

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.

§ 758e-1a. Cooperative program for development of tuna and other latent fishery resources in area; establishment; availability of project information

In addition to the authority granted in section 758e of this title, the Secretary, in consultation with representatives of all interested member nations of the agency, and those parties set forth in section 758e-1 of this title, may establish in accordance with section 758e of this title, a cooperative program for the development of tuna and other latent fisheries resources of the Central, Western, and South Pacific Ocean to be submitted to the President and the Congress within one year following official formation of the agency. The Secretary shall make available to all interested member nations of the agency the results and findings of research or development projects carried out under sections 758e to 758e-5 of this title.

(Pub. L. 92-444, § 4, as added Pub. L. 95-295, § 1(3), June 16, 1978, 92 Stat. 319.)

§ 758e-2. Repealed. Pub. L. 99-386, title I, § 102, Aug. 22, 1986, 100 Stat. 821

Section, Pub. L. 92-444, § 5, formerly § 4, Sept. 29, 1972, 86 Stat. 745; Pub. L. 94-273, § 2(10), Apr. 21, 1976, 90 Stat. 375; Pub. L. 94-343, § 1(2), July 6, 1976, 90 Stat. 809; renumbered Pub. L. 95-295, § 1(4), June 16, 1978, 92 Stat. 319, related to submission to President and Congress of annual report by Secretary on Central, Western, and South Pacific Ocean fisheries development program.

§ 758e-3. Regulations; contract terms and conditions

The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of sections 758e to 758e-5 of this title. Any contract entered into pursuant to section 758e of this title shall be subject to such terms and conditions as the Secretary deems necessary and appropriate to protect the interests of the United States.

(Pub. L. 92-444, §6, formerly §5, Sept. 29, 1972, 86 Stat. 745; renumbered §6, Pub. L. 95-295, §1(4), June 16, 1978, 92 Stat. 319.)

§ 758e-4. “Central, Western, and South Pacific Ocean area” defined

As used in sections 758e to 758e-5 of this title, the term “Central, Western, and South Pacific Ocean” means that area of the Pacific Ocean between latitudes 30 degrees north to 30 degrees south and from longitudes 120 degrees east to 130 degrees west.

(Pub. L. 92-444, §7, formerly §6, Sept. 29, 1972, 86 Stat. 745; renumbered §7, Pub. L. 95-295, §1(4), June 16, 1978, 92 Stat. 319.)

§ 758e-5. Authorization of appropriations

There is authorized to be appropriated for the period beginning July 1, 1973, and ending June 30, 1976, the sum of \$3,000,000, and for the period beginning July 1, 1976, and ending September 30, 1979, the sum of \$4,000,000, and for each of the fiscal years 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, and 1995, the sum of \$5,000,000, to carry out the purposes of sections 758e to 758e-5 of this title. Sums appropriated pursuant to this section shall remain available until expended.

(Pub. L. 92-444, §8, formerly §7, Sept. 29, 1972, 86 Stat. 745; Pub. L. 94-343, §1(3), July 6, 1976, 90 Stat. 809; renumbered §8 and amended Pub. L. 95-295, §§1(4), 2, June 16, 1978, 92 Stat. 319, 320; Pub. L. 97-453, §15(d), Jan. 12, 1983, 96 Stat. 2493; Pub. L. 99-659, title IV, §403, Nov. 14, 1986, 100 Stat. 3737; Pub. L. 101-627, title VI, §601, Nov. 28, 1990, 104 Stat. 4463.)

AMENDMENTS

1990—Pub. L. 101-627, which directed the substitution of “1988, 1989, 1990, 1991, 1992, 1993, 1994, and 1995” for “and 1988” in section 7 of the Central, Western, and South Pacific Fisheries Development Act, meaning section 7 of Pub. L. 92-444, was executed by making the substitution in section 8 of Pub. L. 92-444, this section, to reflect the probable intent of Congress and the renumbering of section 7 as 8 by Pub. L. 95-295, §1(4).

1986—Pub. L. 99-659 inserted provision authorizing appropriations for each of fiscal years 1986, 1987, and 1988.

1983—Pub. L. 97-453 substituted “1982, 1983, 1984, and 1985” for “and 1982”.

1978—Pub. L. 95-295 inserted provision authorizing appropriations of \$5,000,000 for each of fiscal years 1980 to 1982, and substituted “\$4,000,000” for “\$3,000,000”.

1976—Pub. L. 94-343 inserted provision authorizing appropriations for period beginning July 1, 1976, and ending Sept. 30, 1979, the sum of \$3,000,000.

§ 759. Omitted

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Section, act Aug. 18, 1949, ch. 478, §2, 63 Stat. 616, authorized Secretary of the Interior through the Fish and Wildlife Service to undertake an Atlantic Coast shad study, prescribed a \$75,000 per annum cost limitation for a six year period, and authorized transfer to such Service from Federal agencies or corporations surplus boats or equipment for conduct of the studies.

Section 4 of act Aug. 18, 1949 authorized appropriations for carrying out the purposes of act Aug. 18, 1949.

§ 760. Establishment of rearing ponds and fish hatchery in Kentucky

The Secretary of the Interior is authorized to construct, equip, maintain, and operate rearing

ponds and a fish hatchery at a suitable location in Kentucky.

(July 18, 1950, ch. 465, §1, 64 Stat. 343.)

§ 760-1. Kentucky fish hatchery; authorization of appropriations

There is hereby authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the purposes of section 760 of this title.

(July 18, 1950, ch. 465, §2, 64 Stat. 343.)

APPROPRIATION FOR ACQUISITION OF LANDS AND CONSTRUCTION

In addition to enacting this section, section 2 of act July 18, 1950, authorized a maximum appropriation of \$275,000 for the acquisition of lands and water rights or interests therein and the construction and equipment of the station provided for by section 760.

§ 760-2. Establishment of fish hatchery in Montana

The Secretary of the Interior is authorized to establish, construct, equip, operate, and maintain a new fish hatchery in the vicinity of Miles City, Montana.

(June 4, 1956, ch. 366, §1, 70 Stat. 247.)

TRANSFER OF MILES CITY NATIONAL FISH HATCHERY

Pub. L. 99-432, §7, Oct. 1, 1986, 100 Stat. 990, provided that: “Notwithstanding any other law, the Secretary of the Interior shall convey to the State of Montana, without reimbursement to the United States and no later than thirty days following enactment of this legislation [Oct. 1, 1986], all of the rights (including all water rights), title, and interest of the United States in and to the fish hatchery property located south of Miles City, Montana, and known as the Miles City National Fish Hatchery, consisting of 168.22 acres, more or less, of land, together with any improvements and related personal property thereon. The property conveyed shall be used by the Montana Department of Fish, Wildlife and Parks as part of the Montana fishery resources management program. If the property conveyed is ever used for other than these purposes, title to such property shall revert to the United States.”

Similar provisions were contained in Pub. L. 99-500, §101(h) [title I, §112], Oct. 18, 1986, 100 Stat. 1783-242, 1783-262, and Pub. L. 99-591, §101(h) [title I, §112], Oct. 30, 1986, 100 Stat. 3341-242, 3341-262.

APPROPRIATIONS

Section 2 of act June 4, 1956, authorized an appropriation of \$465,000 to carry out this section.

§ 760-3. Establishment of trout hatchery in Pisgah National Forest

The Secretary of the Interior, after consulting with the Secretary of Agriculture, shall establish, construct, equip, operate, and maintain a trout hatchery at an appropriate location on the Davidson River in the Pisgah National Forest, North Carolina.

(June 18, 1956, ch. 404, §1, 70 Stat. 292.)

APPROPRIATIONS

Section 2 of act June 18, 1956, authorized the appropriation of \$375,000 to carry out the purposes of this section.