

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 Secretary¹ 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.

¹ So in original. Probably should be "Secretary".

Subsec. (a)(3) to (6). Pub. L. 101-627, §401(1), struck out pars. (3) to (6) which authorized appropriations of \$15,000,000 for fiscal year 1982, \$7,500,000 for fiscal years 1983, 1984, 1985, and 1986, \$7,702,500 for fiscal year 1987, and \$7,920,000 for fiscal year 1988, respectively.

Subsec. (a)(7). Pub. L. 101-627, §401(2), redesignated par. (7) as (1).

1986—Subsec. (a)(4) to (7). Pub. L. 99-659 inserted reference to fiscal year 1986 in par. (4) and added pars. (5) to (7).

1983—Subsec. (a)(4). Pub. L. 97-453 added par. (4).

1979—Subsec. (a). Pub. L. 96-118, §3(a), substituted provisions authorizing appropriations of not to exceed \$11,000,000, \$13,000,000, and \$15,000,000 for fiscal years 1980 through 1982, respectively, for provisions authorizing appropriations of not to exceed \$25,000,000, \$6,000,000, \$7,500,000, \$8,500,000, \$20,000,000, \$20,000,000, \$20,000,000, \$20,000,000, and \$20,000,000 for fiscal years ending June 30, 1970, through June 30, 1979, respectively.

Subsec. (b). Pub. L. 96-118, §3(b), substituted “\$1,250,000” for “\$1,000,000”.

1974—Subsec. (a). Pub. L. 93-362 substituted “\$20,000,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, June 30, 1976, June 30, 1977, June 30, 1978, and June 30, 1979” for “\$10,000,000 for the fiscal year ending June 30, 1974”.

1970—Subsec. (a). Pub. L. 91-249 authorized appropriation of not to exceed \$6,000,000, \$7,500,000, \$8,500,000 and \$10,000,000 for fiscal years ending June 30, 1971, June 30, 1972, June 30, 1973, and June 30, 1974, respectively, to be available until expended.

§ 757e. Application to Columbia River basin

Sections 757a to 757f 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.

(Pub. L. 89-304, §5, Oct. 30, 1965, 79 Stat. 1126; Pub. L. 98-146, title I, 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 inserted 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.

§ 757f. Studies on pollution; recommendations to Secretary of Health and Human Services

The Secretary of the Interior shall, on the basis of studies carried out pursuant to sections 757a to 757f of this title and section 665 of this title, make recommendations to the Secretary of Health and Human Services concerning the elimination or reduction of polluting substances detrimental to fish and wildlife in interstate or navigable waters or the tributaries thereof.

Such recommendations and any enforcement measures initiated pursuant thereto by the Secretary of Health and Human Services shall be designed to enhance the quality of such waters, and shall take into consideration all other legitimate uses of such waters.

(Pub. L. 89-304, §6, Oct. 30, 1965, 79 Stat. 1126; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695.)

CHANGE OF NAME

“Secretary of Health and Human Services” substituted in text for “Secretary of Health, Education, and Welfare” pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see note set out under section 755 of this title.

§ 757g. Repealed. Pub. L. 105-146, §3(a), Dec. 16, 1997, 111 Stat. 2677

Section, Pub. L. 89-304, §7, as added Pub. L. 96-118, §4, Nov. 16, 1979, 93 Stat. 859; amended Pub. L. 97-453, §14(b)(3), Jan. 12, 1983, 96 Stat. 2492; Pub. L. 98-613, §10(a), Oct. 31, 1984, 98 Stat. 3190; Pub. L. 99-432, §6, Oct. 1, 1986, 100 Stat. 990; Pub. L. 100-589, §3, Nov. 3, 1988, 102 Stat. 2984; Pub. L. 102-130, §3, Oct. 17, 1991, 105 Stat. 626, related to striped bass population studies.

§ 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