

§ 758. Exploration, investigation, development, and maintenance of fishing resources and industry of Pacific Ocean

It is the policy of the United States to provide for the exploration, investigation, development, and maintenance of the fishing resources and development of the high seas fishing industry of the United States and its island possessions in the tropical and subtropical Pacific Ocean and intervening seas, for the benefit of the residents of the Pacific island possessions and of the people of the United States.

(Aug. 4, 1947, ch. 451, §1, 61 Stat. 726; Pub. L. 86-624, §11(a), (b), July 12, 1960, 74 Stat. 412.)

AMENDMENTS

1960—Pub. L. 86-624 substituted “the United States and its island possessions” for “the Territories and island possessions of the United States”, and struck out “Territory of Hawaii and” before “Pacific island possessions”.

§ 758a. Conduct of explorations and related work in Pacific Ocean

The Secretary of Commerce is authorized and directed to conduct such fishing explorations and such necessary related work as oceanographical, biological, technological, statistical, and economic studies to insure maximum development and utilization of the high seas fishery resources of the United States and its island possessions in the tropical and subtropical Pacific Ocean and intervening areas as may be consistent with developing and sustaining such fishery resources at maximum levels of production in perpetuity and to provide for the best possible utilization thereof.

(Aug. 4, 1947, ch. 451, §2, 61 Stat. 726; Pub. L. 86-624, §11(a), July 12, 1960, 74 Stat. 412; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

AMENDMENTS

1960—Pub. L. 86-624 substituted “the United States and its island possessions” for “the Territories and island possessions of the United States”.

TRANSFER OF FUNCTIONS

“Secretary of Commerce” substituted for “Secretary of the Interior, through the United States Fish and Wildlife Service of the Department 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 Department of the Interior and Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in Secretary of the Interior or Department of the Interior 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.

United States Fish and Wildlife Service, consisting of Bureau of Commercial Fisheries and Bureau of Sport Fisheries and Wildlife, succeeded and replaced Fish and Wildlife Service of Department of the Interior under

provisions of Fish and Wildlife Act of 1956, as originally provided in section 742b(a) and (d) of this title.

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

DOGFISH SHARKS: RESEARCH TO CONTROL AND ERADICATE OR TO DISCOVER COMMERCIAL USES

Pub. L. 85-887, Sept. 2, 1958, 72 Stat. 1710, directed Secretary of the Interior to prosecute, for a period of not to exceed four years from Sept. 2, 1958, investigations of the abundance and distribution of dogfish sharks, experiments to develop control measures, and a vigorous program for the elimination and eradication or development of economic uses of dogfish shark populations.

§ 758b. Cooperation with agencies, organizations, and others

In carrying out the purposes and objectives of sections 758 and 758a of this title, the Secretary of Commerce may cooperate with appropriate agencies of the State and island governments, and with such educational, industrial, or other organizations, enterprises, and individuals as may be expedient.

(Aug. 4, 1947, ch. 451, §3, 61 Stat. 726; Pub. L. 86-624, §11(c), July 12, 1960, 74 Stat. 412; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

AMENDMENTS

1960—Pub. L. 86-624 substituted “State” for “Territorial”.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, see note set out under section 758a of this title.

§ 758c. Authorization of appropriations for research laboratory, experiment stations, dock and storehouse facilities, vessels, etc., for activities in the Pacific Ocean; transfer of surplus vessels

There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary for the construction, including architectural services, and for furnishings and equipment of a fishery research laboratory and experiment stations in the State of Hawaii and necessary substations at suitable locations, together with suitable dock and storehouse facilities to be used in conjunction with the operation of research and experimental fishing vessels and for the procurement and for the modification, refitting, and equipment of two experimental high-sea fishing vessels, together with all necessary gear and appurtenances, and of one multiple purpose high-seas fishing and oceanographical research vessel, together with all necessary gear and appurtenances, including necessary naval architectural and engineering services: *Provided, however*, That no part of said appropriation shall be expended for the acquisition of lands for sites for said laboratory, experiment station, or substations in the State of Hawaii: *Provided further*,

That there are authorized to be transferred to the Secretary of Commerce not to exceed three surplus vessels suitable for conversion and use in oceanographic and biological research and exploratory fishing, by any disposal agency of the Government without reimbursement or transfer of funds.

(Aug. 4, 1947, ch. 451, § 4, 61 Stat. 726; Pub. L. 86-624, §11(d), July 12, 1960, 74 Stat. 412; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

AMENDMENTS

1960—Pub. L. 86-624 substituted “State of Hawaii” for “Hawaiian Islands” and for “Territory of Hawaii”.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, see note set out under section 758a of this title.

§ 758d. Pacific Ocean activities; future appropriations

There is hereby authorized to be appropriated from time to time in fiscal years after 1947—1948 such sums as may be necessary to enable the Secretary of Commerce to carry out the purposes of sections 758 to 758d of this title, including personal services, traveling expenses, transportation of things, purchase, maintenance, and operation of motor vehicles, miscellaneous equipment, and supplies, communications, other contractual services, necessary printing locally, and maintenance, repair, improvement, equipment, and operation of vessels and buildings or other structures.

(Aug. 4, 1947, ch. 451, § 6, 61 Stat. 726; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

CODIFICATION

Words “personal services, traveling expenses, transportation of things, purchase, maintenance, and operation of motor vehicles, miscellaneous equipment, and supplies, communications, other contractual services, necessary printing locally, and maintenance, repair, improvement, equipment, and operation of vessels and buildings or other structures”, appearing in text, were inserted in place of words “all the classes of expenditures enumerated in the foregoing section”. The “foregoing section” referred to section 5 of Act Aug. 4, 1947, which is set out as a note under this section.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, see note set out under section 758a of this title.

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

APPROPRIATIONS FOR FISCAL YEAR 1947-1948

Section 5 of act Aug. 4, 1947, authorized appropriation of additional sums for expenses during the fiscal year 1947-1948 to carry out the purposes of sections 758 to 758d of this title.

§ 758e. Central, Western, and South Pacific Ocean fisheries development program

The Secretary of Commerce (hereafter referred to in sections 758e to 758e-5 of this title as

the “Secretary”) is authorized to carry out, directly or by contract, with the Pacific Fisheries Development Foundation or other agency or organization, a program for the development of the tuna and other latent fisheries resources of the Central, Western, and South Pacific Ocean. The program shall include, but not be limited to, exploration for, and stock assessment of, tuna and other fish; improvement of harvesting techniques; gear development; biological resource monitoring; and an economic evaluation of the potential for tuna and other fisheries in such area.

(Pub. L. 92-444, § 2, Sept. 29, 1972, 86 Stat. 745; Pub. L. 94-343, §1(1), July 6, 1976, 90 Stat. 809; Pub. L. 95-295, §1(1), June 16, 1978, 92 Stat. 319; Pub. L. 98-498, title IV, §410, Oct. 19, 1984, 98 Stat. 2309.)

AMENDMENTS

1984—Pub. L. 98-498 substituted “Pacific Fisheries Development Foundation” for “Pacific Tuna Development Foundation”.

1978—Pub. L. 95-295 inserted provision authorizing contracts for programs with the Pacific Tuna Development Foundation or other agency or organization.

1976—Pub. L. 94-343 struck “three year” before “program for”.

SHORT TITLE

Pub. L. 92-444, § 1, Sept. 29, 1972, 86 Stat. 744, provided: “That this Act [enacting this section and sections 758e-1 to 758e-5 of this title] may be cited as the ‘Central, Western, and South Pacific Fisheries Development Act.’”

§ 758e-1. Consultation and cooperation between certain Federal officers, affected States, etc., in carrying out program

In carrying out the purposes of sections 758e to 758e-5 of this title, the Secretary shall consult, and may otherwise cooperate, with the Secretary of the Interior, the Secretary of State, the State of Hawaii and other affected States, the governments of American Samoa and Guam, the Office of the High Commissioner of the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, educational institutions, the commercial fishing industry, and all appropriate member nations of a South Pacific regional fishery agency (hereinafter referred to in sections 758e to 758e-5 of this title as the “agency”), if such an agency is formed.

(Pub. L. 92-444, § 3, Sept. 29, 1972, 86 Stat. 745; Pub. L. 95-295, § 1(2), June 16, 1978, 92 Stat. 319.)

AMENDMENTS

1978—Pub. L. 95-295 inserted provisions requiring consultation and cooperation with the Secretary of State, Commonwealth of the Northern Mariana Islands, and all appropriate member nations of a South Pacific regional fishery agency, if such an agency is formed.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.