

§ 715k-5. Advance to migratory bird conservation fund; repayments; acquisition of lands

Funds appropriated pursuant to sections 715k-3 to 715k-5 of this title shall be treated as an advance, without interest, to the migratory bird conservation fund. Such appropriated funds, beginning on October 1, 1984, shall be repaid to the Treasury out of the migratory bird conservation fund, such repayment shall be made in annual amounts comprising 75 per centum of the moneys accruing annually to such fund. In the event the full amount authorized by section 715k-3 of this title is appropriated before October 1, 1984, the repayment of such funds pursuant to this section shall begin with the next full fiscal year. No land shall be acquired with moneys from the migratory bird conservation fund unless the acquisition thereof has been approved by the Governor of the State or appropriate State agency.

(As amended Pub. L. 98-200, § 2, Dec. 2, 1983, 97 Stat. 1378.)

AMENDMENTS

1983—Pub. L. 98-200 substituted "October 1, 1984" for "October 1, 1983" in two places.

CHAPTER 9—FISH AND WILDLIFE SERVICE

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

[See main edition for text of (a)]

(b) Conditions

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

[See main edition for text of (1) to (7)]

(8) Within the meaning of this section, a corporation, partnership, or association shall not be deemed to be a citizen of the United States unless the Secretary determines that it satisfactorily meets all of the requirements set forth in section 802 of title 46, Appendix, for determining the United States citizenship of a corporation, partnership, or association operating a vessel in the coastwise trade.

[See main edition for text of (9)]

(c) Fisheries loan fund; interest payments on appropriations available as capital to the fund less average undispersed cash balance

There is created a fisheries loan fund, which shall be used by the Secretary as a revolving fund to make loans for financing and refinancing under this section. Any funds received by the Secretary on or before September 30, 1984, in payment of principal or interest on any loans so made shall be deposited in the fund and be available for making additional loans under this section. Any funds received in the fisheries loan fund after September 30, 1984, and any balance remaining therein at the close of September 30, 1984 (at which time the fund shall cease to exist), shall be covered into the Treasury as miscellaneous receipts. There is authorized to

be appropriated to the fisheries loan fund the sum of \$20,000,000 to provide initial capital.

[See main edition for text of (d) and (e)]

(As amended July 12, 1983, Pub. L. 98-44, title I, § 103(a)(1), 97 Stat. 216.)

CODIFICATION

Subsec. (b)(8) is set out in this supplement to reflect the transfer of section 802 of title 46, referred to in text, to title 46, Appendix.

AMENDMENTS

1983—Subsec. (c), Pub. L. 98-44 substituted "September 30, 1984" for "September 30, 1983" in three places.

LOANS UNDER FISH AND WILDLIFE ACT OF 1956

Pub. L. 96-561, title II, § 221, Dec. 22, 1980, 94 Stat. 3295, as amended by Pub. L. 98-44, title I, § 103(b), July 12, 1983, 97 Stat. 216, provided that:

"(a) LOAN AUTHORITY UNTIL OCTOBER 1, 1982 [1984].—During the period beginning on the date of the enactment of this title [Dec. 22, 1980] and ending at the close of September 30, 1984, the Secretary of Commerce (hereinafter in this section referred to as the 'Secretary') may make loans from the fisheries loan fund established under subsection (c) of section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c) only for the purposes set forth in subsections (b) and (c) of this section. Except to the extent that they are inconsistent with, or contrary to, this section, the provisions of such section 4 shall apply with respect to loans made for such purposes.

"(b) LOANS TO AVOID DEFAULT ON OBLIGATIONS COVERING FISHING VESSELS.—

[See main edition for text of (1)]

"(2)(A) Within the 30-day period beginning on the date of the enactment of this title [Dec. 22, 1980] in the case of fiscal year 1981, and before the beginning of each of fiscal years 1982, 1983, and 1984, the Secretary shall estimate the number, and the aggregate amount, of loans described in paragraph (1)(A) for which application will likely be made during each of such fiscal years and shall reserve that amount in the fisheries loan fund for the purpose of making such loans during such year (or if such amount is larger than the fund balance, the Secretary shall reserve the whole fund for such purpose).

[See main edition for text of (B)]

"(C) At an appropriate time during each of fiscal years 1981, 1982, 1983, and 1984, the Secretary shall compare the actual loan experience during that year with the estimate made for that year under subparagraph (A) and if the Secretary determines, on the basis of such comparison, that the demand for loans described in paragraph (1)(A) will be less than estimated, the Secretary shall, for the fiscal year concerned, apply moneys reserved for such loans for the purpose of making loans described in paragraph (1)(B) and, to the extent not utilized for loans described in paragraph (1)(B), for the purpose of making loans under subsection (c).

[See main edition for text of (3)]

"(c) LOANS TO COVER OPERATING LOSSES.—(1) If the Secretary determines that moneys will be available in such fisheries loan fund for any of fiscal years 1981, 1982, 1983, and 1984, after loans under subsection (b) are provided for for that year, the Secretary may make loans for the purpose of assisting owners and operators of fishing vessels to cover vessel operating expenses in cases where an owner or operator incurs, or may incur, a net operating loss within such fiscal year.

[See main edition for text of (2)]

§ 742f. Powers of Secretaries of the Interior and Commerce

[See main edition for text of (a) and (b)]

(c) Volunteer services; incidental expenses; Federal employee status; authorization of appropriations

[See main edition for text of (1) to (5)]

(6) There are authorized to be appropriated to carry out this subsection \$100,000 for the Secretary of the Interior and \$50,000 for the Secretary of Commerce for each of the fiscal years 1980, 1981, 1982, 1983, and 1984.

(As amended July 12, 1983, Pub. L. 98-44, title I, § 103(a)(2), 97 Stat. 216.)

AMENDMENTS

1983—Subsec. (c)(6). Pub. L. 98-44 substituted “, 1983, and 1984” for “and 1983”.

CHAPTER 9A—PRESERVATION OF FISHERY RESOURCES

§ 757a. Anadromous, Great Lakes, and Lake Champlain fisheries

[See main edition for text of (a) and (b)]

(c) Increase of Federal share

[See main edition for text of (1)]

(2) In the case of any State that has implemented an interstate fisheries management plan for anadromous fishery resources, prepared by an interstate commission, the Federal share of any grant made under this section to carry out activities required by such plan shall be up to 90 percent. For purposes of this paragraph, the term “interstate commission” means—

(A) the commission established by the Atlantic States Marine Fisheries Compact (as consented to and approved by Public Law 80-77¹, approved May 4, 1942 (56 Stat. 267);

(B) the commission established by the Pacific Marine Fisheries Compact (as consented to and approved by Public Law 80-232), approved July 24, 1947 (16 Stat. 419); and

(C) the commission established by the Gulf States Marine Fisheries Compact (as consented to and approved by Public Law 81-66), approved May 19, 1949 (63 Stat. 70).

(As amended Pub. L. 98-44, title I, § 104, July 12, 1983, 97 Stat. 216.)

REFERENCES IN TEXT

Public Law 80-77, May 4, 1942, 56 Stat. 267, referred to in subsec. (c)(2)(A), probably means act May 4, 1942, ch. 283 [Public Law 539, 77th Cong.], 56 Stat. 267, which is not classified to the Code.

Public Law 80-232, July 24, 1947, 16 Stat. 419, referred to in subsec. (c)(2)(B), probably means act July 24, 1947, ch. 316 [Public Law 232, 80th Cong.], 61 Stat. 419, which is not classified to the Code.

Public Law 81-66, May 19, 1949, 63 Stat. 70, referred to in subsec. (c)(2)(C), is act May 19, 1949, ch. 128 [Public Law 66, 81st Cong.], 63 Stat. 70, which is not classified to the Code.

¹ So in original. See References in Text note below.

AMENDMENTS

1983—Subsec. (c)(2). Pub. L. 98-44 substituted “resources, prepared by an interstate commission” for “resources”, substituted “up to 90 percent” for “90 percent”, and added provision defining interstate commission for purposes of this paragraph.

§ 757e. Application to Columbia River basin

Sections 757a to 757g of this title shall not be construed to affect, modify, or apply to the same area as the provisions of sections 755 to 757 of this title. The State of Idaho shall be eligible on an equal standing with other States for Federal funding for purposes authorized by sections 757a to 757f of this title.

(As amended Pub. L. 98-146, title I, § 100, Nov. 4, 1983, 97 Stat. 922.)

CODIFICATION

Although the intent of Congress to amend this section is clear from the directory language of Pub. L. 98-146 which states that the sentence relating to the eligibility of the State of Idaho be added to “16 U.S.C. 757e”, that directory language has been editorially interpreted as directing the addition of that sentence to section 5 of Pub. L. 89-304, because Title 16 of the United States Code [this title] has never been enacted into positive law and its sections are therefore not susceptible of amendment as sections of “16 U.S.C.—” and because section 5 of Pub. L. 89-304 is the statute which was classified to, and serves as the source for 16 U.S.C. 757e [this section].

AMENDMENTS

1983—Pub. L. 98-146 added provision that the State of Idaho shall be eligible on an equal standing with other States for Federal funding for purposes authorized by sections 757a to 757f of this title.

CHAPTER 12—FEDERAL REGULATION AND DEVELOPMENT OF POWER

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 21b, 47b, 47f, 90d-4, 108, 158, 197, 201b, 204f, 205a, 207a, 221b, 342b, 391, 391b-1, 402e, 403b, 404b, 405, 407b, 408b, 410b, 435, 459a-1, 460m-11, 460m-21, 460ee, 460gg-2, 460ii-3, 577b, 824a-1, 824a-3, 832h, 833g, 836, 839e, 1278, 2603, 2705, 3215 of this title; title 15 section 790a; title 25 section 326; title 30 section 621; title 33 section 467a; title 42 sections 2019, 7172, 7173, 7473; title 43 sections 617d, 617e, 617k, 617l, 1634.

CHAPTER 12A—TENNESSEE VALLEY AUTHORITY

§ 831h. Annual financial statement; purchases and contracts; audit by Comptroller General

[See main edition for text of (a)]

(b) Bids; audits; settlements; accounts; contracts

All purchases and contracts for supplies or services, except for personal services, made by the Corporation, shall be made after advertising, in such manner and at such times sufficiently in advance of opening bids, as the Board shall determine to be adequate to insure notice and opportunity for competition: *Provided*, That advertisement shall not be required when, (1) an emergency requires immediate delivery of the supplies or performance of the services; or (2) repair parts, accessories, supplemental