, §1, Oct. 5, 1998, 112 Stat. 1574, provided that: “This Act [amending section 742f of this title and enacting provisions set out as notes under section 742f of this title] may be cited as the ‘National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998.’”

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95-616, §1, Nov. 8, 1978, 92 Stat. 3110, provided: “That this Act [enacting sections 695j-1, 712, 742l of this title and amending sections 460k-3, 666g, 668a, 668dd, 690e, 695i, 706, 715d, 715i, 715j, 718b, 718c, 718f, 742f, 753a of this title and sections 1114, 3112 of Title 18, Crimes and Criminal Procedure] may be cited as the ‘Fish and Wildlife Improvement Act of 1978.’”

SHORT TITLE

Act Aug. 8, 1956, ch. 1036, §1, 70 Stat. 1119, provided: “This Act [enacting this section and sections 742b to 742d and 742e to 742j] of this title and amending section 713c-3 of Title 15, Commerce and Trade] may be cited as the ‘Fish and Wildlife Act of 1956.’”

§ 742b. United States Fish and Wildlife Service**(a) Assistant Secretary for Fish and Wildlife**

There is established within the Department of the Interior the position of Assistant Secretary for Fish and Wildlife. Such Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the same rate as other Assistant Secretaries.

(b) Establishment; Director of United States Fish and Wildlife Service; appointment; qualifications

There is established within the Department of the Interior the United States Fish and Wildlife Service. The functions of the United States Fish and Wildlife Service shall be administered under the supervision of the Director, who shall be subject to the supervision of the Assistant Secretary for Fish and Wildlife. The Director of the United States Fish and Wildlife Service shall be appointed by the President, by and with the advice and consent of the Senate. No individual may be appointed as the Director unless he is, by reason of scientific education and experience, knowledgeable in the principles of fisheries and wildlife management.

(c) Succession to United States Fish and Wildlife Service and Bureau of Sport Fisheries and Wildlife

The United States Fish and Wildlife Service established by subsection (b) shall succeed to and replace the United States Fish and Wildlife Service (as constituted on June 30, 1974) and the Bureau of Sport Fisheries and Wildlife (as constituted on such date). All laws and regulations in effect on June 30, 1974, which relate to matters administered by the Department of the Interior through the United States Fish and Wildlife Service (as constituted on such date) and the Bureau of Sport Fisheries and Wildlife (as constituted on such date) shall remain in effect.

(d) Functions and responsibilities of Secretary of the Interior

All functions and responsibilities placed in the Department of the Interior or any official thereof by this Act shall be included among the functions and responsibilities of the Secretary of the Interior, as the head of the Department, and shall be carried out under his direction pursuant to such procedures or delegations of authority as he may deem advisable and in the public interest.

(Aug. 8, 1956, ch. 1036, §3, 70 Stat. 1120; Pub. L. 87-367, title I, §103(14), Oct. 4, 1961, 75 Stat. 788; Pub. L. 87-793, §607(a)(5), Oct. 11, 1962, 76 Stat. 849; Pub. L. 93-271, §1, Apr. 22, 1974, 88 Stat. 92.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (d), is act Aug. 8, 1956, ch. 1036, 70 Stat. 1119, known as the Fish and Wildlife Act of 1956, which is classified generally to sections 742a to 742d and 742e to 742j-2 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 742a of this title and Tables.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-271, §1(1), (2), struck out provisions relating to the establishment of the position of and the appointment of the Commissioner of Fish and Wildlife. Provisions for the establishment of the United States Fish and Wildlife Service within the Department of the Interior, consisting of the Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife, the appointment of a Director for each of the Bureaus, and the succession of the United States Fish and Wildlife Service to the Fish and Wildlife Service of the Department, were also struck out.

Subsec. (b). Pub. L. 93-271, §1(3), substituted provisions for the establishment of the United States Fish and Wildlife Service within the Department of the Interior, for its administration by a Director subject to the supervision of the Assistant Secretary for Fish and Wildlife, the qualifications for and the appointment of the Director, for provisions relating to the administration of the United States Fish and Wildlife Service by the Commissioner of Fish and Wildlife subject to the supervision of the Assistant Secretary for Fish and Wildlife.

Subsecs. (c), (d). Pub. L. 93-271, §1(3), added subsec. (c) and redesignated former subsec. (c) as (d). Former subsec. (d), relating to the distribution of functions, powers, and duties of former Fish and Wildlife Service, was struck out.

Subsec. (e). Pub. L. 93-271, §1(3), struck out subsec. (e) which related to continuation of all laws, rules, and regulations administered by the Fish and Wildlife Service.

Subsec. (f). Pub. L. 93-271, §1(3), struck out subsec. (f) which provided for administrative authority in the Sec-

retary of the Interior to carry out the provisions of Act Aug. 8, 1956, and for effective procedure for reorganization.

1962—Subsec. (a). Pub. L. 87-793 struck out provisions which authorized the Commissioner to receive compensation at the same rate as that provided for grade GS-18.

1961—Subsec. (a). Pub. L. 87-367 struck out “at Grades GS-17 each” after “by the Secretary”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1974 AMENDMENT

Pub. L. 93-271, §3, Apr. 22, 1974, 88 Stat. 92, provided that: “The amendments made by this Act [amending this section and section 5316 of Title 5, Government Organization and Employees] shall take effect on July 1, 1974.”

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-793 effective on first day of first pay period which begins on or after Oct. 11, 1962, see section 610 of Pub. L. 87-793.

MURDER HORNET ERADICATION PILOT PROGRAM

Pub. L. 116-260, div. AA, title V, §508, Dec. 27, 2020, 134 Stat. 2750, provided that:

“(a) GRANT AUTHORITY.—The Secretary of the Interior, acting through the Director of the Fish and Wildlife Service, and in consultation with all relevant Federal agencies, shall establish a pilot program to provide financial assistance to States for management, research, and public education activities necessary to—

“(1) eradicate the Asian giant hornet; and

“(2) restore bee populations damaged by the Asian giant hornet.

“(b) ELIGIBILITY.—A State is eligible to receive financial assistance under this section if the State has demonstrated to the Secretary of the Interior sufficient need to implement measures to eradicate the Asian giant hornet.

“(c) COST SHARING.—

“(1) FEDERAL SHARE.—The Federal share of the costs of activities carried out under the pilot program may not exceed 75 percent of the total costs of such activities.

“(2) IN-KIND CONTRIBUTIONS.—The non-Federal share of the costs of activities carried out under the pilot program may be provided in the form of in-kind contributions of materials or services.

“(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 5 percent of financial assistance provided by the Secretary of the Interior under this section may be used for administrative expenses.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out the pilot program \$4,000,000 for each of fiscal years 2021 through 2025.

“(f) DEFINITIONS.—In this section:

“(1) ASIAN GIANT HORNET.—The term ‘Asian giant hornet’ means a *Vespa mandarinia*.

“(2) STATE.—The term ‘State’ means each of the several States, the District of Columbia, and the territories and insular possessions of the United States.

“(g) SUNSET.—The authority under this section shall terminate on the date that is 5 years after the date of enactment of this Act [Dec. 27, 2020].”

FISH AND WILDLIFE SERVICE ASIAN CARP ERADICATION PROGRAM

Pub. L. 116-260, div. AA, title V, §509(b), Dec. 27, 2020, 134 Stat. 2752, provided that:

“(1) ESTABLISHMENT.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall establish a program to provide financial assistance to States to implement measures, including for management, research, and public education activities, necessary to eradicate the Asian carp.

“(2) ELIGIBILITY.—A State is eligible to receive financial assistance under this subsection if such State has demonstrated to the Secretary of the Interior sufficient need to implement measures to eradicate the Asian carp.

“(3) PRIORITY.—In providing financial assistance under the program, the Secretary of the Interior shall give priority to States in the Cumberland River Watershed or the Tennessee River Watershed in which Asian carp populations are expanding or have been documented.

“(4) COST SHARING.—

“(A) FEDERAL SHARE.—The Federal share of the costs of activities carried out under the program may not exceed 80 percent of the total costs of such activities.

“(B) IN-KIND CONTRIBUTIONS.—The non-Federal share of the costs of activities carried out under the program may be provided in the form of in-kind contributions of materials or services.

“(5) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 5 percent of financial assistance provided by the Secretary of the Interior under this subsection may be used for administrative expenses.

“(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this subsection \$4,000,000 for each of fiscal years 2021 through 2025.”

INVASIVE SPECIES IN NONCONTIGUOUS STATES AND TERRITORIES PILOT PROGRAM

Pub. L. 116-260, div. AA, title V, §510, Dec. 27, 2020, 134 Stat. 2752, provided that:

“(a) ESTABLISHMENT.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall establish a pilot program to carry out measures necessary to prevent, control, or eradicate invasive species in culturally significant forested watersheds in noncontiguous States and territories of the United States in which the Corps of Engineers is carrying out flood risk management projects.

“(b) IMPLEMENTATION.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, is encouraged to carry out the measures described in subsection (a) in consultation with—

“(1) States, any territory or possession of the United States, and units of local government, including federally recognized Indian Tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)); and

“(2) nonprofit organizations with knowledge of, and experience in, forested watershed management, including nonprofit organizations with a primary purpose of serving and partnering with indigenous communities.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the pilot program under subsection (a) \$25,000,000 for the period of fiscal years 2022 through 2024.”

PRIZE COMPETITIONS

Pub. L. 116-9, title VII, §7001(d), Mar. 12, 2019, 133 Stat. 788, as amended by Pub. L. 116-188, title I, §101(a), Oct. 30, 2020, 134 Stat. 906, provided that:

“(1) DEFINITIONS.—In this subsection:

“(A) NON-FEDERAL FUNDS.—The term ‘non-Federal funds’ means funds provided by—

“(i) a State;

“(ii) a territory of the United States;

“(iii) 1 or more units of local or tribal government;

“(iv) a private for-profit entity;

“(v) a nonprofit organization; or

“(vi) a private individual.

“(B) SECRETARY.—The term ‘Secretary’ means the Secretary [of the Interior], acting through the Director of the United States Fish and Wildlife Service.

“(C) WILDLIFE.—The term ‘wildlife’ has the meaning given the term in section 8 of the Fish and Wildlife Coordination Act (16 U.S.C. 666b).

“(2) THEODORE ROOSEVELT GENIUS PRIZE FOR PREVENTION OF WILDLIFE POACHING AND TRAFFICKING.—

“(A) DEFINITIONS.—In this paragraph:

“(i) BOARD.—The term ‘Board’ means the Prevention of Wildlife Poaching and Trafficking Technology Advisory Board established by subparagraph (C)(i).

“(ii) PRIZE COMPETITION.—The term ‘prize competition’ means the Theodore Roosevelt Genius Prize for the prevention of wildlife poaching and trafficking established under subparagraph (B).

“(B) AUTHORITY.—Not later than 180 days after the date of enactment of this Act [Mar. 12, 2019], the Secretary shall establish under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) a prize competition, to be known as the ‘Theodore Roosevelt Genius Prize for the prevention of wildlife poaching and trafficking’—

“(i) to encourage technological innovation with the potential to advance the mission of the United States Fish and Wildlife Service with respect to the prevention of wildlife poaching and trafficking; and

“(ii) to award 1 or more prizes annually for a technological advancement that prevents wildlife poaching and trafficking.

“(C) ADVISORY BOARD.—

“(i) ESTABLISHMENT.—There is established an advisory board, to be known as the ‘Prevention of Wildlife Poaching and Trafficking Technology Advisory Board’.

“(ii) COMPOSITION.—The Board shall be composed of not fewer than 9 members appointed by the Secretary, who shall provide expertise in—

“(I) wildlife trafficking and trade;

“(II) wildlife conservation and management;

“(III) biology;

“(IV) technology development;

“(V) engineering;

“(VI) economics;

“(VII) business development and management; and

“(VIII) any other discipline, as the Secretary determines to be necessary to achieve the purposes of this paragraph.

“(iii) DUTIES.—Subject to clause (iv), with respect to the prize competition, the Board shall—

“(I) select a topic;

“(II) issue a problem statement;

“(III) advise the Secretary regarding any opportunity for technological innovation to prevent wildlife poaching and trafficking; and

“(IV) advise winners of the prize competition regarding opportunities to pilot and implement winning technologies in relevant fields, including in partnership with conservation organizations, Federal or State agencies, federally recognized Indian tribes, private entities, and research institutions with expertise or interest relating to the prevention of wildlife poaching and trafficking.

“(iv) CONSULTATION.—In selecting a topic and issuing a problem statement for the prize competition under subclauses (I) and (II) of clause (iii), respectively, the Board shall consult widely with Federal and non-Federal stakeholders, including—

“(I) 1 or more Federal agencies with jurisdiction over the prevention of wildlife poaching and trafficking;

“(II) 1 or more State agencies with jurisdiction over the prevention of wildlife poaching and trafficking;

“(III) 1 or more State, regional, or local wildlife organizations, the mission of which relates to the prevention of wildlife poaching and trafficking; and

“(IV) 1 or more wildlife conservation groups, technology companies, research institutions, institutions of higher education, industry associations, or individual stakeholders with an interest in the prevention of wildlife poaching and trafficking.

“(v) REQUIREMENTS.—The Board shall comply with all requirements under paragraph (8)(A).

“(D) AGREEMENT WITH NATIONAL FISH AND WILDLIFE FOUNDATION.—

“(i) IN GENERAL.—The Secretary shall offer to enter into an agreement under which the National Fish and Wildlife Foundation shall administer the prize competition.

“(ii) REQUIREMENTS.—An agreement entered into under clause (i) shall comply with all requirements under paragraph (8)(B).

“(E) JUDGES.—

“(i) APPOINTMENT.—The Secretary shall appoint not fewer than 3 judges who shall, except as provided in clause (ii), select the 1 or more annual winners of the prize competition.

“(ii) DETERMINATION BY SECRETARY.—The judges appointed under clause (i) shall not select any annual winner of the prize competition if the Secretary makes a determination that, in any fiscal year, none of the technological advancements entered into the prize competition merits an award.

“(F) REPORT TO CONGRESS.—Not later than 60 days after the date on which a cash prize is awarded under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report on the prize competition that includes—

“(i) a statement by the Board that describes the activities carried out by the Board relating to the duties described in subparagraph (C)(iii);

“(ii) if the Secretary has entered into an agreement under subparagraph (D)(i), a statement by the National Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife Foundation relating to the duties described in paragraph (8)(B); and

“(iii) a statement by 1 or more of the judges appointed under subparagraph (E) that explains the basis on which the winner of the cash prize was selected.

“(G) TERMINATION OF AUTHORITY.—The Board and all authority provided under this paragraph shall terminate on December 31, 2023.

“(3) THEODORE ROOSEVELT GENIUS PRIZE FOR PROMOTION OF WILDLIFE CONSERVATION.—

“(A) DEFINITIONS.—In this paragraph:

“(i) BOARD.—The term ‘Board’ means the Promotion of Wildlife Conservation Technology Advisory Board established by subparagraph (C)(i).

“(ii) PRIZE COMPETITION.—The term ‘prize competition’ means the Theodore Roosevelt Genius Prize for the promotion of wildlife conservation established under subparagraph (B).

“(B) AUTHORITY.—Not later than 180 days after the date of enactment of this Act [Mar. 12, 2019], the Secretary shall establish under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) a prize competition, to be known as the ‘Theodore Roosevelt Genius Prize for the promotion of wildlife conservation’—

“(i) to encourage technological innovation with the potential to advance the mission of the United States Fish and Wildlife Service with respect to the promotion of wildlife conservation; and

“(ii) to award 1 or more prizes annually for a technological advancement that promotes wildlife conservation.

“(C) ADVISORY BOARD.—

“(i) ESTABLISHMENT.—There is established an advisory board, to be known as the ‘Promotion of Wildlife Conservation Technology Advisory Board’.

“(ii) COMPOSITION.—The Board shall be composed of not fewer than 9 members appointed by the Secretary, who shall provide expertise in—

“(I) wildlife conservation and management;

“(II) biology;

“(III) technology development;

“(IV) engineering;

- “(V) economics;
- “(VI) business development and management; and
- “(VII) any other discipline, as the Secretary determines to be necessary to achieve the purposes of this paragraph.
- “(iii) DUTIES.—Subject to clause (iv), with respect to the prize competition, the Board shall—
- “(I) select a topic;
- “(II) issue a problem statement;
- “(III) advise the Secretary regarding any opportunity for technological innovation to promote wildlife conservation; and
- “(IV) advise winners of the prize competition regarding opportunities to pilot and implement winning technologies in relevant fields, including in partnership with conservation organizations, Federal or State agencies, federally recognized Indian tribes, private entities, and research institutions with expertise or interest relating to the promotion of wildlife conservation.
- “(iv) CONSULTATION.—In selecting a topic and issuing a problem statement for the prize competition under subclauses (I) and (II) of clause (iii), respectively, the Board shall consult widely with Federal and non-Federal stakeholders, including—
- “(I) 1 or more Federal agencies with jurisdiction over the promotion of wildlife conservation;
- “(II) 1 or more State agencies with jurisdiction over the promotion of wildlife conservation;
- “(III) 1 or more State, regional, or local wildlife organizations, the mission of which relates to the promotion of wildlife conservation; and
- “(IV) 1 or more wildlife conservation groups, technology companies, research institutions, institutions of higher education, industry associations, or individual stakeholders with an interest in the promotion of wildlife conservation.
- “(v) REQUIREMENTS.—The Board shall comply with all requirements under paragraph (8)(A).
- “(D) AGREEMENT WITH NATIONAL FISH AND WILDLIFE FOUNDATION.—
- “(i) IN GENERAL.—The Secretary shall offer to enter into an agreement under which the National Fish and Wildlife Foundation shall administer the prize competition.
- “(ii) REQUIREMENTS.—An agreement entered into under clause (i) shall comply with all requirements under paragraph (8)(B).
- “(E) JUDGES.—
- “(i) APPOINTMENT.—The Secretary shall appoint not fewer than 3 judges who shall, except as provided in clause (ii), select the 1 or more annual winners of the prize competition.
- “(ii) DETERMINATION BY SECRETARY.—The judges appointed under clause (i) shall not select any annual winner of the prize competition if the Secretary makes a determination that, in any fiscal year, none of the technological advancements entered into the prize competition merits an award.
- “(F) REPORT TO CONGRESS.—Not later than 60 days after the date on which a cash prize is awarded under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report on the prize competition that includes—
- “(i) a statement by the Board that describes the activities carried out by the Board relating to the duties described in subparagraph (C)(iii);
- “(ii) if the Secretary has entered into an agreement under subparagraph (D)(i), a statement by the National Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife Foundation relating to the duties described in paragraph (8)(B); and
- “(iii) a statement by 1 or more of the judges appointed under subparagraph (E) that explains the basis on which the winner of the cash prize was selected.
- “(G) TERMINATION OF AUTHORITY.—The Board and all authority provided under this paragraph shall terminate on December 31, 2023.
- “(4) THEODORE ROOSEVELT GENIUS PRIZE FOR MANAGEMENT OF INVASIVE SPECIES.—
- “(A) DEFINITIONS.—In this paragraph:
- “(i) BOARD.—The term ‘Board’ means the Management of Invasive Species Technology Advisory Board established by subparagraph (C)(i).
- “(ii) PRIZE COMPETITION.—The term ‘prize competition’ means the Theodore Roosevelt Genius Prize for the management of invasive species established under subparagraph (B).
- “(B) AUTHORITY.—Not later than 180 days after the date of enactment of this Act [Mar. 12, 2019], the Secretary shall establish under section 24 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3719) a prize competition, to be known as the ‘Theodore Roosevelt Genius Prize for the management of invasive species’—
- “(i) to encourage technological innovation with the potential to advance the mission of the United States Fish and Wildlife Service with respect to the management of invasive species; and
- “(ii) to award 1 or more prizes annually for a technological advancement that manages invasive species.
- “(C) ADVISORY BOARD.—
- “(i) ESTABLISHMENT.—There is established an advisory board, to be known as the ‘Management of Invasive Species Technology Advisory Board’.
- “(ii) COMPOSITION.—The Board shall be composed of not fewer than 9 members appointed by the Secretary, who shall provide expertise in—
- “(I) invasive species;
- “(II) biology;
- “(III) technology development;
- “(IV) engineering;
- “(V) economics;
- “(VI) business development and management; and
- “(VII) any other discipline, as the Secretary determines to be necessary to achieve the purposes of this paragraph.
- “(iii) DUTIES.—Subject to clause (iv), with respect to the prize competition, the Board shall—
- “(I) select a topic;
- “(II) issue a problem statement;
- “(III) advise the Secretary regarding any opportunity for technological innovation to manage invasive species; and
- “(IV) advise winners of the prize competition regarding opportunities to pilot and implement winning technologies in relevant fields, including in partnership with conservation organizations, Federal or State agencies, federally recognized Indian tribes, private entities, and research institutions with expertise or interest relating to the management of invasive species.
- “(iv) CONSULTATION.—In selecting a topic and issuing a problem statement for the prize competition under subclauses (I) and (II) of clause (iii), respectively, the Board shall consult widely with Federal and non-Federal stakeholders, including—
- “(I) 1 or more Federal agencies with jurisdiction over the management of invasive species;
- “(II) 1 or more State agencies with jurisdiction over the management of invasive species;
- “(III) 1 or more State, regional, or local wildlife organizations, the mission of which relates to the management of invasive species; and
- “(IV) 1 or more wildlife conservation groups, technology companies, research institutions, institutions of higher education, industry associations, or individual stakeholders with an interest in the management of invasive species.
- “(v) REQUIREMENTS.—The Board shall comply with all requirements under paragraph (8)(A).
- “(D) AGREEMENT WITH NATIONAL FISH AND WILDLIFE FOUNDATION.—

“(i) IN GENERAL.—The Secretary shall offer to enter into an agreement under which the National Fish and Wildlife Foundation shall administer the prize competition.

“(ii) REQUIREMENTS.—An agreement entered into under clause (i) shall comply with all requirements under paragraph (8)(B).

“(E) JUDGES.—

“(i) APPOINTMENT.—The Secretary shall appoint not fewer than 3 judges who shall, except as provided in clause (ii), select the 1 or more annual winners of the prize competition.

“(ii) DETERMINATION BY SECRETARY.—The judges appointed under clause (i) shall not select any annual winner of the prize competition if the Secretary makes a determination that, in any fiscal year, none of the technological advancements entered into the prize competition merits an award.

“(F) REPORT TO CONGRESS.—Not later than 60 days after the date on which a cash prize is awarded under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report on the prize competition that includes—

“(i) a statement by the Board that describes the activities carried out by the Board relating to the duties described in subparagraph (C)(iii);

“(ii) if the Secretary has entered into an agreement under subparagraph (D)(i), a statement by the National Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife Foundation relating to the duties described in paragraph (8)(B); and

“(iii) a statement by 1 or more of the judges appointed under subparagraph (E) that explains the basis on which the winner of the cash prize was selected.

“(G) TERMINATION OF AUTHORITY.—The Board and all authority provided under this paragraph shall terminate on December 31, 2023.

“(5) THEODORE ROOSEVELT GENIUS PRIZE FOR PROTECTION OF ENDANGERED SPECIES.—

“(A) DEFINITIONS.—In this paragraph:

“(i) BOARD.—The term ‘Board’ means the Protection of Endangered Species Technology Advisory Board established by subparagraph (C)(i).

“(ii) PRIZE COMPETITION.—The term ‘prize competition’ means the Theodore Roosevelt Genius Prize for the protection of endangered species established under subparagraph (B).

“(B) AUTHORITY.—Not later than 180 days after the date of enactment of this Act [Mar. 12, 2019], the Secretary shall establish under section 24 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3719) a prize competition, to be known as the ‘Theodore Roosevelt Genius Prize for the protection of endangered species’—

“(i) to encourage technological innovation with the potential to advance the mission of the United States Fish and Wildlife Service with respect to the protection of endangered species; and

“(ii) to award 1 or more prizes annually for a technological advancement that protects endangered species.

“(C) ADVISORY BOARD.—

“(i) ESTABLISHMENT.—There is established an advisory board, to be known as the ‘Protection of Endangered Species Technology Advisory Board’.

“(ii) COMPOSITION.—The Board shall be composed of not fewer than 9 members appointed by the Secretary, who shall provide expertise in—

“(I) endangered species;

“(II) biology;

“(III) technology development;

“(IV) engineering;

“(V) economics;

“(VI) business development and management; and

“(VII) any other discipline, as the Secretary determines to be necessary to achieve the purposes of this paragraph.

“(iii) DUTIES.—Subject to clause (iv), with respect to the prize competition, the Board shall—

“(I) select a topic;

“(II) issue a problem statement;

“(III) advise the Secretary regarding any opportunity for technological innovation to protect endangered species; and

“(IV) advise winners of the prize competition regarding opportunities to pilot and implement winning technologies in relevant fields, including in partnership with conservation organizations, Federal or State agencies, federally recognized Indian tribes, private entities, and research institutions with expertise or interest relating to the protection of endangered species.

“(iv) CONSULTATION.—In selecting a topic and issuing a problem statement for the prize competition under subclauses (I) and (II) of clause (iii), respectively, the Board shall consult widely with Federal and non-Federal stakeholders, including—

“(I) 1 or more Federal agencies with jurisdiction over the protection of endangered species;

“(II) 1 or more State agencies with jurisdiction over the protection of endangered species;

“(III) 1 or more State, regional, or local wildlife organizations, the mission of which relates to the protection of endangered species; and

“(IV) 1 or more wildlife conservation groups, technology companies, research institutions, institutions of higher education, industry associations, or individual stakeholders with an interest in the protection of endangered species.

“(v) REQUIREMENTS.—The Board shall comply with all requirements under paragraph (8)(A).

“(D) AGREEMENT WITH NATIONAL FISH AND WILDLIFE FOUNDATION.—

“(i) IN GENERAL.—The Secretary shall offer to enter into an agreement under which the National Fish and Wildlife Foundation shall administer the prize competition.

“(ii) REQUIREMENTS.—An agreement entered into under clause (i) shall comply with all requirements under paragraph (8)(B).

“(E) JUDGES.—

“(i) APPOINTMENT.—The Secretary shall appoint not fewer than 3 judges who shall, except as provided in clause (ii), select the 1 or more annual winners of the prize competition.

“(ii) DETERMINATION BY SECRETARY.—The judges appointed under clause (i) shall not select any annual winner of the prize competition if the Secretary makes a determination that, in any fiscal year, none of the technological advancements entered into the prize competition merits an award.

“(F) REPORT TO CONGRESS.—Not later than 60 days after the date on which a cash prize is awarded under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report on the prize competition that includes—

“(i) a statement by the Board that describes the activities carried out by the Board relating to the duties described in subparagraph (C)(iii);

“(ii) if the Secretary has entered into an agreement under subparagraph (D)(i), a statement by the National Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife Foundation relating to the duties described in paragraph (8)(B); and

“(iii) a statement by 1 or more of the judges appointed under subparagraph (E) that explains the basis on which the winner of the cash prize was selected.

“(G) TERMINATION OF AUTHORITY.—The Board and all authority provided under this paragraph shall terminate on December 31, 2023.

“(6) THEODORE ROOSEVELT GENIUS PRIZE FOR NON-LETHAL MANAGEMENT OF HUMAN-WILDLIFE CONFLICTS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) BOARD.—The term ‘Board’ means the Nonlethal Management of Human-Wildlife Conflicts Technology Advisory Board established by subparagraph (C)(i).

“(ii) PRIZE COMPETITION.—The term ‘prize competition’ means the Theodore Roosevelt Genius Prize for the nonlethal management of human-wildlife conflicts established under subparagraph (B).

“(B) AUTHORITY.—Not later than 180 days after the date of enactment of this Act [Mar. 12, 2019], the Secretary shall establish under section 24 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3719) a prize competition, to be known as the ‘Theodore Roosevelt Genius Prize for the nonlethal management of human-wildlife conflicts’—

“(i) to encourage technological innovation with the potential to advance the mission of the United States Fish and Wildlife Service with respect to the nonlethal management of human-wildlife conflicts; and

“(ii) to award 1 or more prizes annually for a technological advancement that promotes the nonlethal management of human-wildlife conflicts.

“(C) ADVISORY BOARD.—

“(i) ESTABLISHMENT.—There is established an advisory board, to be known as the ‘Nonlethal Management of Human-Wildlife Conflicts Technology Advisory Board’.

“(ii) COMPOSITION.—The Board shall be composed of not fewer than 9 members appointed by the Secretary, who shall provide expertise in—

“(I) nonlethal wildlife management;

“(II) social aspects of human-wildlife conflict management;

“(III) biology;

“(IV) technology development;

“(V) engineering;

“(VI) economics;

“(VII) business development and management; and

“(VIII) any other discipline, as the Secretary determines to be necessary to achieve the purposes of this paragraph.

“(iii) DUTIES.—Subject to clause (iv), with respect to the prize competition, the Board shall—

“(I) select a topic;

“(II) issue a problem statement;

“(III) advise the Secretary regarding any opportunity for technological innovation to promote the nonlethal management of human-wildlife conflicts; and

“(IV) advise winners of the prize competition regarding opportunities to pilot and implement winning technologies in relevant fields, including in partnership with conservation organizations, Federal or State agencies, federally recognized Indian tribes, private entities, and research institutions with expertise or interest relating to the nonlethal management of human-wildlife conflicts.

“(iv) CONSULTATION.—In selecting a topic and issuing a problem statement for the prize competition under subclauses (I) and (II) of clause (iii), respectively, the Board shall consult widely with Federal and non-Federal stakeholders, including—

“(I) 1 or more Federal agencies with jurisdiction over the management of native wildlife species at risk due to conflict with human activities;

“(II) 1 or more State agencies with jurisdiction over the management of native wildlife species at risk due to conflict with human activities;

“(III) 1 or more State, regional, or local wildlife organizations, the mission of which relates to the management of native wildlife species at risk due to conflict with human activities; and

“(IV) 1 or more wildlife conservation groups, technology companies, research institutions, institutions of higher education, industry associations, or individual stakeholders with an interest in the management of native wildlife species at risk due to conflict with human activities.

“(v) REQUIREMENTS.—The Board shall comply with all requirements under paragraph (8)(A).

“(D) AGREEMENT WITH NATIONAL FISH AND WILDLIFE FOUNDATION.—

“(i) IN GENERAL.—The Secretary shall offer to enter into an agreement under which the National Fish and Wildlife Foundation shall administer the prize competition.

“(ii) REQUIREMENTS.—An agreement entered into under clause (i) shall comply with all requirements under paragraph (8)(B).

“(E) JUDGES.—

“(i) APPOINTMENT.—The Secretary shall appoint not fewer than 3 judges who shall, except as provided in clause (ii), select the 1 or more annual winners of the prize competition.

“(ii) DETERMINATION BY SECRETARY.—The judges appointed under clause (i) shall not select any annual winner of the prize competition if the Secretary makes a determination that, in any fiscal year, none of the technological advancements entered into the prize competition merits an award.

“(F) REPORT TO CONGRESS.—Not later than 60 days after the date on which a cash prize is awarded under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report on the prize competition that includes—

“(i) a statement by the Board that describes the activities carried out by the Board relating to the duties described in subparagraph (C)(iii);

“(ii) if the Secretary has entered into an agreement under subparagraph (D)(i), a statement by the National Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife Foundation relating to the duties described in paragraph (8)(B); and

“(iii) a statement by 1 or more of the judges appointed under subparagraph (E) that explains the basis on which the winner of the cash prize was selected.

“(G) TERMINATION OF AUTHORITY.—The Board and all authority provided under this paragraph shall terminate on December 31, 2023.

“(7) THEODORE ROOSEVELT GENIUS PRIZE FOR REDUCING HUMAN-PREDATOR CONFLICT.—

“(A) DEFINITIONS.—In this paragraph:

“(i) BOARD.—The term ‘Board’ means the Reducing Human-Predator Conflict Technology Advisory Board established by subparagraph (C)(i).

“(ii) PRIZE COMPETITION.—The term ‘prize competition’ means the Theodore Roosevelt Genius Prize for reducing human-predator conflict established under subparagraph (B).

“(B) AUTHORITY.—Not later than 180 days after the date of enactment of the America’s Conservation Enhancement Act [Oct. 30, 2020], the Secretary shall establish under section 24 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3719) a prize competition, to be known as the ‘Theodore Roosevelt Genius Prize for reducing human-predator conflict’—

“(i) to encourage technological innovation with the potential to advance the mission of the United States Fish and Wildlife Service with respect to reducing the frequency of human-predator conflict using nonlethal means; and

“(ii) to award 1 or more prizes annually for a technological advancement that promotes reducing human-predator conflict using nonlethal means, which may include the application and monitoring of tagging technologies.

“(C) ADVISORY BOARD.—

“(i) ESTABLISHMENT.—There is established an advisory board, to be known as the ‘Reducing Human-Predator Conflict Technology Advisory Board’.

“(ii) COMPOSITION.—The Board shall be composed of not fewer than 9 members appointed by the Secretary, who shall provide expertise in—

“(I) predator-human interactions;
 “(II) the habitats of large predators;
 “(III) biology;
 “(IV) technology development;
 “(V) engineering;
 “(VI) economics;
 “(VII) business development and management;
 and
 “(VIII) any other discipline, as the Secretary determines to be necessary to achieve the purposes of this paragraph.
 “(iii) DUTIES.—Subject to clause (iv), with respect to the prize competition, the Board shall—
 “(I) select a topic;
 “(II) issue a problem statement;
 “(III) advise the Secretary regarding any opportunity for technological innovation to reduce human-predator conflict using nonlethal means; and
 “(IV) advise winners of the prize competition regarding opportunities to pilot and implement winning technologies in relevant fields, including in partnership with conservation organizations, Federal or State agencies, federally recognized Indian Tribes, private entities, and research institutions with expertise or interest relating to reducing human-predator conflict using nonlethal means.
 “(iv) CONSULTATION.—In selecting a topic and issuing a problem statement for the prize competition under subclauses (I) and (II) of clause (iii), respectively, the Board shall consult widely with Federal and non-Federal stakeholders, including—
 “(I) 1 or more Federal agencies with jurisdiction over the management of native wildlife species at risk due to conflict with human activities;
 “(II) 1 or more State agencies with jurisdiction over the management of native wildlife species at risk due to conflict with human activities;
 “(III) 1 or more State, regional, or local wildlife organizations, the mission of which relates to the management of native wildlife species at risk due to conflict with human activities; and
 “(IV) 1 or more wildlife conservation groups, technology companies, research institutions, institutions of higher education, industry associations, or individual stakeholders with an interest in the management of native wildlife species at risk due to conflict with human activities.
 “(v) REQUIREMENTS.—The Board shall comply with all requirements under paragraph (8)(A).
 “(D) AGREEMENT WITH NATIONAL FISH AND WILDLIFE FOUNDATION.—
 “(i) IN GENERAL.—The Secretary shall offer to enter into an agreement under which the National Fish and Wildlife Foundation shall administer the prize competition.
 “(ii) REQUIREMENTS.—An agreement entered into under clause (i) shall comply with all requirements under paragraph (8)(B).
 “(E) JUDGES.—
 “(i) APPOINTMENT.—The Secretary shall appoint not fewer than 3 judges who shall, except as provided in clause (ii), select the 1 or more annual winners of the prize competition.
 “(ii) DETERMINATION BY SECRETARY.—THE JUDGES APPOINTED UNDER CLAUSE (I) SHALL NOT SELECT ANY ANNUAL WINNER OF THE PRIZE COMPETITION IF THE SECRETARY MAKES A DETERMINATION THAT, IN ANY FISCAL YEAR, NONE OF THE TECHNOLOGICAL ADVANCEMENTS ENTERED INTO THE PRIZE COMPETITION MERITS AN AWARD.
 “(F) CONSULTATION WITH NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The Secretary shall consult with the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, in the case of a cash prize awarded under the prize competition for a technology that addresses conflict between humans and marine predators under the jurisdiction of the Secretary of

Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

“(G) REPORT TO CONGRESS.—Not later than 60 days after the date on which a cash prize is awarded under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report on the prize competition that includes—

“(i) a statement by the Board that describes the activities carried out by the Board relating to the duties described in subparagraph (C)(iii);

“(ii) if the Secretary has entered into an agreement under subparagraph (D)(i), a statement by the National Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife Foundation relating to the duties described in paragraph (8)(B); and

“(iii) a statement by 1 or more of the judges appointed under subparagraph (E) that explains the basis on which the winner of the cash prize was selected.

“(H) TERMINATION OF AUTHORITY.—The Board and all authority provided under this paragraph shall terminate on December 31, 2023.

“(8) ADMINISTRATION OF PRIZE COMPETITIONS.—

“(A) ADDITIONAL REQUIREMENTS FOR ADVISORY BOARDS.—An advisory board established under paragraph (2)(C)(i), (3)(C)(i), (4)(C)(i), (5)(C)(i), (6)(C)(i), or (7)(C)(i) (referred to in this paragraph as a ‘Board’) shall comply with the following requirements:

“(i) TERM; VACANCIES.—

“(I) TERM.—A member of the Board shall serve for a term of 5 years.

“(II) VACANCIES.—A vacancy on the Board—

“(aa) shall not affect the powers of the Board; and

“(bb) shall be filled in the same manner as the original appointment was made.

“(ii) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold the initial meeting of the Board.

“(iii) MEETINGS.—

“(I) IN GENERAL.—The Board shall meet at the call of the Chairperson.

“(II) REMOTE PARTICIPATION.—

“(aa) IN GENERAL.—Any member of the Board may participate in a meeting of the Board through the use of—

“(AA) teleconferencing; or

“(BB) any other remote business telecommunications method that allows each participating member to simultaneously hear each other participating member during the meeting.

“(bb) PRESENCE.—A member of the Board who participates in a meeting remotely under item (aa) shall be considered to be present at the meeting.

“(iv) QUORUM.—A majority of the members of the Board shall constitute a quorum, but a lesser number of members may hold a meeting.

“(v) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall select a Chairperson and Vice Chairperson from among the members of the Board.

“(vi) ADMINISTRATIVE COST REDUCTION.—The Board shall, to the maximum extent practicable, minimize the administrative costs of the Board, including by encouraging the remote participation described in clause (iii)(II)(aa) to reduce travel costs.

“(B) AGREEMENTS WITH NATIONAL FISH AND WILDLIFE FOUNDATION.—Any agreement entered into under paragraph (2)(D)(i), (3)(D)(i), (4)(D)(i), (5)(D)(i), (6)(D)(i), or (7)(D)(i) shall comply with the following requirements:

“(i) DUTIES.—An agreement shall provide that the National Fish and Wildlife Foundation shall—

“(I) advertise the prize competition;

- “(II) solicit prize competition participants;
- “(III) administer funds relating to the prize competition;
- “(IV) receive Federal funds—
- “(aa) to administer the prize competition; and
- “(bb) to award a cash prize;
- “(V) carry out activities to generate contributions of non-Federal funds to offset, in whole or in part—
- “(aa) the administrative costs of the prize competition; and
- “(bb) the costs of a cash prize;
- “(VI) in consultation with, and subject to final approval by, the Secretary, develop criteria for the selection of prize competition winners;
- “(VII) provide advice and consultation to the Secretary on the selection of judges under paragraphs (2)(E), (3)(E), (4)(E), (5)(E), (6)(E), and (7)(E) based on criteria developed in consultation with, and subject to the final approval of, the Secretary;
- “(VIII) announce 1 or more annual winners of the prize competition;
- “(IX) subject to clause (ii), award 1 cash prize annually; and
- “(X) protect against unauthorized use or disclosure by the National Fish and Wildlife Foundation of any trade secret or confidential business information of a prize competition participant.
- “(i) **ADDITIONAL CASH PRIZES.**—An agreement shall provide that the National Fish and Wildlife Foundation may award more than 1 cash prize annually if the initial cash prize referred to in clause (i)(IX) and any additional cash prize are awarded using only non-Federal funds.
- “(ii) **SOLICITATION OF FUNDS.**—An agreement shall provide that the National Fish and Wildlife Foundation—
- “(I) may request and accept Federal funds and non-Federal funds for a cash prize;
- “(II) may accept a contribution for a cash prize in exchange for the right to name the prize; and
- “(III) shall not give special consideration to any Federal agency or non-Federal entity in exchange for a donation for a cash prize awarded under this subsection.
- “(C) **AWARD AMOUNTS.**—
- “(i) **IN GENERAL.**—The amount of the initial cash prize referred to in subparagraph (B)(i)(IX) shall be \$100,000.
- “(ii) **ADDITIONAL CASH PRIZES.**—On notification by the National Fish and Wildlife Foundation that non-Federal funds are available for an additional cash prize, the Secretary shall determine the amount of the additional cash prize.”

FEEES FOR TRAINING BY NATIONAL CONSERVATION TRAINING CENTER

Pub. L. 104-208, div. A, title I, §101(d) [title I], Sept. 30, 1996, 110 Stat. 3009-181, 3009-185, as amended by Pub. L. 105-83, title I, Nov. 14, 1997, 111 Stat. 1547, provided in part: “That hereafter, pursuant to 31 U.S.C. 9701, the Secretary shall charge reasonable fees for the full costs of providing training by the National Conservation Training Center, to be credited to this account, notwithstanding 31 U.S.C. 3302, for the full costs of providing such training, to remain available until expended.”

Executive Documents

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior 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 the Interior Department and Office of Director of such Bureau; transfers of functions, includ-

ing functions formerly vested by law in Secretary of the Interior or the Interior Department 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.

§ 742b-1. Assistant Director for Wildlife and Sport Fish Restoration Programs

(a) Establishment

There is established in the United States Fish and Wildlife Service of the Department of the Interior the position of Assistant Director for Wildlife and Sport Fish Restoration Programs.

(b) Superior

The Assistant Director for Wildlife and Sport Fish Restoration Programs shall report directly to the Director of the United States Fish and Wildlife Service.

(c) Responsibilities

The Assistant Director for Wildlife and Sport Fish Restoration Programs shall be responsible for the administration, management, and oversight of the Federal Assistance Program for State Wildlife and Sport Fish Restoration under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.).

(Pub. L. 106-408, title I, §132, Nov. 1, 2000, 114 Stat. 1775.)

Editorial Notes

REFERENCES IN TEXT

The Pittman-Robertson Wildlife Restoration Act, referred to in subsec. (c), is act Sept. 2, 1937, ch. 899, 50 Stat. 917, also known as the Federal Aid in Wildlife Restoration Act, which is classified generally to chapter 5B (§669 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 669 of this title and Tables.

The Dingell-Johnson Sport Fish Restoration Act, referred to in subsec. (c), is act Aug. 9, 1950, ch. 658, 64 Stat. 430, also known as the Federal Aid in Fish Restoration Act and the Fish Restoration and Management Projects Act, which is classified generally to chapter 10B (§777 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 777 of this title and Tables.

§ 742c. Loans for financing or refinancing of cost of purchasing, constructing, equipping, maintaining, repairing, or operating commercial fishing vessels or gear

(a) Authorization

The Secretary of the Interior is authorized, under such rules and regulations and under such terms and conditions as he may prescribe, to make loans for financing or refinancing of the cost of purchasing, constructing, equipping, maintaining, repairing, or operating new or used commercial fishing vessels or gear.

(b) Conditions

Any loans made under the provisions of this section shall be subject to the following restrictions: