

Digest of Federal Resource Laws of Interest to the U.S. Fish and Wildlife Service

Fish and Wildlife Act of 1956

Fish and Wildlife Act of 1956 ([16 U.S.C. 742a-742j](#), not including 742 d-1; 70 Stat. 1119), as amended -- The Act of August 8, 1956, as frequently amended, establishes a comprehensive national fish, shellfish, and wildlife resources policy with emphasis on the commercial fishing industry but also with a direction to administer the Act with regard to the inherent right of every citizen and resident to fish for pleasure, enjoyment, and betterment and to maintain and increase public opportunities for recreational use of fish and wildlife resources.

Among other things, it directs a program of continuing research, extension, and information services on fish and wildlife matters, both domestically and internationally.

Section 7(a) of the Act ([16 U.S.C. 742f](#); 70 Stat. 1122) requires the Secretary of the Interior to: 1) develop measures for "maximum sustainable production of fish"; 2) make economic studies of the industry and recommend measures to insure stability of the domestic fisheries; 3) undertake promotional and information activities to stimulate consumption of fishery products; 4) take steps "required for the development, advancement, management, conservation, and protection of the fisheries resources," and take steps "required for the development, management, advancement, conservation, and protection of fish and wildlife resources" through research, acquisition of land and water or interests therein, development of existing facilities, and other means. (Note: subsection 5 was amended and combined into subsection 4 by P.L. 95-616, November 8, 1978.)

Section 7(a)(1) of the Land and Water Conservation Fund Act of 1965 as amended September 28, 1976, by P.L. 94-422 ([16 USC 4601-9](#); 90 Stat. 1318) provides authority to use LWCF money for acquisition of refuge areas under paragraph (5) of section 7(a) of the 1956 Act.

The 1956 Act confirmed the position of Commissioner of Fish and Wildlife and a United States Fish and Wildlife Service in the Department of the Interior, and established a Bureau of Sport Fisheries and Wildlife and a Bureau of Commercial Fisheries.

The Act of February 9, 1871 (16 Stat. 593) created an independent Commissioner of Fish and Fisheries to investigate the decline in food fish and to stock such fish. Functions reconstituted in a Bureau of Fisheries, Department of Commerce, by Act of February 14, 1903 (32 Stat. 825).

The Act of March 3, 1885 (23 Stat. 353) provides first reference to an Entomology Division in the Department of Agriculture for investigations related to the interrelationships of birds and agriculture. Functions increased and name changed, June 30, 1886 (24 Stat. 100) and April 25, 1896 (28 Stat. 99), first to Division of Ornithology and Mammalogy and then to Division of Biological Survey.

Reorganization Plan No. II, July 1, 1939 (53 Stat. 1433), transferred Bureau of Biological Survey and Bureau of Fisheries to the Department of the Interior. Reorganization Plan No. III, June 30, 1940 (54 Stat. 1232) consolidated the two bureaus into a Fish and Wildlife Service in the Department of the Interior under a Commissioner of Fish and Wildlife.

Reorganization Plan No. IV, October 3, 1970 (84 Stat. 2090), abolished the Bureau of Commercial Fisheries and transferred functions related to commercial fisheries and marine sport fisheries, except Great Lakes fishery research and certain other fishery related activities, to the Department of Commerce, National Oceanic and Atmospheric Administration.

Public Law 92-159, approved November 18, 1971 (85 Stat. 480) and subsequently amended by Public Law 92-502, approved October 28, 1972 (86 Stat. 905) added to the 1956 Act a new section 13 ([16 U.S.C. 742j-1](#)), which is commonly referred to as the Airborne Hunting Act or Shooting from Aircraft Act. (See entry for Airborne Hunting Act.)

Effective July 1, 1974, the Bureau of Sport Fisheries and Wildlife and the position of Commissioner were abolished by Public Law 93-271, approved April 22, 1974 (88 Stat. 92). This amendment to the 1956 Act vested responsibilities of the Bureau in a redesignated United States Fish and Wildlife Service to be administered by a Director under the supervision of an Assistant Secretary of the Interior for Fish and Wildlife. This amendment also specified qualifications of the Director of the Service and established method of appointment.

Public Law 95-616 (92 Stat. 3110) amended the 1956 law to allow the Service to accept donations of both real and personal property. It also facilitates the use of volunteers for Service projects and authorized appropriations to carry out a volunteer program.

Public Law 98-498 (98 Stat. 2310; [16 U.S.C. 742c](#)), approved October 19, 1984, extended until December 1, 1986, the authority and authorization of appropriations for the volunteer programs under the Act. It also requires fishing vessels to be reconstructed or reconditioned in the United States in order to receive funds.

Public Law 105-242 (112 Stat. 1575), approved October 5, 1998, amended the Fish and Wildlife Act of 1956 to promote volunteer programs and community partnerships for the benefit of national wildlife refuges. This new law enables the Service to implement pilot projects using up to 20 volunteer coordinators who will recruit, train and supervise volunteers in each FWS region; authorizes establishment of a Senior Volunteer Corps focusing on people over the age of 50 and provides authority for project leaders to organize and collaborate with partner organizations and allows that gifts or bequests made to a particular refuge may be spent by that refuge. The new law also requires the Secretary of the Interior to develop refuge education programs to provide outdoor classroom opportunities for students to promote understanding of the National Wildlife Refuge System and to improve scientific literacy in conjunction with both formal and informal education programs.