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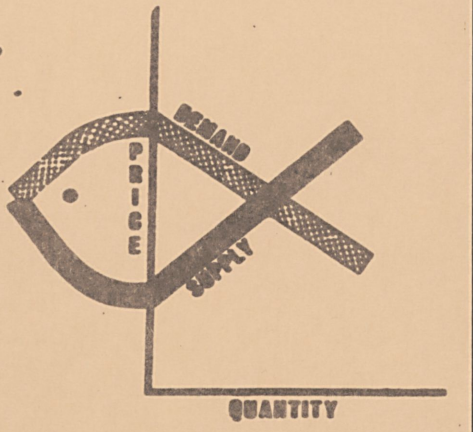


NOT FOR QUOTATION

# Chronological List of Legislative Authorities

by

Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

File Manuscript No. 148

March 31, 1972

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ECONOMIC RESEARCH DIVISION

Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

March 31, 1972

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# Chronological List of Legislative Authorities

## PREFACE

This digest of the basic statutory authorities exercised by the National Marine Fisheries Service (NMFS) has been prepared as a desk reference for members of the staff.

In using this digest it should be understood that these laws, as printed in the Statutes at Large (Stat.) and in the United States Code (U.S.C.), are not literally accurate in the placement of the authorities in either the Secretary of Commerce or the Secretary of the Interior because of the historical organizational changes that have taken place. There are instances in which the printed language of the statute places the authority in one Secretary but because of organizational changes the other Secretary now has the responsibility. In some cases the responsibility is shared by both Secretaries. This digest lists those laws which contain some authority that is to be exercised by the Secretary of Commerce but does not attempt to describe the authority exercised by the Secretary of the Interior, if any.

A further complication in describing the current placement of responsibility is found in the fact that some older statutes placed the responsibility in a subordinate Departmental entity rather than the Secretary. For instance, some authority is shown to be in the Fish and Wildlife Service. Regardless of the specific language of those laws passed prior to May 24, 1950, the authority contained therein is now placed in the Secretary. On that date, Reorganization Plans Nos 3 and 5 of 1950, transferred to the Secretary of the Interior and the Secretary of Commerce, respectively, all functions of all other officers, agencies, and employees of their Departments. These two Reorganization Plans are reproduced as Exhibit A and Exhibit B to this preface.

As background for the users of this digest, it may be useful to review briefly the historical organizational changes referred to above.

By the Act of February 9, 1871, the Congress recognized the national aspect in the conservation of fisheries by authorizing appointment of a Commissioner of Fish and Fisheries to study the decrease of the food fishes of the seacoasts and lakes of the United States, and to suggest remedial measures. The Commissioner was to be appointed by the President, with the advice and consent of the Senate, from among the civil officers or employees of the Government and was to serve without additional salary (16 Stat. 594). The sum of $5,000 was appropriated to carry out the required study, with the money to be expended under the direction

of the Secretary of the Treasury (16 Stat. 503). (In the appropriation acts which followed there was no reference to Treasury.) In 1888, the original Act was amended to authorize a salary of $5,000 per year for the Commissioner of Fish and Fisheries and to require that he not hold any other office or employment under the authority of the United States or any State (25 Stat. 1).

The Fish Commission and the Office of the Commissioner of Fish and Fisheries functioned as an independent establishment of the Government from February 9, 1871, to July 1, 1903, when, by the Act of February 14, 1903 (32 Stat. 827), the Fish Commission and the Office of the Commissioner of Fish and Fisheries were placed in the Department of Commerce and Labor which was created by the latter Act. That same Act transferred from the Department of the Treasury to the Department of Commerce and Labor jurisdiction, supervision and control over the fur-seal, salmon and other fisheries of Alaska (32 Stat. 828). Thereafter, this entity was called the Bureau of Fisheries.

By the Act of March 4, 1915 (37 Stat. 736), the Department of Commerce and Labor was divided into two separate departments and the Bureau of Fisheries remained with the Department of Commerce until July 1, 1939, when the 1939 Reorganization Plan No. II (53 Stat. 1433) transferred the Bureau of Fisheries to the Department of the Interior. This Plan also transferred to Interior from the Department of Agriculture the Bureau of Biological Survey.

The Bureau of Fisheries and the Bureau of Biological Survey, both in the Department of the Interior, were consolidated into one agency to be known as the Fish and Wildlife Service by the 1940 Reorganizational Plan No. III (54 Stat. 1232), which became effective June 30, 1940.

By the terms of the Fish and Wildlife Act of 1956, approved August 8, 1956 (70 Stat. 1119), there was established within the Department of the Interior to succeed the then existing Fish and Wildlife Service, the United States Fish and Wildlife Service consisting of two separate agencies, each with the status of a Federal Bureau, the Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife.

Effective October 3, 1970, Reorganization Plan No. 4 of 1970 (84 Stat. 2090) transferred to the Secretary of Commerce the functions vested by law in the Bureau of Commercial Fisheries, and the functions vested by law in the Secretary of the Interior or the Department of the Interior which were then administered through the Bureau of Commercial Fisheries. Four functions of the Bureau of Commercial Fisheries were excluded from the transfer:

1. Great Lakes fishery research and activities related to the Great Lakes Fisheries Commission

2. Missouri River Reservoir research

3. The Gulf Breeze Biological Laboratory at Gulf Breeze, Florida

4. Trans-Alaska pipeline investigations

Also, transferred to the Secretary of Commerce by this Plan were the functions of Interior relating to migratory marine species of game fish as authorized by Public Law 86-359 (16 U.S.C. 760e-760g). This Reorganization Plan is made a part of this preface as Exhibit C.

Staff members reading the text of these laws in the United States Code should be aware of the fact that the changes made by the 1939 Reorganization Plan which transferred fish and wildlife from Commerce and Agriculture to Interior were reflected in the code generally by editorial changes to substitute Secretary of the Interior for Secretary of Commerce or Secretary of Agriculture. The justification for the change was then made in a footnote citing the Reorganization Plan. The editors of the United States Code in the 1970 Edition have not followed that practice except in the case of the transfer of authority concerning migratory marine species of game fish. The 1970 Edition has been left for the most part as it was prior to October 3, 1970, but with reference to Reorganization Plan No. 4 of 1970 as a footnote. An example of the footnote used is printed as Exhibit D to this preface.

It can be assumed that over time as these laws are amended that the specific language will be brought into conformity with the facts as they now exist.

Exhibit A JAN 2 1973



# REORGANIZATION PLAN NO. 3 OF 1950

Transmitted March 13, 1950.
Effective May 24, 1950.
63 Stat. 203.
5 U. S. C., Sup. III, § 133z note.

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949.

## DEPARTMENT OF THE INTERIOR

SECTION 1. *Transfer of functions to the Secretary.*—(a) Except as otherwise provided in subsection (b) of this section, there are hereby transferred to the Secretary of the Interior all functions of all other officers of the Department of the Interior and all functions of all agencies and employees of such Department.

5 U. S. C. § 1001 note; Sup. III, § 1001 *et seq.*

(b) This section shall not apply to the functions vested by the Administrative Procedure Act (60 Stat. 237) in hearing examiners employed by the Department of the Interior, nor to the functions of the Virgin Islands Corporation or of its board of directors or officers.

SEC. 2. *Performance of functions of Secretary.*—The Secretary of the Interior may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of the Interior of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

SEC. 3. *Assistant Secretary of the Interior.*—There shall be in the Department of the Interior one additional Assistant Secretary of the Interior, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall perform such duties as the Secretary of the Interior shall prescribe, and who shall receive compensation at the rate prescribed by law for Assistant Secretaries of Executive departments.

SEC. 4. *Administrative Assistant Secretary.*—There shall be in the Department of the Interior an Administrative Assistant Secretary of the Interior, who shall be appointed, with the approval of the President, by the Secretary of the Interior under the classified civil service, who shall perform such duties as the Secretary of the Interior shall prescribe, and who shall receive compensation at the rate of $14,000 per annum.

SEC. 5. *Incidental transfers.*—The Secretary of the Interior may from time to time effect such transfers within the Department of the Interior of any of the records, property, personnel, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of such Department as he may deem necessary in order to carry out the provisions of this reorganization plan.

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Exhibit B



# REORGANIZATION PLAN NO. 5 OF 1950[1]

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949.

Transmitted March 13, 1950.
Effective May 24, 1950.
63 Stat. 203.
5 U. S. C., Sup. III, § 133z note.

## DEPARTMENT OF COMMERCE

SECTION 1. *Transfer of functions to the Secretary.*—(a) Except as otherwise provided in subsection (b) of this section, there are hereby transferred to the Secretary of Commerce all functions of all other officers of the Department of Commerce and all functions of all agencies and employees of such Department.

(b) This section shall not apply to the functions vested by the Administrative Procedure Act (60 Stat. 237) in hearing examiners employed by the Department of Commerce, nor to the functions of the Civil Aeronautics Board, of the Inland Waterways Corporation, or of the Advisory Board of the Inland Waterways Corporation.

5 U. S. C. § 1001 note; Sup. III, § 1001 *et seq.*

SEC. 2. *Performance of functions of Secretary.*—The Secretary of Commerce may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of Commerce of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

SEC. 3. *Administrative Assistant Secretary.*—There shall be in the Department of Commerce an Administrative Assistant Secretary of Commerce, who shall be appointed, with the approval of the President, by the Secretary of Commerce under the classified civil service, who shall perform such duties as the Secretary of Commerce shall prescribe, and who shall receive compensation at the rate of $14,000 per annum.

SEC. 4. *Incidental transfers.*—The Secretary of Commerce may from time to time effect such transfers within the Department of Commerce of any of the records, property, personnel, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of such Department as he may deem necessary in order to carry out the provisions of this reorganization plan.

Exhibit C



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## Reorganization Plan No. 4 of 1970

*Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, July 9, 1970, pursuant to the provisions of chapter 9 of title 5 of the United States Code.*[1]

### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SECTION 1. *Transfers to Secretary of Commerce.* The following are hereby transferred to the Secretary of Commerce:

(a) All functions vested by law in the Bureau of Commercial Fisheries of the Department of the Interior or in its head, together with all functions vested by law in the Secretary of the Interior or the Department of the Interior which are administered through that Bureau or are primarily related to the Bureau, exclusive of functions with respect to (1) Great Lakes fishery research and activities related to the Great Lakes Fisheries Commission, (2) Missouri River Reservoir research, (3) the Gulf Breeze Biological Laboratory of the said Bureau at Gulf Breeze, Florida, and (4) Trans-Alaska pipeline investigations.

(b) The functions vested in the Secretary of the Interior by the Act of September 22, 1959 (Public Law 86–359, 73 Stat. 642, 16 U.S.C. 760e–760g; relating to migratory marine species of game fish).

(c) The functions vested by law in the Secretary of the Interior, or in the Department of the Interior or in any officer or instrumentality of that Department, which are administered through the Marine Minerals Technology Center of the Bureau of Mines.

(d) All functions vested in the National Science Foundation by the National Sea Grant College and Program Act of 1966 (80 Stat. 998), as amended (33 U.S.C. 1121 et seq.).

(e) Those functions vested in the Secretary of Defense or in any officer, employee, or organizational entity of the Department of Defense by the provision of Public Law 91–144, 83 Stat. 326, under the heading "Operation and maintenance, general" with respect to "surveys and charting of northern and northwestern lakes and connecting waters," or by other law, which come under the mission assigned as of July 1, 1969, to the United States Army Engineer District, Lake Survey, Corps of Engineers, Department of the Army and relate to (1) the conduct of hydrographic surveys of the Great Lakes and their outflow rivers, Lake Champlain, New York State Barge Canals, and the Minnesota-Ontario border lakes, and the compilation and publication of navigation charts, including recreational aspects, and the Great Lakes Pilot for the benefit and use of the public, (2) the conception, planning, and conduct of basic research and development in the fields of water motion, water characteristics, water quantity, and ice and snow, and (3) the publication of data and the results of research projects in forms useful to the Corps of Engineers and the public, and the operation of a Regional Data Center for the collection, coordination, analysis, and the furnishing to interested agencies of data relating to water resources of the Great Lakes.

(f) So much of the functions of the transferor officers and agencies referred to in or affected by the foregoing provisions of this section as is incidental to or necessary for the performance by or under the Secretary of Commerce of the functions transferred by those provisions or relates primarily to those functions. The transfers to the Secretary of Commerce made by this section shall be deemed to include the transfer of authority, provided by law, to prescribe regulations relating primarily to the transferred functions.

SEC. 2. *Establishment of Administration.* (a) There is hereby established in the Department of Commerce an agency which shall be known as the National Oceanic and Atmospheric Administration, hereinafter referred to as the "Administration."

[1] Effective October 3, 1970, under the provisions of 5 U.S.C. 906.

(b) There shall be at the head of the Administration the Administrator of the National Oceanic and Atmospheric Administration, hereinafter referred to as the "Administrator." The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314).

(c) There shall be in the Administration a Deputy Administrator of the National Oceanic and Atmospheric Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). The Deputy Administrator shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

(d) There shall be in the Administration an Associate Administrator of the National Oceanic and Atmospheric Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316). The Associate Administrator shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator and Deputy Administrator. The office of Associate Administrator may be filled at the discretion of the President by appointment (by and with the advice and consent of the Senate) from the active list of commissioned officers of the Administration in which case the appointment shall create a vacancy on the active list and while holding the office of Associate Administrator the officer shall have rank, pay, and allowances not exceeding those of a vice admiral.

(e) There shall be in the Administration three additional officers who shall perform such functions as the Administrator shall from time to time assign or delegate. Each such officer shall be appointed by the Secretary, subject to the approval of the President, under the classified civil service, shall have such title as the Secretary shall from time to time determine, and shall receive compensation at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316).

(f) The President may appoint in the Administration, by and with the advice and consent of the Senate, two commissioned officers to serve at any one time as the designated heads of two principal constituent organizational entities of the Administration, or the President may designate one such officer as the head of such an organizational entity and the other as the head of the commissioned corps of the Administration. Any such designation shall create a vacancy on the active list and the officer while serving under this subsection shall have the rank, pay, and allowances of a rear admiral (upper half).

(g) Any commissioned officer of the Administration who has served under (d) or (f) and is retired while so serving or is retired after the completion of such service while serving in a lower rank or grade, shall be retired with the rank, pay, and allowances authorized by law for the highest grade and rank held by him; but any such officer, upon termination of his appointment in a rank above that of captain, shall, unless appointed or assigned to some other position for which a higher rank or grade is provided, revert to the grade and number he would have occupied had he not served in a rank above that of captain and such officer shall be an extra number in that grade.

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SEC. 3. *Performance of transferred functions.* The provisions of sections 2 and 4 of Reorganization Plan No. 5 of 1950 (64 Stat. 1263) shall be applicable to the functions transferred hereunder to the Secretary of Commerce.

SEC. 4. *Incidental transfers.* (a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Secretary of Commerce by this reorganization plan as the Director of the Office of Management and Budget shall determine shall be transferred to the Department of Commerce at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the transfers referred to in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(c) The personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of the Environmental Science Services Administration shall become personnel, property, records, and unexpended balances of the National Oceanic and Atmospheric Administration or of such other organizational entity or entities of the Department of Commerce as the Secretary of Commerce shall determine.

(d) The Commissioned Officer Corps of the Environmental Science Services Administration shall become the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration. Members of the Corps, including those appointed hereafter, shall be entitled to all rights, privileges, and benefits heretofore available under any law to commissioned officers of the Environmental Science Services Administration, including those rights, privileges, and benefits heretofore accorded by law to commissioned officers of the former Coast and Geodetic Survey.

(e) Any personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of the Bureau of Commercial Fisheries not otherwise transferred shall become personnel, property, records, and unexpended balances of such organizational entity or entities of the Department of the Interior as the Secretary of the Interior shall determine.

SEC. 5. *Interim officers.* (a) The President may authorize any person who immediately prior to the effective date of this reorganization plan held a position in the executive branch of the Government to act as Administrator until the office of Administrator is for the first time filled pursuant to provisions of this reorganization plan or by recess appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Administrator and authorize any such person to act as Associate Administrator.

(c) The President may similarly authorize a member of the former Commissioned Officer Corps of the Environmental Science Services Administration to act as the head of one principal constituent organizational entity of the Administration.

(d) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

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SEC. 6. *Abolitions.* (a) Subject to the provisions of this reorganization plan, the following, exclusive of any functions, are hereby abolished:

(1) The Environmental Science Services Administration in the Department of Commerce (established by Reorganization Plan No. 2 of 1965, 79 Stat. 1318), including the offices of Administrator of the Environmental Science Services Administration and Deputy Administrator of the Environmental Science Services Administration.

(2) The Bureau of Commercial Fisheries in the Department of the Interior (16 U.S.C. 742b), including the office of Director of the Bureau of Commercial Fisheries.

(b) Such provisions as may be necessary with respect to terminating any outstanding affairs shall be made by the Secretary of Commerce in the case of the Environmental Science Services Administration and by the Secretary of the Interior in the case of the Bureau of Commercial Fisheries.

[F.R. Doc. 70-13375; Filed, Oct. 5, 1970; 8:45 a.m.]

Exhibit D

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TRANSFER OF FUNCTIONS

The Bureau of Commercial Fisheries in the Department of the Interior and the Office of Director of the Bureau were abolished by Reorganization Plan No. 4 of 1970, effective October 30, 1970,* 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees, which created the National Oceanic and Atmospheric Administration in the Department of Commerce and transferred to the Secretary of Commerce all functions formerly vested by law in the Bureau together with all functions formerly vested in the Secretary of the Interior or the Department of the Interior administered through the Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir Research, the Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigation. Such Reorganization Plan also transferred the marine sport fish program of the Bureau of Sport Fisheries and Wildlife.

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of such Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorganization Plan No. 3, section 1, 2, effective May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

* Footnotes referring to Reorganization Plan No. 4 of 1970 appearing in the 1970 edition of the United States Code uniformly give the effective date of the Plan as October 30, 1970. The correct effective date is October 3, 1970. Supplement I to the 1970 edition corrects this error.

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Among persons involved with fisheries matters - Federal, State and industry - there is a tendency to use popular names for statutes which have no recognition by the Editors of the United States Code. For example, two specific statutes are often referred to as the Bartlett Act but there is no official recognition of that popular name in the Code. In this index the unofficial popular names in common use are referred to as "so-called" or "sometimes known as".


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1. Office of Commissioner of Fish and Fisheries Established - Propagation of Food Fishes and Investigations to Ameliorate Predator Damage

16 U.S.C. 744, 745

The Act of February 9, 1871, established the Office of Commissioner of Fish and Fisheries and authorized the study of food fishes of the coasts and lakes in order to recommend conservation measures. Authorized the Commissioner to take fish specimens in marine areas and lakes regardless of any State law, custom or usage to the contrary. The Act of March 3, 1887 (an appropriation act for sundry civil expenses of the government) authorized the continuation of investigation of United States fisheries and the introduction by the United States Fish Commission into United States waters of food fishes, including shellfish. The Act of June 21, 1916, authorized investigations to ameliorate the damage to fisheries caused by dogfish and other predacious fishes and aquatic animals. The investigations to be such as to develop the best and cheapest means of taking such fishes and aquatic animals, of utilizing them for economic purposes, especially for food and to encourage the establishment of fisheries and markets for them.*

| | | |
|---|---|---|
| 16 Stat. 593 | Joint Resolution No. 22, 41st Cong. | Act of Feb. 9, 1871 |
| 24 Stat. 523 | No Public Law Number | Act of March 3, 1887 |
| 39 Stat. 232 | Public Law 100, 64th Cong. | Act of June 21, 1916 |

* A footnote refers to the transfer of functions accomplished by Reorganization Plan No. 4 of 1970.

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2. Sponge Act

16 U.S.C. 781-785

Regulates the taking or catching of sponges in the waters of the Gulf of Mexico and Straits of Florida outside of State jurisdiction. Also regulates the landing, delivery, curing, selling, or possession of sponges. Sets minimum wet size of sponges allowed to be taken, landed, delivered, cured, sold, or processed at five inches maximum diameter; provides maximum fine of $500 and a lien against vessel used in committing violation; vests Secretary of the Interior with responsibility for enforcing the Act and authorizes him to request the use of Coast Guard craft and employees of Customs Service to assist in enforcement. The Act of August 15, 1914, repealed an earlier act for the regulation of the sponge fishery (Act of June 20, 1906; 34 Stat. 313). The amendment made by the Act of August 4, 1949, concerned only a change from the Revenue Cutter Service to the Coast Guard in describing enforcement procedures.*

| | | |
|---|---|---|
| 38 Stat. 692 | Public Law 172, 63rd Cong. | Act of August 15, 1914 |
| 63 Stat. 495, 561 | Public Law 207, 81st Cong. | Act of August 4, 1949 |

* The Act as approved in 1914 placed the enforcement authority in the Secretary of Commerce. The language in U.S.C. places the authority in the Secretary of the Interior by editorial change supported by citation to various Reorganization Plans. The 1970 Edition, U.S.C., fails to include the transfer from Interior to Commerce by Reorganization Plan No. 4 of 1970.

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3. Federal Power Act

16 U.S.C. 811

Provides that the Federal Power Commission shall require a licensee under the Act to construct, maintain, and operate, at the expense of the licensee, such fishways as may be prescribed by the Secretary of the Interior.*

| | | |
|---|---|---|
| 41 Stat. 1073 | Public Law 280, 66th Cong. | Act of June 10, 1920 |
| 49 Stat. 845 | Public Law 333, 74th Cong. | Act of August 26, 1935 |
| 53 Stat. 1433 | 1939 Reorg. Plan No. II | Effective July 1, 1939 |

* The Act as approved in 1920, and as amended in 1935, provided that the Secretary of Commerce would prescribe the fishways. The language in the 1970 Edition, U.S.C., places this responsibility in the Secretary of the Interior by editorial change supported by citation to 1939 Reorganization Plan No. II, but fails to include the transfer from Interior to Commerce effected by Reorganization Plan No. 4 of 1970.

4. Propagation of Mussels

16 U.S.C. 750-751

Authorizes the establishment of a station on the Mississippi River for the rescue of fishes and the propagation of mussels in connection with fish-rescue operations throughout the Mississippi Valley.**

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|---|---|---|
| 42 Stat. 501 | Public Law 203, 67th Cong. | Act of April 28, 1922 |

** A footnote refers to the transfer of functions accomplished by Reorganization Plan No. 4 of 1970.

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5. The Black Bass Act, as amended

16 U.S.C. 851-856

This Act makes it unlawful to transport to or from States, Territories, the District of Columbia, or a foreign country, any black bass or other fish caught, killed, taken, sold, purchased, possessed, or transported, at any time contrary to the law of the State, Territory, the District of Columbia, or a foreign country where such acts were committed. The Act also authorizes enforcement procedures.*

| | | |
|---|---|---|
| 44 Stat. 576 | Public Law 256, 69th Cong. | Act of May 20, 1926 |
| 46 Stat. 845 | Public Law 495, 71st Cong. | Act of July 2, 1930 |
| 61 Stat. 517 | Public Law 258, 80th Cong. | Act of July 30, 1947 |
| 66 Stat. 736 | Public Law 569, 82nd Cong. | Act of July 16, 1952 |
| 73 Stat. 430 | Public Law 86-207 | Act of August 25, 1959 |
| 83 Stat. 275 | Public Law 91-135 | Act of December 5, 1969 |

* The 1926 Act did not name an enforcement agency but the 1930 amendment named the Secretary of Commerce. The next amendment in 1947 followed the transfer of fish and wildlife to Interior from Commerce and Agriculture, respectively, so Interior is named thereafter. The 1970 Edition of the U.S.C. cites the 1939 Reorganization Plan No. II but fails to cite Reorganization Plan No. 4 of 1970.

6. Fisheries Construction and Maintenance
(No Code Citation)

Act of May 21, 1930, authorizes a 5-year construction and maintenance program for the Bureau of Fisheries. Although the 5-year period contemplated by this Act has expired, some provisions have been incorporated by reference in a later enactment. See Columbia River Fishery Development Program, infra.

| | | |
|---|---|---|
| 46 Stat. 371 | Public Law 240, 71st Cong. | Act of May 21, 1930 |

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7. Fishery Cooperative Associations

15 U.S.C. 521-522

The Act of June 25, 1934, authorizes the formation of fishery marketing cooperatives and provides for their administration.

48 Stat. 1213 Public Law 464, 73rd Cong. Act of June 25, 1934

(Note: The Act as approved in 1934 placed the responsibility for administering the Act in the Secretary of Commerce. The language in the 1970 Edition, U.S.C., substitutes the Secretary of the Interior by editorial change supported by citation to 1939 Reorganization Plan No. II. The U.S.C. fails to include the transfer from Interior to Commerce effected by Reorganization Plan No. 4 of 1970.)

8. Fish and Wildlife Coordination Act, as amended

16 U.S.C. 661-666c

Authorizes the Secretary of the Interior to cooperate with Federal, State, and public or private agencies in the conservation and development of fish and wildlife resources affected by water-resource development programs. He is further authorized to make reports and recommendations on wildlife aspects of such projects based on surveys and investigations to be conducted by the Fish and Wildlife Service. These reports and recommendations are made anintegral part of the report prepared by any Federal agency, responsible for engineering surveys and construction of such projects, to be presented to Congress or authorizing agency.*

| | | |
|---|---|---|
| 48 Stat. 401 | Public Law 121, 73rd Cong. | Act of March 10, 1934 |
| 60 Stat. 1080 | Public Law 732, 79th Cong. | Act of August 14, 1946 |
| 62 Stat. 497 | Public Law 697, 80th Cong. | Act of June 19, 1948 |
| 72 Stat. 563 | Public Law 85-624 | Act of August 12, 1958 |
| 79 Stat. 216 | Public Law 89-72 (sec. 6(b)) | Act of July 10, 1965 |

* In the original 1934 Act the Secretaries of Agriculture and Commerce were given the responsibility for the activities authorized in the Act. Subsequent amendments followed the transfer to Interior of responsibilities for fish from Commerce and wildlife from Agriculture so the statutes named the Secretary of the Interior. The 1970 Edition of the U.S.C. cites 1939 Reorganization Plan No. II and 1940 Reorganization Plan No. III but fails to cite Reorganization Plan No. 4 of 1970.

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9. The Northern Pacific Halibut Act of 1937, as amended

16 U.S.C. 772-772j; 22 U.S.C. 2672a - 2672b.

Authority to enforce provisions of the Convention between the United States and Canada for the preservation of the halibut fishery of the North Pacific Ocean and the Bering Sea. Authorizes the Secretary of State to provide, by contract, grant, or otherwise, facilities for office and any other necessary space for the International Pacific Halibut Commission, on or near the campus of the University of Washington in the State of Washington. An appropriation of not to exceed $500,000 was authorized.*

| | | |
|---|---|---|
| 50 Stat. 325 | Public Law 169, 75th Cong. | Act of June 28, 1937 |
| 67 Stat. 494 | Public Law 228, 83rd Cong. | Act of August 8, 1953 |
| 79 Stat. 902 | Public Law 89-233 | Act of October 1, 1965 |

* The original Act provided that enforcement was the responsibility of the Bureau of Fisheries, among others, and that joint regulations were to be promulgated by the Secretary of the Treasury and the Secretary of Commerce. The language in the 1970 Edition, U.S.C., substitutes Fish and Wildlife Service and Secretary of the Interior by editorial change supported by citation to 1939 Reorganization Plan No. II and 1940 Reorganization Plan No. III but fails to cite Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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10. Columbia River Basin Fishery Development Program (sometimes known as the Mitchell Act)

16 U.S.C. 755-757

Establish salmon cultural stations in Washington, Oregon, and Idaho. Conduct necessary investigations and engineering and biological surveys and experiments as necessary, to conserve the fishery resources of the Columbia River and its tributaries; construct and install devices in the Columbia River Basin for the improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects, and for facilitating free migration of fish over obstructions; to perform all other activities necessary for the conservation of fish in the Columbia River Basin; and to utilize the facilities and services of the agencies of the States of Washington, Oregon, and Idaho responsible for the conservation of the fish and wildlife resources in such States in carrying out the authorizations and duties imposed by the Act.*

| | | |
|---|---|---|
| 52 Stat. 345 | Public Law 502, 75th Cong. | Act of May 11, 1938 |
| 60 Stat. 932 | Public Law 676, 79th Cong. | Act of August 8, 1946 |

* The authority in the 1938 Act ran to the Secretary of Commerce while the 1946 amendment named the Secretary of the Interior. The 1970 Edition, U.S.C., continues language naming the Secretary of Interior. The Code cites 1939 Reorganization Plan No. II and 1940 Reorganization Plan No. III but does not cite Reorganization Plan No. 4 of 1970.

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11. Acquisition and Disposal of Surplus Fishery Products

15 U.S.C. 713c-2
15 U.S.C. 713c-3
7 U.S.C. 612c
16 U.S.C. 742e
23 F.R. 2304

Authorizes the Secretary of Agriculture to divert surplus domestic fishery products from the normal channels of trade and commerce by acquiring them and providing for their distribution through Federal, State, and private relief channels. By a Memorandum of Understanding signed by the Acting Secretary of the Interior on May 22, 1958, and by the Acting Secretary of Agriculture on July 1, 1958, in order to avoid uneconomical and duplicate activity in fishery products procurement and distribution, which could have occurred by reason of the transfer authorized by the Fish and Wildlife Act of 1956 (16 U.S.C. 742e), it was agreed the Department of the Interior will request the Department of Agriculture to handle procurement and disposition of surplus fishery products for which a program of surplus products disposal is determined to be necessary. Such determination is to be made by the Secretary of the Interior who will then transfer the necessary funds to the Secretary of Agriculture to carry out the program. (Earlier provisions on the subject of acquisition and disposal of surplus fishery products may be found in 50 Stat. 27, 50 Stat. 61, and 52 Stat. 441.)*

| | | |
|---|---|---|
| 53 Stat. 1411 | Public Law 393, 76th Cong. | Act of August 11, 1939 |
| 68 Stat. 376 | Public Law 466, 83rd Cong. | Act of July 1, 1954 |
| 70 Stat. 1124 | Public Law 1024, 84th Cong. | Act of August 8, 1956 |
| 79 Stat. 1311 | Public Law 89-348 | Act of November 8, 1965 |

* The 1970 Edition, U.S.C., continues the title "Secretary of the Interior" without reference by footnote to Reorganization Plan No. 4 of 1970. The 1958 Memorandum of Understanding between Agriculture and Interior is apparently still in effect and has not been updated to reflect Reorganization Plan No. 4 of 1970.

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12. Atlantic States Marine Fisheries Commission

16 U.S.C. 667a

This Resolution authorized the named States to enter into a compact for cooperative effort and mutual assistance for the uniform, common or mutual regulation of fishing in the territorial waters and bays and inlets of the Atlantic Ocean on which such named States border or have jurisdiction. The subsequent interstate compact, as amended, (56 Stat. 267, Public Law 539, 77th Cong., Act of May 4, 1942; 64 Stat. 467, Public Law 721, 81st Cong., Act of August 19, 1950), designated the Fish and Wildlife Service as the primary research agency to promote better utilization of the Atlantic coast fish and shellfish resources.*

54 Stat. 261 Public Resolution 79, 76th Cong. Joint Resolution of June 8, 1940

* Of the three Acts pertaining to this Compact, only the first has been codified. The reference to the Fish and Wildlife Service is contained in one of the Acts not codified. Therefore, there is no way to indicate by footnote reference to Reorganization Plan No. 4 of 1970, that the responsibilities have now been transferred to the Secretary of Commerce.

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13. Sockeye Salmon or Pink Salmon Fishery Act of 1947, as amended

16 U.S.C. 776-776f

Provides for implementation and enforcement of the terms of the Convention between the United States of America and the Dominion of Canada for the protection, preservation, and extension of the sockeye salmon fisheries of the Fraser River system, signed at Washington on the 26th day of May 1930, as amended by the protocol to the convention signed at Ottowa on the 28th day of December 1956, which added pink salmon. The Act was amended October 18, 1972, to provide an additional appropriation authorization of $7,000,000 for the United States share of costs and expenses incident to the development and construction of salmon enhancement facilities pursuant to the program approved by the Commission for restoration and extension of the sockeye and pink salmon stocks of the Fraser River system.*

| | | |
|---|---|---|
| 61 Stat. 511 | Public Law 255, 80th Cong. | Act of July 29, 1947 |
| 71 Stat. 293 | Public Law 85-102 | Act of July 11, 1957 |
| 86 Stat. 907 | Public Law 92-504 | Act of October 18, 1972 |

* The Act provides that the President shall designate a Federal agency which shall be responsible for the enforcement of the provisions of the Convention, the Act, and regulations of the Commission. By executive order on September 22, 1947, (3 C.F.R. 666) the President designated the Fish and Wildlife Service. The Act itself, in section 6(d) refers to the "Fish and Wildlife Service of the Department of the Interior" in establishing procedures for arrests, searches and seizures. The codification of this Act in the U.S.C. does not include a reference or footnote to Reorganization Plan No. 4 of 1970.

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14. Exploration, Investigation, Development, and Maintenance of Fishing Resources and Industry of Pacific Ocean (sometimes known as the "Farrington Act of 1947, as amended")

16 U.S.C. 758-758d

Authorizes and directs the Secretary of the Interior, through the Fish and Wildlife Service of the Department of the Interior, 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. The Secretary may cooperate with the appropriate agencies of the State and island governments, and with educational, industrial, or other organizations, enterprises, and individuals. The Act authorizes appropriations for construction and equipping a fishery research laboratory and experiment station in the State of Hawaii and substations at suitable locations. Certain fishing and research vessels are also authorized.*

| | | |
|---|---|---|
| 61 Stat. 726 | Public Law 329, 80th Cong. | Act of August 4, 1947 |
| 74 Stat. 412 | Public Law 86-624 | Act of July 12, 1960 |

* The 1970 Edition, U.S.C. continues the reference to the Secretary of the Interior and the Fish and Wildlife Service without a footnote reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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15. Omitted.

16. Gulf States Marine Fisheries Commission

Not Codified

Resolution granting the consent and approval of Congress to an interstate compact relating to the better utilization of the fisheries (marine, shell, and anadromous) of the Gulf coast and creating the Gulf States Marine Fisheries Commission. The compact designates the Fish and Wildlife Service of the Department of the Interior as the primary research agency of the Commission cooperating with the research agencies of each named State.*

63 Stat. 70 Public Law 66, 81st Cong. Joint Resolution of May 19, 1949

* Since the Act has not been codified there is no mechanism for indicating the transfer of responsibilities effected by Reorganization Plan No. 4 of 1970.

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17. Atlantic Coast Shad Study

16 U.S.C. 759

Authorizes the Secretary of the Interior to undertake, through the Fish and Wildlife Service, a comprehensive and continuing study of the shad of the Atlantic coast for the purpose of recommending to the Atlantic Coast States, through the Atlantic States Marine Fisheries Commission, measures to be taken to arrest decline, increase the abundance, and to promote the wisest utilization of such shad resources at a cost of not to exceed $75,000 per annum for a six-year period.*

63 Stat. 616 Public Law 249, 81st Cong. Act of August 18, 1949

* While this authority has now expired, the text of the Act is still carried in the 1970 Edition, U.S.C., with no reference or footnote to Reorganization Plan No. 4 of 1970 and the transfers effected by it.

18. Whaling Convention Act of 1949

16 U.S.C. 916-916 l; 22 U.S.C. 2672a - 2672b.

Provides for the licensing, enforcement of regulations, and research to assist the International Whaling Commission established by the International Convention for the Regulation of Whaling signed at Washington, December 2, 1946.**

64 Stat. 421 Public Law 676, 81st Cong. Act of August 9, 1950

** The text of the law as it appears in the 1970 Edition, U.S.C., continues the terms "Secretary of the Interior" and "Fish and Wildlife Service" without reference or footnote to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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19. Federal Aid in Fish Restoration Act (sometimes known as the Dingell-Johnson Act)

16 U.S.C. 777-777k

This is a Federal grant-in-aid authorization designed to help the States solve their sport fishery problems. The Secretary of the Interior is authorized and directed to cooperate with the States in fish restoration and management projects. Such projects must be substantial in character and design and may include investigations to produce information for solving fish restoration and management problems; acquisition of land and waters to increase public fishing opportunities; and development to create new waters and to increase productivity in existing waters. Funds for the program are derived from a 10% Federal excise tax on fishing rods, creels, reels, and artificial lures, baits and flies. Apportionment is made to the States according to a formula based upon both the ratio of the area of each State and the ratio of the number of sport fishing licenses issued in each State. The Federal share cannot exceed 75% of the cost of a project. In order to participate, a State must have fishery conservation laws including a prohibition against the use of license fees paid by fishermen for any purpose other than the administration of that State's fish and game department.*

| | | |
|---|---|---|
| 64 Stat. 430 | Public Law 681, 81st Cong. | Act of August 9, 1950 |
| 70 Stat. 473 | Public Law 640, 84th Cong. | Act of July 2, 1956 |
| 70 Stat. 908 | Public Law 896, 84th Cong. | Act of August 1, 1956 |
| 73 Stat. 143 | Public Law 86-70 | Act of June 25, 1959 |
| 74 Stat. 413 | Public Law 86-624 | Act of July 12, 1960 |
| 79 Stat. 1311 | Public Law 89-348 | Act of November 8, 1965 |
| 84 Stat. 1101 | Public Law 91-503 | Act of October 23, 1970 |

* The 1950 Act, as amended, names the Secretary of the Interior and the codification in the 1970 Edition, U.S.C., carries no footnote or other reference to Reorganization Plan No. 4 of 1970 or the transfers of authority accomplished by it. However, the Presidential transmittal message of July 9, 1970, indicated that the reasons for the transfers accomplished by that Reorganization Plan were stated "in a more extended accompanying message". The accompanying message (also dated July 9, 1970, House Document No. 91-366) stated that the creation of NOAA in the Department of Commerce would permit a unified approach for exploration and development of the oceans and atmosphere leading to the intelligent use of our marine resources. The message described the components of NOAA by listing the organizations that would be moved into NOAA by the plan. In the listing some organizations were listed as "Elements of..." but in the case of the marine sport fish program there was no such limiting language. The third item in the listing was "The marine sport fish program of the Bureau of Sport Fisheries and Wildlife (from the Department of the Interior)."

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20. Atlantic Coast Fish Study for Development and Protection of Fish Resources

16 U.S.C. 760a-760c

Directs the Secretary of the Interior to undertake a comprehensive and continuing study of species of fish of the Atlantic coast, including bays, sounds, and tributaries, for the purpose of recommending to the States of the Atlantic coast appropriate measures for the development and protection of such resources and their wisest utilization, whether for sport or commercial fishing or both. An annual appropriation not in excess of $250,000 is authorized.*

64 Stat. 474 Public Law 730, 81st Cong. Act of August 25, 1950

* The language contained in the 1970 Edition, U.S.C., continues the use of the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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21. Tuna Conventions Act of 1950

16 U.S.C. 951-961; 22 U.S.C 2672a - 2672b.

Provides for the appointment of Commissioners and Advisory Committees for the International Commission for the Scientific Investigation of Tuna and the Inter-American Tropical Tuna Commission. Authorizes the approval or disapproval of annual programs of the Commissions and regulations of the Commissions requiring the submission of records of operations by persons participating in the fishery covered by the Conventions. Authorizes cooperation of Federal agencies with the Commissions in the conduct of scientific programs. (The International Commission for the Scientific Investigation of Tuna is not active.) The Act of October 15, 1962, amending the Act of September 7, 1950, authorizes the Secretary of the Interior to issue regulations to carry out recommendations of the Inter-American Tropical Tuna Commission, upon approval of such recommendations by the Secretaries of State and Interior, concerning proposals designed to keep the populations of tuna at levels of abundance which will permit the maximum sustained catch. Regulations may also be issued with the concurrence of the Secretary of State prohibiting the entry into the United States of fish from any country whose vessels are being used in a manner that tends to diminish the effectiveness of the Commission's conservation recommendations.*

| | | |
|---|---|---|
| 64 Stat. 777 | Public Law 764, 81st Cong. | Act of September 7, 1950 |
| 76 Stat. 923 | Public Law 87-814 | Act of October 15, 1962 |
| 86 Stat. 787 | Public Law 92-471 | Act of October 9, 1972 |

* The language contained in the 1970 Edition, U.S.C., continues the use of the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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22. The Defense Production Act of 1950 as implemented by Executive Order 10480 (August 14, 1953) and Executive Order 11490 (October 28, 1969)

50 App. U.S.C. 2153; 3 CFR 1949-1953 Comp., p. 962; 3 CFR 1966-1970 Comp., p. 820.

The Defense Production Act provides that the President may delegate his authority under that Act. By Executive Orders 10480 and 11490 the Department of Agriculture is delegated the responsibility for emergency preparedness planning and execution of mobilization and management programs for the overall food resources of the Nation. The Secretary of Agriculture delegated to the Secretary of Commerce responsibility and authority for the production and processing of fish and fishery products, and certain related claimant functions. Under these delegations the National Marine Fisheries Service (NMFS) carries on emergency preparedness programs pertaining to the production or harvesting of fish, shellfish, and marine resources. This responsibility includes the preparation of fishery production data maintained at the National Resource Evaluation Center and the planning for and reporting of natural disasters and civil disturbances which may affect the commercial fisheries industry and NMFS installations.

64 Stat. 816 Public Law 774, 81st Cong. Act of September 8, 1950

(Successive Acts have extended the termination date of the Act of September 8, 1950.)

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23. Northwest Atlantic Fisheries Act of 1950

16 U.S.C. 981-991

Authorizes enforcement of the provisions of the International Convention for the Northwest Atlantic Fisheries (ICNAF). The 1968 amendment added a new definition to include all forms of animal life (mammals) covered by the Convention. The 1971 amendment brings the Act into accord with two new protocols to the Convention which provide that a signatory Government is deemed to have approved a proposal for regulation unless it objects within a specified period and that authorized inspectors from any signatory nation can enforce the conservation regulations with regard to nationals and vessels of all signatory nations in the area covered by the Convention. The amendment also provides for the designation of Alternate Commissioners by the Secretary of State in consultation with the Secretary of Commerce. Other provisions of the amendment bring the Act into conformity with Reorganization Plan No. 4 of 1970.

| | | |
|---|---|---|
| 64 Stat. 1067 | Public Law 845, 81st Cong. | Act of September 27, 1950 |
| 82 Stat. 419 | Public Law 90-420 | Act of July 24, 1968 |
| 85 Stat. 310 | Public Law 92-87 | Act of August 11, 1971 |

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24. Act of July 1, 1954, as amended (sometimes known as the Saltonstall-Kennedy (S-K) Act of 1954)

15 U.S.C. 713c-3

The Act of July 1, 1954, was enacted as an amended section 2 of the Act of August 11, 1939 (53 Stat. 1411). The 1939 Act dealt only with the purchase and distribution of surplus fishery products. The broader 1954 Act directs the Secretary of Agriculture to transfer annually to the Secretary of the Interior, from funds made available under the terms of section 32 of the Agricultural Adjustment Act (7 U.S.C. 612c), an amount equal to 30 percent of the gross receipts from customs duties collected on fishery products. Such funds are to be maintained in a separate fund and used by the Secretary of the Interior to promote the free flow of domestically produced fishery products by conducting a fishery educational service, and technological, biological and related research programs. The funds may also be used for purchase or other acquisition, construction, equipment, operation, and maintenance of vessels or other facilities for conducting the research authorized. The funds may also be used to develop and increase markets for domestic fishery products and to conduct biological, technological, or other research pertaining to American fisheries. Agencies of the United States and Government Corporations are authorized to transfer to the Secretary, without reimbursement, vessels or equipment for the activities authorized.

The Secretary is directed to cooperate with appropriate agencies of Federal State, and local governments, private agencies, organizations, and individuals having an interest in fisheries in carrying out the activities authorized by the Act.

The Secretary is authorized to retransfer to Agriculture not more than $1.5 million to be used for the purchase and distribution of surplus fishery products (see Acquisition and Disposal of Surplus Fishery Products, page 8 ).*

| | | |
|---|---|---|
| 68 Stat. 376 | Public Law 466, 83rd Cong. | Act of July 1, 1954 |
| 70 Stat. 1124 | Public Law 1024, 84th Cong. | Act of August 8, 1956 |
| 79 Stat. 1311 | Public Law 89-348 | Act of November 8, 1965 |

* The 1970 Edition, U.S.C., continues the title "Secretary of the Interior" without reference by footnote to Reorganization Plan No. 4 of 1970.

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25. North Pacific Fisheries Act of 1954, as amended

16 U.S.C. 1021-1032

Authorizes the Secretary of Commerce to administer and enforce the provisions of the International Convention for the High Seas Fisheries of the North Pacific Ocean and a protocol relating thereto, to which the United States, Canada, and Japan are parties. Enforcement activities under the Act relating to vessels engaged in fishing and subject to the jurisdiction of the United States are primarily the responsibility of the Secretary of the Department in which the Coast Guard is operating, in cooperation with the Secretary of Commerce. Any agency of the Federal Government is authorized, upon request of the International North Pacific Fisheries Commission, to cooperate in the conduct of scientific and other programs.

| | | |
|---|---|---|
| 68 Stat. 698 | Public Law 579, 83rd Cong. | Act of August 12, 1954 |
| 71 Stat. 310 | Public Law 85-114 | Act of July 24, 1957 |
| 86 Stat. 784 | Public Law 92-471 | Act of October 9, 1972 |

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26. Agricultural Trade Development and Assistance Act of 1954, as amended (sometimes known as Public Law 480)

7 U.S.C. 1704 (b)(3)

The Act authorizes the use of foreign currencies which accrue from the sales of surplus agricultural commodities for the conduct and support of scientific activities overseas and to collect, collate, translate, abstract, and disseminate scientific and technological information, and to promote and support programs of medical and scientific research, cultural and educational development, health, nutrition, and sanitation. This particular authorization requires that there be specific appropriations for the use of such foreign currencies. The Bureau of Commercial Fisheries received its first appropriation under this authority in the budget for the fiscal year ending June 30, 1962. Funds have been made available to the National Marine Fisheries Service under this authority since its creation by Reorganization Plan No. 4 of 1970.

| | | |
|---|---|---|
| 68 Stat. 456 | Public Law 480, 83rd Cong. | Act of July 10, 1954 |
| 72 Stat. 275 | Public Law 85-477 | Act of June 30, 1958 |
| 73 Stat. 258 | Public Law 86-108 | Act of July 28, 1959 |
| 73 Stat. 607 | Public Law 86-341 | Act of Sept. 21, 1959 |
| 80 Stat. 1529 | Public Law 89-808 | Act of Nov. 11, 1966 |

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27. Fishery Education

16 U.S.C. 760d

Authorizes the Secretary of the Interior to make grants to educational institutions to promote education and training of scientists, technicians and teachers needed in the field of commercial fishing. Funds appropriated are to be apportioned by the Secretary among the States and Territories taking into account the extent of the fishing industry within each State and Territory as compared with the total fishing industry of the United States. An annual appropriation not in excess of $550,000 is authorized. This Act also amended the Vocational Education Act of 1946 to authorize assistance to the States and Territories in the development of vocational education in the fishery trades. This section was codified at 20 U.S.C. 15j (a)(5) but was repealed by the Act of October 16, 1968.*

| | | |
|---|---|---|
| 70 Stat. 1126 | Public Law 1027, 84th Cong. | Act of August 8, 1956 |
| 82 Stat. 1091 | Public Law 90-576 | Act of October 16, 1968 |

* The language contained in the 1970 Edition, U.S.C., continues the use of the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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28. Fish and Wildlife Act of 1956

16 U.S.C. 742a-742k; 15 U.S.C. 713c-3(e); 15 U.S.C. 713c-3 Note; 23 F.R. 2304

The Act, as amended, contains a Congressional declaration of policy to the effect that fish and wildlife resources make a material contribution to the national economy and food supply and that the fishing industry can fulfill its proper function in national life only with the satisfaction of fundamental needs of freedom of enterprise, protection of opportunity, and assistance consistent with that provided by Government for industry generally.

The original Act established within the Department of the Interior, the United States Fish and Wildlife Service composed of the Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife. Functions were distributed between the two Bureaus with the Bureau of Commercial Fisheries responsible for commercial fisheries, whales, seals, and sea lions, and related matters. The Bureau of Sport Fisheries and Wildlife functions are migratory birds, game management, wildlife refuges, sport fisheries, sea mammals (except whales, seals, and sea lions), and related matters.

The Act provides for a fishery loan program in which the Secretary may make loans for financing or refinancing of the cost or purchasing, constructing, equipping, maintaining, repairing, or operating new or used commercial fishing vessels or gear. By a separate but related Act (75 Stat. 493) the Secretary was given authority in the management and disposition of vessels and other property acquired and arising out of fishery loans to facilitate administration of the loan authority.

The Act transferred to the Secretary of the Interior functions of the Secretary of Agriculture, the Secretary of Commerce, and the head of any other department or agency, as determined by the Director of the Office of Management and Budget. Such a determination was made on March 22, 1958, in which four specific functions were transferred. A copy of that determination is appended hereto.

Under this Act the Secretary is authorized to conduct continuing investigations and disseminate information concerning the production and flow to market of fishery products; the availability, abundance, and biological requirements of fish and wildlife resources; the competitive economic position of the various fishery products; the collection and dissemination of statistics on fishing; the improvement of production and marketing practices and the conduct of educational and extension services relative to commercial and sport fisheries; and any other matter which the Secretary

believes to be in the public interest in connection with any phase of fish and wildlife operations. The Secretary is to develop and recommend measures to assure maximum sustainable production of fish and fishery products; study the economic condition of the industry; develop special promotional and informational activities to stimulate consumption where surplus exists; and take steps for the development, advancement, management, conservation, and protection of fisheries resources.

The Act provides for cooperation between the Secretaries of State and Interior in providing for representation at international meetings relating to fish and wildlife including membership on U.S. delegations and negotiating teams of an Interior representative.*

By the 1971 amendment to the Act, shooting or attempting to shoot or harassing any bird, fish, or other animal from an aircraft while airborne, or to knowingly participate in such activity, is made a criminal offense punishable by a fine of not more than $5,000 or imprisonment for not more than one year, or both. The prohibition does not apply to certain described employees or authorized agents of any State or the United States. Nor does it apply to certain described licensees of any State or the United States and each such person must report his activities quarterly to the issuing authority. Likewise, the State issuing a license or permit must report such issuance to the Secretary of the Interior.

| | | |
|---|---|---|
| 70 Stat. 1119 | Public Law 1024, 84th Cong. | Act of August 8, 1956 |
| 72 Stat. 1710 | Public Law 85-888 | Act of Sept. 2, 1958 |
| 75 Stat. 493 | Public Law 87-219 | Act of Sept. 13, 1961 |
| 75 Stat. 788 | Public Law 87-367 | Act of October 4, 1961 |
| 76 Stat. 849 | Public Law 87-793 | Act of October 11, 1962 |
| 78 Stat. 199 | Public Law 88-309 | Act of May 20, 1964 |
| 79 Stat. 262 | Public Law 89-85 | Act of July 24, 1965 |
| 84 Stat. 309 | Public Law 91-279 | Act of June 12, 1970 |
| 84 Stat. 829 | Public Law 91-387 | Act of August 24, 1970 |
| 85 Stat. 480 | Public Law 92-159 | Act of November 18, 1971 |
| 86 Stat. 905 | Public Law 92-502 | Act of October 18, 1972 |

*While the text of the Act as it appears in the 1970 Edition, U.S.C., continues the use of the terms "Secretary of the Interior" and "Fish and Wildlife Service", the editors have, at pertinent places, made reference by footnote to Reorganization Plan No. 4 of 1970 and the transfers effected thereunder.

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DETERMINATION BY THE DIRECTOR OF THE BUREAU OF THE BUDGET
on March 22, 1958 (23 F.R. 2304) as modified on
March 1, 1967 (32 F.R. 3783), and on May 30, 1969
(34 F.R. 8373)

Transfer of Certain Functions Relating to Commercial Fisheries to
Department of the Interior
Determination with respect to certain matters pursuant to Act of
August 8, 1956

March 22, 1958

Pursuant to section 6(a) of the Act of August 8, 1956, popularly known as the Fish and Wildlife Act of 1956 (16 U.S.C. 742e), it is hereby determined that the following functions relate primarily to the development, advancement, management, conservation, and protection of commercial fisheries and shall be deemed to be transferred to the Department of the Interior by that Act:

1. The distribution and disposal of surplus fishery products now performed by the Department of Agriculture under the authority of the Act of August 11, 1939 (15 U.S.C. 713c-2).

2. All functions of the Department of Agriculture which pertain to fish, shellfish and any products thereof, now performed under the authority of title II of the Act of August 14, 1946, popularly known as the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627), including but not limited to the development and promulgation of grade standards, the inspection and certification, and improvement of transportation facilities and rates for fish and shellfish and any products thereof.

3. All functions of the Maritime Administration, Department of Commerce, which pertain to Federal ship mortgage insurance for fishing vessels under authority of title XI of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1271-1279), provided that the amount of loans outstanding under this transferred authority shall not exceed $25 million at any one time.

4. All functions of the Maritime Administration, Department of Commerce, which pertain to direct loans to aid construction of fishing vessels under authority of title V of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1151-1161o).

It is further determined that pursuant to said section 6(b) of the Act of August 8, 1956, the following are necessary in connection with the exercise of the above listed functions and shall be deemed to be transferred to the Department of the Interior by that Act:

a. The amounts shown in Schedule 1, hereto attached, which amounts are hereby determined to be available for use, as specified in said schedule, in connection with the functions transferred by said Act:

b. The property and records shown in Schedule 2, hereto attached, which property and records where used or held in connection with the functions transferred by said Act.

Note: The 1967 modification increased the limit on outstanding loans in paragraph 3 from $10 million to $20 million. The 1969 modification increased the limit on outstanding loans in par. 3 from $20 to $25 million.

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29. Fishery Research and Experimentation (Reservoirs and Flooded Rice Lands)

16 U.S.C. 778-778c

The Secretary of the Interior is authorized and directed to establish an experiment station or stations to carry on a program of research and experimentation to determine species of fish most suitable for commercial culture in shallow reservoirs and flooded rice lands; determine methods of production for stocking; methods for the control of parasites and diseases; develop economical methods of raising the more desirable species; develop suitable methods of harvesting; and with the Department of Agriculture, determine the effects of rotation of fish with rice and other crops. Also authorized acquisition of land for purposes of the Act; cooperation with States and other institutions; and publication of the research and experimentation carried on.*

72 Stat. 35 Public Law 85-342 Act of March 15, 1958

* The language contained in the 1970 Edition, U.S.C., continues the use of the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

30. Research Grants to Institutions of Higher Education and Scientific Research Organizations

42 U.S.C. 1891-1893

Authorizes basic scientific research grants to non-profit institutions of higher education or to non-profit organizations whose primary purpose is the conduct of scientific research, when such grants are deemed to be in furtherance of agency objectives; provides for discretionary authority to vest in such institutions or organizations, title to equipment purchases with grant or contract funds, if in furtherance of agency objectives; and requires an annual report on such grants to the appropriate committees of both Houses of Congress. This authority is available to the head of any Federal agency authorized to enter into contracts for basic scientific research at non-profit institutions of higher education, or at non-profit organizations whose primary purpose is the conduct of scientific research. This authority was utilized for several years by the Bureau of Commercial Fisheries but has not been utilized by the National Marine Fisheries Service.

72 Stat. 1793 Public Law 85-934 Act of September 6, 1958

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31. Fishery Attache Program, Executive Order No. 10249, June 4, 1951, 16 F.R. 5309 (3 CFR 1949-1953 Comp., p. 755), and Memorandum of Understanding Between the Departments of State and Interior with Respect to the Minerals and Fisheries Officer Program, dated May 5, 1959

16 U.S.C. 742d
16 U.S.C. 742e(c)
22 U.S.C. 846
22 U.S.C. 846 Note

Recognizing its responsibility to serve the foreign reporting needs of other Federal agencies, and the particular needs of the Department of the Interior in the fishery field, the Department of State in consultation with the Department of the Interior and other interested Government agencies develops appropriate schedules and comprehensive guidance materials for mineral and fishery reports. The Department of State also requests funds for Fisheries and Minerals Officer positions at those posts which are determined by the Department of State, in consultation with the Department of the Interior, to require such positions. These Officers are responsible for discharging in their respective fields the economic and technological reporting requirements for the country in which they are stationed. To date, Fishery Attaches have been appointed to Copenhagen, Denmark; Tokyo, Japan; Mexico City, Mexico; and Abidjan, Ivory Coast.*

| | | |
|---|---|---|
| 60 Stat. 1002 | Public Law 724, 79th Cong. | Act of August 13, 1946 |
| 70 Stat. 1121 | Public Law 1024, 84th Cong. | Act of August 8, 1956 |

* As of the time of this writing, the fishery attache program of the National Marine Fisheries Service is operating under the terms of the May 5, 1959 Memorandum of Understanding.

32. Marine Migratory Sport Fish

16 U.S.C. 760e-760g

The Secretary of Commerce is directed to undertake a comprehensive continuing study of the migratory marine fish of interest to recreational fishermen, including species inhabiting offshore waters and species which migrate through inshore waters. Included in such study shall be research on migration, identity of stocks, growth rates, mortality rates, variations in survival, environmental influences including pollution, to develop wise conservation policies and constructive management. The Secretary is authorized to acquire lands, construct facilities, purchase boats, equipment, and apparatus, and to employ persons as he deems necessary. The Secretary may cooperate or contract with State and other institutions and make public the results of the research conducted pursuant to the Act.

| | | |
|---|---|---|
| 73 Stat. 642 | Public Law 86-359 | Act of September 22, 1959 |
| 84 Stat. 2090 | Reorg. Plan No. 4 of 1970 | Eff. October 3, 1970 |

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33. Omitted

34. Cooperative Research Units

16 U.S.C. 753a-753b

Authorizes the Secretary of the Interior to continue to enter into cooperative agreements with colleges, universities, State fish and game departments, and with non-profit organizations relating to cooperative research units by assigning Department of the Interior technical personnel for service with such units, by supplying units with equipment that may be available for such purposes, and by paying the incidental expenses of Federal personnel and employees of cooperating agencies assigned to the units.*

74 Stat. 733 Public Law 86-686 Act of September 2, 1960

* The text of the law as it appears in the 1970 Edition, U.S.C., continues the terms "Secretary of the Interior" and "Department of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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34A. Fishing Vessel Construction Differential Subsidy (United States Fishing Fleet Improvement Act)

46 U.S.C. 1401-1413

Authorizes the Secretary of the Interior to pay not less than 35 percent and not more than 50 percent of the cost of construction in a United States shipyard of a new fishing vessel and not more than 35 percent of the cost of construction through the conversion or reconditioning of any vessel to a fishing vessel or through rebuilding any existing fishing vessel in a United States shipyard. Such payments are to be based upon the estimated difference between the cost of constructing or remodeling various classes of fishing vessels in foreign shipyards as compared with such costs in United States shipyards. The vessel and the owner must meet certain standards and the operation of the vessel must not cause economic hardship to efficient vessel operators already operating in that fishery. In considering an application the Secretary is required to give notice and an opportunity for a public hearing. The present law provides that applications for a subsidy will not be received after June 30, 1972.

| | | |
|---|---|---|
| 74 Stat. 212 | Public Law 86-516 | Act of June 12, 1960 |
| 78 Stat. 614 | Public Law 88-498 | Act of August 30, 1964 |
| 84 Stat. 307 | Public Law 91-279 | Act of June 12, 1970 |

* The text of the law as it appears in the 1970 Edition, U.S.C., continues the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

35. Construction of a Shellfisheries Research Center at Milford, Connecticut

16 U.S.C. 760h-760i

Authorizes the Secretary of the Interior to construct at Milford, Connecticut, a research center for shellfisheries production consisting of research facilities, a pilot hatchery including rearing tanks and ponds, and a training school. The research center shall be used for basic research on the physiology and ecology of commercial shellfish, development of hatchery methods for cultivation of mollusks, and train persons in advanced methods of shellfish culture. An appropriation of not to exceed $1.325 million is authorized.*

75 Stat. 409 Public Law 87-173 Act of August 30, 1961

36. Propagation of Disease-Resistant Strains of Oysters

16 U.S.C. 760j-760 l

Authorizes the Secretary of the Interior, with respect to States where he finds excessive oyster mortality presents an immediate and substantial threat to industry economic stability, to acquire oyster brood stock resistant to the disease causing the mortality, and to distribute such brood stock to the States concerned in accordance with cooperatively developed plans, provided the participating State pay one-third of the cost of the program. Also authorizes the making of grants to such States to assist in the financing of research and other activities necessary in the development of disease-resistant strains of oysters, provided the participating States agree to use an additional amount for such purposes equal to at least 50 percent of the grant.*

76 Stat. 356 Public Law 87-580 Act of August 9, 1962

* The text of both Acts as they appear in the 1970 Edition, U.S.C., continue the use of the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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37. Prohibition of Fishing in United States Territorial Waters by Foreign-Flag Vessels

16 U.S.C. 1081-1086

Prohibits foreign-flag vessels from engaging in the fisheries within territorial waters of the United States, its territories and possessions and Puerto Rico, or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters or in such waters to engage in activities in support of a foreign fishery fleet and provides for enforcement of the prohibition and statutory penalties for violations. The law also prohibits foreign-flag vessels from taking any Continental Shelf fishery resource which appertains to the United States. As defined in the Act, such resources are limited to the sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil of the Continental Shelf. Exceptions are provided for, either by international treaty, or by specific authority from the Secretary of the Treasury under certain conditions after approval by the Secretaries of State and Interior and the individual State concerned.*

| | | |
|---|---|---|
| 78 Stat. 194 | Public Law 88-308 | Act of May 20, 1964 |
| 82 Stat. 445 | Public Law 90-427 | Act of July 26, 1968 |
| 84 Stat. 1296 | Public Law 91-514 | Act of October 27, 1970 |

* The text of the law as it appears in the 1970 Edition, U.S.C., continues the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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38. Commercial Fisheries Research and Development Act of 1964

16 U.S.C. 779-779f

Authorizes the Secretary of the Interior to cooperate with the States through their respective State agencies which regulate commercial fisheries in carrying out projects designed for research on and development of the commercial fisheries resources of the Nation. Puerto Rico, American Samoa, the Virgin Islands, and Guam are treated as States.

Section 4(a) authorizes the appropriation of $5,000,000 annually which is to be apportioned annually among the States according to a formula based upon the amount of commercial fishery activity in each State. The funds are to be available for obligation for 2 years and if not used revert to the U.S. Treasury. Projects approved under this subsection will be financed by the Federal Government and by the State Government and the share of the Federal Government cannot exceed 75 percent.

Section 4(b) authorizes the appropriation of $1,500,000 annually. This money is to be made available to the States in amounts to be determined by the Secretary for the purposes of the Act. The Secretary must give preference to those States in which he determines there is a commercial fishery failure due to a resource disaster arising from natural or undetermined causes. Under this subsection the money may be used for any purpose the Secretary determines to be appropriate to restore the fishery affected by such failure or to prevent a similar failure in the future. Projects approved under this subsection may be financed entirely from Federal funds and the money appropriated is available until expended.

Section 4(c) authorizes the appropriation of $100,000 annually. The funds are to be made available to States in amounts to be determined by the Secretary for developing a new commercial fishery. The funds are available for 1 year and projects approved under this subsection are to be financed entirely from Federal funds.

The authority for the three authorizations above expire on June 30, 1978.

A fourth authorization contained in the Act of May 20, 1964, concerned fishery loans in connection with the Alaska earthquake disaster of March 27, 1964. This authorization (codified at 16 U.S.C. 742c(e)) expired June 30, 1966.*

| | | |
|---|---|---|
| 78 Stat. 197 | Public Law 88-309 | Act of May 20, 1964 |
| 82 Stat. 957 | Public Law 90-551 | Act of October 4, 1968 |
| 86 Stat. 1303 | Public Law 92-590 | Act of October 27, 1972 |

* The text of the law as it appears in the 1970 Edition, U.S.C., continues the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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39. Anadromous Fish Conservation Act

16 U.S.C. 757a-757f

Authorizes the Secretary of the Interior to enter into cooperative agreements with the States, jointly or severally, to conserve, develop, and enhance the anadromous fishery resources of the Nation that are subject to depletion from water resource developments or with respect to which the United States has made international conservation agreements. Similar agreements are authorized to conserve, develop, and enhance Great Lakes fish that ascend streams to spawn. The Federal share of the cost shall not exceed 50 percent except that whenever two or more States having a common interest in any basin jointly enter into a cooperative agreement for work authorized by the Act, the Federal share of the costs shall be increased to a maximum of 60 percent. Not more than $1 million of any funds appropriated in any one fiscal year shall be obligated in any one State. The 1965 Act authorized an appropriation of not more than $25 million for the period ending June 30, 1970. The 1970 Act includes an appropriation authorization of $6 million for fiscal year 1971, $7.5 million for fiscal year 1972, $8.5 million for fiscal year 1973, and $10 million for fiscal year 1974. Sums appropriated remain available until expended. The Secretary of the Interior shall, on the basis of the studies carried out under the Act, make recommendations to the Secretary of Health, Education, and Welfare concerning the elimination or reduction of pollutants detrimental to fish and wildlife in interstate or navigable waters. Such recommendations and enforcement measures initiated pursuant thereto by HEW shall be designed to enhance the quality of such waters and shall take into consideration all other legitimate users of such waters.*

| | | |
|---|---|---|
| 79 Stat. 1125 | Public Law 89-304 | Act of October 30, 1965 |
| 84 Stat. 214 | Public Law 91-249 | Act of May 14, 1970 |

* The text of the law as it appears in the 1970 Edition, U.S.C., continues the use of the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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40. 12-Mile Fishery Jurisdiction

16 U.S.C. 1091-1094

Establishes a fisheries zone of 9 miles contiguous to the 3-mile territorial sea of the United States in which the United States will exercise the same exclusive rights in respect to fisheries as it has in its territorial sea, subject to the continuation of traditional fishing by foreign states within this 9-mile zone as may be recognized by the United States. The Act is not to be construed as extending the jurisdiction of the States to the natural resources beneath and in the waters of the 9-mile fisheries zone or as diminishing their jurisdiction to such resources beneath and in the waters of the 3-mile territorial seas of the United States. (Enforcement of this Act is provided for within the terms of Public Law 88-308; 16 U.S.C. 1081-1085.)

80 Stat. 908 Public Law 89-658 Act of October 14, 1966

41. Omitted.

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42.. Fur Seal Act of 1966

16 U.S.C. 1151-1187; 22 U.S.C. 2672a - 2672b.

This Act supersedes the Fur Seal Act of 1944, as amended, which had superseded earlier acts providing for management of the fur seal herd and administration of the Pribilof Islands (32 Stat. 828; 37 Stat. 736; 58 Stat. 100; 61 Stat. 449, 450; 64 Stat. 1071). The Act further implements the Interim Convention on the Conservation of North Pacific Fur Seals signed at Washington, on February 9, 1957, as amended by the protocol signed at Washington, on October 8, 1963, by the United States, Canada, Japan, and the Union of Soviet Socialist Republics. By the terms of the Act, the Secretary of the Interior is authorized to conserve and manage the North Pacific fur seals and to administer the special reservation of the Pribilof Islands.

The Act authorizes the Secretary of the Interior to set aside land on St. Paul Island for a townsite and to convey title to both improved and unimproved lots to individual natives of the Pribilof Islands after the townsite has been surveyed and after the Secretary is satisfied that the St. Paul community is capable of becoming a viable, self-governing community. Proceeds of such sales are to be made available to the governing body of St. Paul for municipal purposes. Provision is also made for 5 yearly grants to the community in the amounts of $50,000, $40,000, $30,000, $20,000 and $10,000.

The Act also provides for the protection of sea otters on the high seas.

The Act continues in effect the provision of the Alaska Statehood Act (72 Stat. 339, 341) which gives to that State 70 percent of the net proceeds derived from the sales of sealskins or sea otter skins made in accordance with the terms of this Act.*

80 Stat. 1091 Public Law 89-702 Act of November 2, 1966

* The text of the law as it appears in the 1970 Edition, U.S.C., continues the use of the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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43. Control or Elimination of Jellyfish (Sea Nettles) and Other Such Pests in the Coastal Waters of the United States

16 U.S.C. 1201-1205

To conserve and protect the fish and shellfish resources in the coastal waters of the United States and to promote and safeguard water-based recreation, the Secretary of the Interior is authorized to cooperate with and provide assistance to the States and the Commonwealth of Puerto Rico in controlling and eliminating jellyfish and other such pests and in conducting research to control floating seaweed in such waters. The cost of such work shall be borne equally by the Federal Government and by the States and the Commonwealth of Puerto Rico, acting jointly or severally.

The Act consents to any compact between any two or more States for the purpose of carrying out the work authorized. There is authorized to be appropriated not to exceed $500,000 for fiscal year 1968; $750,000 for fiscal year 1969; $1,000,000 for the period beginning July 1, 1969, and ending June 30, 1973, and $400,000 for each of the fiscal years 1974, 1975, 1976, and 1977.*

| | | |
|---|---|---|
| 80 Stat. 1149 | Public Law 89-720 | Act of November 2, 1966 |
| 84 Stat. 922 | Public Law 91-451 | Act of October 14, 1970 |
| 86 Stat. 1493 | Public Law 92-604 | Act of October 31, 1972 |

* The text of the law as it appears in the 1970 Edition, U.S.C., continues the use of the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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44. Estuaries and Their Natural Resources

16 U.S.C. 1221-1226

In order to provide a means for considering the need to conserve and restore the valuable estuarine areas of the United States in a manner that reasonably maintains a balance between conservation of natural resources and beauty on the one hand, and on the other, the need to develop estuarine areas for the growth and development of the Nation, the Secretary of the Interior is authorized to conduct, directly or by contract, a study and inventory of the Nation's estuaries.

The action to be taken by the Secretary is to be in cooperation with the States, the Secretary of the Army and other Federal agencies. A report is to be made to the Congress through the President not later than January 30, 1970, including legislative recommendations and recommendations as to whether there should be a nationwide system of estuarine areas. Recommendations for the acquisition of any estuarine area are to be developed in consultation with the States, municipalities and other interested Federal agencies and no lands may be acquired by the United States until authorized by the Congress.

All Federal agencies in planning for the use or development of water and land resources shall give consideration to estuaries and their natural resources and the States and local subdivisions are to be encouraged to take into account the needs and opportunities for protecting estuaries in the development of plans which involve various Federal-State grant-in-aid programs including the Commercial Fisheries Research and Development Act of 1964 and the Anadromous and Great Lakes Fisheries Conservation Act of October 30, 1965.*

An appropriation of $250,000 for fiscal year 1969 and a similar amount for fiscal year 1970 is authorized.

82 Stat. 625 Public Law 90-454 Act of August 3, 1968

* The text of the law as it appears in the 1970 Edition, U.S.C., continues the use of the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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45. Fishermen's Protective Act of 1967

22 U.S.C. 1971-1979

The Act of August 27, 1954, provided that in a case where a vessel of the United States is seized by a foreign country on the basis of rights or claims not recognized by the United States and there is no dispute of material facts concerning the location or activity of the vessel, the Secretary of State is to take such action as he deems appropriate to protect the vessel and crew and secure their release. In addition, the vessel owner is to be reimbursed by the Secretary of the Treasury in an amount certified by the Secretary of State for any fines paid to secure such release.

The Act of August 12, 1968, amends the earlier Act by authorizing similar reimbursement for sums paid for license fees, registration fees, or any other direct charge. In addition, the 1968 Act provides that the Secretary of Commerce, upon application, shall enter into contracts with fishing vessel owners providing that in the case of seizures under the conditions stated above, the Secretary of Commerce shall guarantee the owner or charterer of such vessel for all actual costs except the fines, license fees. etc., taken care of by the Secretary of the Treasury. The actual costs to be guaranteed by the Secretary of Commerce are those resulting from damage to or destruction of the vessel, its gear and equipment; loss or confiscation of the vessel, gear and equipment; and dockage fees or utilities.

The guarantee extends also to the owner (or charterer) and the crew for the market value of fish caught before the seizure but lost by confiscation or spoilage during the period of detention; and for not to exceed 50 percent of the gross income lost as a direct result of the seizure and detention according to a formula provided in the Act.

Where the guarantee runs to the owner and crew, the distribution by the Secretary will be made in accordance with the usual practices in that particular segment of the commercial fishing industry.

The Secretary of Commerce will, by regulation, establish rates to be paid by the owners for such guarantees but such rates will be set so as to recover the cost of administering the program and at least one-third of the cost of the guarantees to the Federal Government. The authority for guarantees under the Act of August 12, 1968, expires June 30, 1977.

Under the terms of the Act the Secretary of State shall take such action as he may deem appropriate to make and collect claims against a foreign country for amounts expended by the United States under any part of this Act. If the offending country fails or refuses to make payment

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in full within 120 days after receiving notice of any such claim by the U.S., the Secretary of State is required to withhold, pending such payment, an amount equal to the unpaid claim from any funds programmed for the current fiscal year to the offending country under the provisions of the Foreign Assistance Act of 1961.

The Act of December 23, 1971, adds a new section to the Fishermen's Protective Act of 1967 which is unrelated to the subject matter of the latter Act. The new section 8 gives the President discretionary authority to prohibit the importation of fishery products from nations which conduct fishing operations in a manner that diminishes the effectiveness of any multilateral international fishery conservation program in which the United States participates. The Secretary of Commerce has the responsibility under the section for certifying to the President when such fishing operations are being conducted by foreign nations.

The Secretary of the Treasury is responsible for instituting and enforcing any embargo the President elects to apply. The terms of the section provide that the President shall notify the Congress of any action taken 60 days following certification by the Secretary of Commerce. If the President, after the certification, fails to direct the Secretary of the Treasury to prohibit the importation of fish products of the offending country, or if the prohibition does not include all fish products of the offending country, the President shall inform the Congress of the reasons therefor.

| | | |
|---|---|---|
| 68 Stat. 883 | Public Law 680, 83rd Cong. | Act of August 27, 1954 |
| 82 Stat. 729 | Public Law 90-482 | Act of August 12, 1968 |
| 85 Stat. 786 | Public Law 92-219 | Act of December 23, 1971 |
| 86 Stat. 1182 | Public Law 92-569 | Act of October 26, 1972 |
| 86 Stat. 1313 | Public Law 92-594 | Act of October 27, 1972 |

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46. Lacey Act (A Part) Transportation of Wildlife Taken In Violation of State, National, or Foreign Laws.

18 U.S.C. 43-44

The original Lacey Act (Act of May 25, 1900, 31 Stat. 187) authorized activity in the Department of Agriculture for the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Act prohibited the importation of foreign wild animals or birds except under a permit with exceptions as determined by the Secretary of Agriculture. The Act also prohibited the interstate transportation of foreign animals and birds the importation of which is prohibited. The law has been amended several times since 1900. During this period Interior has replaced Agriculture and language changes have been made to apply the transportation prohibition first to "any wild animal or bird of any kind" and more recently to "wildlife" which is defined to mean "...any wild mammal, wild bird, amphibian, reptile, mollusk, or crustacean, ...". The addition of "mollusk or crustacean" by Public Law 91-135, (December 5, 1969, effective June 3, 1970), made this law useful in commercial fisheries management for the first time. At the present time the law prohibits the transportation of wildlife, as defined, if taken in violation of State, National, or foreign laws and provides both civil and criminal penalties.

83 Stat. 279 Public Law 91-135 Act of December 5, 1969

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47. Capital Construction Fund - Fishing Vessels (Merchant Marine Act of 1970)

46 U.S.C. 1177

Section 21 of the Merchant Marine Act of 1970, amended section 607 of the Merchant Marine Act, 1936, to provide that any citizen of the United States owning or leasing one or more "eligible vessels" may enter into an agreement with the Secretary of Commerce to establish a capital construction fund (fund) with respect to any or all such vessels. Any agreement entered into under this Section shall be for the purpose of providing replacement vessels, additional vessels, or reconstructed vessels, built in the United States and documented under the laws of the United States for operation in the United States foreign, Great Lakes, or noncontiguous domestic trade, or in the fisheries of the United States, and shall provide for deposit in the fund of the amounts agreed upon as necessary or appropriate to accomplish the purpose of the fund.

Under the terminology used in this Section of the Act, an "eligible vessel" is one which may be made subject to the agreement for purpose of deposits in the fund, while a "qualified vessel" is a replacement vessel, additional vessel, or reconstructed vessel for which withdrawals may be made from the fund. "Eligible vessel" is defined as any vessel constructed in the United States, and if reconstructed, reconstructed in the United States, documented under the laws of the United States, and operated in the foreign or domestic commerce of the United States, with the grandfather proviso that any ship built abroad but documented under U.S. flag on April 15, 1970, or built abroad for use in our foreign trade pursuant to a contract entered into before that date shall be considered as though built in the United States for this purpose.

Qualified withdrawals from the fund may be made for the purpose of (1) acquisition, construction or reconstruction of a qualified vessel, (2) acquisition, construction or reconstruction of barges and containers which are part of the complement of a qualified vessel, and (3) payment of the principal on indebtedness incurred in connection with the acquisition, construction or reconstruction of a qualified vessel or barge or container which is part of the complement of a qualified vessel. Under certain circumstances a qualified vessel may be an existing eligible vessel.

2.

Section 607 provides for a deferral of Federal income taxes on deposits into the fund from the following sources: (1) earnings from shipping operations of agreement vessels (2) net proceeds from sales or other dispositions of, or from insurance on, agreement vessels, and (3) earnings from investment or reinvestment of amounts held in the fund. This provision has the effect of deferring tax on ordinary income or capital gains on these deposits so long as they remain in the fund or are used for the purposes for which the fund is being maintained. Withdrawals for purposes other than those for which the fund is intended (nonqualified withdrawals) may only be made with the permission of the Secretary of Commerce, are taxed in the year of withdrawal, and the tax attributable to the nonqualified withdrawal is subject to an interest charge from the last date for payment of tax for the taxable year in which the amount was deposited in the fund to the last date for payment of tax for the taxable year in which the withdrawal is made.

The amounts in a capital construction fund are required to be kept in a depository or depositories specified in the agreement, and are subject to such trustee and other fiduciary requirements as may be specified by the Secretary of Commerce. These funds may be invested only in interest bearing securities approved by the Secretary of Commerce, except that with the consent of the Secretary of Commerce up to 60 percent of the assets of the fund may be invested in the stock of domestic corporations. Such stock must be fully listed and registered on a national exchange registered with the Securities and Exchange Commission.

84 Stat. 1026 Public Law 91-469 Act of October 21, 1970

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48. Liberty Ships - Artificial Reefs

16 U.S.C. 1220-1220c

Provides that a State may apply to the Secretary of Commerce for one or more Liberty ships which otherwise would be designated by the Secretary for scrapping for the purpose of sinking such ships to establish offshore artificial reefs for the conservation of marine life. The Secretary must seek and consider the views of the Secretaries of Interior and Defense, and any other appropriate Federal officer on the proposed sinking. The transfer is to be accomplished with no cost to the Federal Government.

86 Stat. 617 Public Law 92-402 Act of August 22, 1972

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49. Central, Western, and South Pacific Fisheries Development Act

16 U.S.C. 758 a Note

The Secretary of Commerce is authorized to carry out, directly or by contract, a three-year program for the development of the tuna and other latent fisheries resources of the Central, Western, and South Pacific Ocean. Consultation and cooperation is authorized with the Secretary of the Interior, 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, educational institutions, and the commercial fishing industry. A report to the President and the Congress is required not later than June 30, 1976. An appropriation of $3,000,000 is authorized for the period beginning July 1, 1973 and ending June 30, 1976.

86 Stat. 444 Public Law 92-444 Act of September 29, 1972

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50. Federal Ship Financing Act of 1972

46 U.S.C. 1271-1280

Amends Title XI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1271-1280) by replacing authority to insure vessel mortgages and loans with authority to guarantee obligations. Fishing vessels of five net tons or over are one of several classes of eligible vessels. Generally, obligations (i.e., owed to private lenders) eligible for guarantee must have aided in financing or refinancing the cost of constructing, reconstructing, or reconditioning vessels, or, facilities or equipment pertaining to marine operations.

Section 6(a) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742e(a)) directed that functions of certain agencies relating primarily to the development, advancement, management, conservation, and protection of commercial fisheries, as determined by the Director of the Bureau of the Budget, be transferred to the Secretary of the Interior. Thereafter, on March 22, 1958, the Bureau of the Budget determined that functions of the Maritime Administration, Department of Commerce, pertaining to Federal ship mortgage insurance for fishing vessels under the authority of Title XI of the Merchant Marine Act, 1936, were so transferred. The Determination set a ceiling of $10 million on the amount of insurance that could be outstanding. In order to permit the efficient execution of functions thus transferred, the Act of July 5, 1960, (P.L. 86-577, 74 Stat. 314, 46 U.S.C. 1275 Note) authorized Interior to exercise Title XI authority, relating to fishing vessels, comparable to the Title XI authority of Commerce.

In 1967 a modification of the 1958 Bureau of the Budget Determination raised the insurance ceiling to $20 million and in 1969 another modification raised it to $25 million (text of the Determination page 21(c)).

In effect, the Act of July 5, 1960, is still valid but not essential to NMFS Title XI authority so long as NMFS is located within the Department of Commerce. The same is true for the transfer of authority accomplished by the Fish and Wildlife Act of 1956 and the Determination which followed, except that the $25 million ceiling for NMFS Title XI authority is still in effect.

86 Stat. 909 Public Law 92-507 Act of October 19, 1972

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51. Marine Mammal Protection Act of 1972

16 U.S.C. 1361-1407

The Act establishes a moratorium on the taking of marine mammals and a ban on the importation of marine mammals and marine mammal products with certain exceptions. The Act provides for the establishment of a three-member Marine Mammal Commission supported by a nine-member Committee of Scientific Advisors on Marine Mammals. The Department of Commerce is given responsibility for whales, porpoises, seals, and sea lions. The Department of the Interior is given responsibility for all other marine mammals.

The exceptions to the moratorium are limited. After consultation with the Commission and the Committee of Scientific Advisors, the Secretary can issue permits for scientific research and public display, and can, if consistent with the Act, waive the moratorium to allow commercial taking and importation. Taking mammals incidental to commercial fishing operations is allowed for two years but after that time such taking can be done only under a permit from the Secretary. Until October 21, 1973, an exception may be granted if undue hardship can be proven. Aleuts, Indians, and Eskimos are allowed to take marine mammals for certain restricted purposes, such as subsistance, and arts and crafts. The Pribilof Islands fur seal program is exempt from the moratorium but the program must be studied for possible future modification.

The law provides civil and criminal penalties for violations of the law and implementing regulations and an embargo on imports of fish and fish products from countries which allow fishing methods which are not allowed for U.S. fishermen, or which result in incidental killing or serious injury of marine mammals in excess of United States standards.

The Secretary has the responsibility under the Act to initiate, through the Secretary of State, international negotiations for agreements which will generally protect marine mammals. He is also to cooperate with the States in the protection of marine mammals, and may, where State laws conform to the Act, lift the Federal preemption of State law. The Secretary has the authority under the Act to make grants to public and private entities for research relevant to marine mammal protection, and to the States to foster marine mammal protection and management programs.

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The Secretary is directed to conduct research during a two-year period on improving commercial fishing methods and gear to minimize hazards to marine mammals, and in the meanwhile to issue regulations in consultation with the Commission to minimize the taking of mammals.

The Act contains four separate appropriation authorizations. Three of the authorizations are for fiscal years 1973, 1974, 1975, 1976, and 1977:

> $2.5 million per year for research grants (two-thirds to Commerce and one-third to Interior)
>
> $2.0 million each year to Commerce for administration and operation. $700,000 for FY 1973 and $325,000 per year for FY 1974, 1975, 1976, and 1977 to Interior for administration and operation.
>
> $1.0 million per year for the Commission and Committee, two-thirds of which must be used for research and studies.

$1.0 million per year for FY 1973 and 1974 to Commerce for a program to improve fishing methods and gear to minimize hazards to marine mammals.

86 Stat. 1027 Public Law 92-522 Act of October 21, 1972

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52. Ocean Dumping
(Marine Protection, Research, and Sanctuaries Act of 1972)

33 U.S.C. 1401-1444

Title I of the Act establishes a system to regulate the transportation of material from the United States for dumping into ocean waters, and the dumping of material, transported from outside the United States, if the dumping occurs in ocean waters over which the United States has jurisdiction or over which it may exercise control, under accepted principles of international law, in order to protect its territory or territorial sea. This Title is administered by the Administrator of the Environmental Protection Agency, the Secretary of the Army, and the Secretary of the Department in which the Coast Guard is operating.

Title II of the Act directs the Secretary of Commerce, in coordination with the Administrator of the Environmental Protection Agency and the Secretary of the Department in which the Coast Guard is operating, to initiate a comprehensive and continuing program of monitoring and research regarding the effects of the dumping of material into ocean waters or other coastal waters where the tide ebbs and flows or into the Great Lakes or their connecting waters. The Secretary of Commerce, in consultation with other appropriate Federal entities, is directed to initiate a comprehensive and continuing program of research with respect to possible long-range effects of pollution, overfishing, and man-induced changes of ocean ecosystems.

In carrying out his responsibilities, the Secretary is authorized to utilize the resources of other Federal entities, including the Coast Guard for monitoring purposes. He is to cooperate with and render financial and other assistance to public authorities at all levels, private institutions, and individuals to promote coordination of research, investigations, and studies to determine the means of minimizing or ending all dumping of materials by October 23, 1977. There is authorized to be appropriated not more than $6.0 million each year for fiscal years 1974, 1975, and 1976.

86 Stat. 1052 Public Law 92-532 (Titles I & II) Act of Oct. 23, 1972

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53. Marine Sanctuaries
(Marine Protection, Research, and Sanctuaries Act of 1972)

16 U.S.C. 1431-1434

Title III of the Act authorizes the Secretary of Commerce to designate as marine sanctuaries areas of ocean waters as far seaward as the outer edge of the Continental Shelf, coastal waters where the tide ebbs and flows, or waters of the Great Lakes and their connecting waters, for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values. Before such designation, the Secretary is required to consult with the Secretaries of State, Defense, Interior, and Transportation, and the Administrator of the Environmental Protection Agency. The Secretary must obtain the approval of the President. If the designation is to include waters within the territorial limits of any State or waters over the subsoil and seabed within the seaward boundary of a Coastal State as defined in the Submerged Lands Act (43 U.S.C. 1301(b)), the Secretary must first consult with, and give due consideration to the views of, State officials involved. The Governor of any State thus involved has a veto power over all or any part of the designation. A public hearing is required to be held in the coastal area affected prior to the designation.

The Secretary, in consultation with other interested Federal agencies, shall issue regulations to control any activities permitted within the designated sanctuary. Civil penalties for violation of the regulations are provided. There is authorized to be appropriated not more than $10,000,000 annually for fiscal years 1973, 1974, and 1975 to carry out the provisions of the Title, including acquisition, development, and operation of the marine sanctuaries designated under the Title.

86 Stat. 1061 Public Law 92-532 (Title III) Act of Oct. 23, 1972