

and renumbered by Pub. L. 96-118, §4, Nov. 16, 1979, 93 Stat. 859, provided that: "This Act [enacting this section and sections 757b to 757g of this title] may be cited as the 'Anadromous Fish Conservation Act'."

#### 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 755 of this title.

#### § 757b. Authority of the Secretary with regards to Anadromous and Great Lakes fisheries; development and management

The Secretary, in accordance with any agreements entered into pursuant to section 757a(a) of this title, is authorized (1) to conduct such investigations, engineering and biological surveys, and research as may be desirable to carry out the program; (2) to carry out stream clearance activities; (3) to construct, install, maintain, and operate devices and structures for the improvement of feeding and spawning conditions, for the protection of fishery resources, and for facilitating the free migration of the fish, and for the control of the sea lamprey; (4) to construct, operate, and maintain fish hatcheries wherever necessary to accomplish the purposes of sections 757a to 757f of this title; (5) to conduct such studies and make such recommendations as the Secretary determines to be appropriate regarding the development and management of any stream or other body of water for the conservation and enhancement of anadromous fishery resources and the fish in the Great Lakes and Lake Champlain that ascend streams to spawn: *Provided*, That the reports on such studies and the recommendations of the Secretary shall be transmitted to the States, the Congress, and the Federal water resources construction agencies for their information: *Provided further*, That sections 757a to 757f of this title shall not be construed as authorizing the formulation or construction of water resources projects, except that water resources projects which are determined by the Secretary<sup>1</sup> to be needed solely for the conservation, protection, and enhancement of such fish may be planned and constructed by the Bureau of Reclamation in its currently authorized geographic area of responsibility or by the Corps of Engineers, or by the Department of Agriculture, or by the States, with funds made available by the Secretary under sections 757a to 757f of this title and subject to the cost-sharing and appropriations provisions of sections 757a to 757f of this title; (6) to acquire lands or interests therein by purchase, lease, donation, or exchange for acquired lands or public lands under his jurisdiction which he finds suitable for disposition: *Provided*, That the lands or interests therein so exchanged shall involve approximately equal values, as determined by the Secretary: *Provided further*, That the Secretary may accept cash from, or pay cash to, the grantor in such an exchange in order to equalize the values of the properties exchanged; (7) to accept donations of funds and to use such funds to acquire or manage lands or interests therein; and (8) to administer such lands or interests therein for the pur-

poses of sections 757a to 757f of this title. Title to lands or interests therein acquired pursuant to sections 757a to 757f of this title shall be in the cooperating States or other non-Federal interests.

(Pub. L. 89-304, §2, Oct. 30, 1965, 79 Stat. 1125; Pub. L. 93-362, §1, July 30, 1974, 88 Stat. 398; Pub. L. 95-464, Oct. 17, 1978, 92 Stat. 1278; Pub. L. 96-118, §2, Nov. 16, 1979, 93 Stat. 859.)

#### AMENDMENTS

1979—Pub. L. 96-118 substituted "cooperating States or other non-Federal interests" for "United States".

1978—Cl. (5). Pub. L. 95-464 inserted "and Lake Champlain" after "Great Lakes".

1974—Cl. (3). Pub. L. 93-362 inserted reference to the control of the sea lamprey.

#### § 757c. Approval for activities on land administered by other Federal departments or agencies

Activities authorized by sections 757a to 757f of this title to be performed on lands administered by other Federal departments or agencies shall be carried out only with the prior approval of such departments or agencies.

(Pub. L. 89-304, §3, Oct. 30, 1965, 79 Stat. 1126.)

#### § 757d. Authorization of appropriations

There are authorized to be appropriated to carry out the purposes of sections 757a to 757f of this title not to exceed \$4,500,000 for each of fiscal years 2007 through 2012.

(Pub. L. 89-304, §4, Oct. 30, 1965, 79 Stat. 1126; Pub. L. 91-249, §2, May 14, 1970, 84 Stat. 214; Pub. L. 93-362, §§2, 3(b), July 30, 1974, 88 Stat. 398; Pub. L. 96-118, §3, Nov. 16, 1979, 93 Stat. 859; Pub. L. 97-453, §14(b)(2), Jan. 12, 1983, 96 Stat. 2492; Pub. L. 99-659, title IV, §402, Nov. 14, 1986, 100 Stat. 3737; Pub. L. 101-627, title IV, §401, Nov. 28, 1990, 104 Stat. 4462; Pub. L. 104-297, title IV, §403, Oct. 11, 1996, 110 Stat. 3619; Pub. L. 107-372, title III, §303(a), Dec. 19, 2002, 116 Stat. 3095; Pub. L. 109-479, title III, §302(h), Jan. 12, 2007, 120 Stat. 3625.)

#### AMENDMENTS

2007—Pub. L. 109-479 amended section generally. Prior to amendment, section authorized appropriations to carry out sections 757a to 757f of this title for fiscal years 2003 to 2006 and limited the obligation of funds in any one State to not more than \$625,000.

2002—Pub. L. 107-372 amended section generally. Prior to amendment, section authorized appropriations to carry out sections 757a to 757f of this title of not to exceed \$4,000,000 for fiscal year 1997 and \$4,250,000 for each of fiscal years 1998, 1999, and 2000, and limited the obligation of funds in any one State to not more than \$625,000.

1996—Pub. L. 104-297 amended section generally. Prior to amendment, section authorized appropriations to carry out sections 757a to 757g of this title of not to exceed \$8,152,500 for fiscal year 1989 and \$8,000,000 for each of fiscal years 1990 to 1995, and limited the obligation of funds in any one State to not more than \$1,250,000.

1990—Subsec. (a)(1). Pub. L. 101-627, §401(1), (2), redesignated par. (7) as (1) and struck out former par. (1) which authorized appropriations of \$11,000,000 for fiscal year 1980.

Subsec. (a)(2). Pub. L. 101-627, §401(1), (3), added par. (2) and struck out former par. (2) which authorized appropriations of \$13,000,000 for fiscal year 1981.

<sup>1</sup> So in original. Probably should be "Secretary".