

Public Law 88-309

AN ACT

May 20, 1964
[S. 627]

To promote State commercial fishery research and development projects, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Commercial Fisheries Research and Development Act of 1964".

Commercial
Fisheries Research
and Development
Act of 1964.

SEC. 2. As used in this Act, the term—

"Commercial fisheries" means any organization, individual, or group of organizations or individuals engaged in the harvesting, catching, processing, distribution, or sale of fish, shellfish, or fish products.

Definitions.

"Fiscal year" means the period beginning July 1 and ending June 30.

"Obligated" means the written approval by the Secretary of the Interior of a project submitted by the State agency pursuant to this Act.

"Project" means the program of research and development of the commercial fishery resources, including the construction of facilities by the States for the purposes of carrying out the provisions of this Act.

"Raw fish" means aquatic plants and animals.

"State" means the several States of the United States, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.

"State agency" means any department, agency, commission, or official of a State authorized under its laws to regulate commercial fisheries.

SEC. 3. (a) The purpose of this Act is to authorize the Secretary of the Interior to cooperate with the States through their respective State agencies in carrying out projects designed for the research and development of the commercial fisheries resources of the Nation. Federal funds made available under this Act will be used to supplement, and, to the extent practicable, increase the amounts of State funds that would be made available for commercial fisheries research and development in the absence of these Federal funds.

Purpose.

(b) (1) Nothing in this Act prevents any two or more States from acting jointly in carrying out a project.

(2) The Congress consents to any compact or agreement between any two or more States for the purpose of carrying out a project. The right to alter, amend, or repeal this subsection or the consent granted under this subsection is expressly reserved.

SEC. 4. (a) There is authorized to be appropriated to the Secretary of the Interior for the next fiscal year beginning after the date of enactment of this Act, and for the four succeeding fiscal years, \$5,000,000 in each year for apportionment to the States to carry out the purposes of this Act.

Appropriation
authorization.

(b) In addition to the amounts authorized in subsection (a) of this section there is authorized to be appropriated for the next fiscal year beginning after the date of enactment of this Act, and for the succeeding fiscal year, \$400,000 in each such year, and for the next three succeeding fiscal years, \$650,000 in each such year, which shall be made available to the States in such amounts as the Secretary may determine appropriate for the purposes of this Act: *Provided*, That the Secretary shall give a 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, and any sums made available under this subsection may be used either by the States or directly by the

Restriction.

Secretary in cooperation with the States for any purpose that the Secretary determines is appropriate to restore the fishery affected by such failure or to prevent a similar failure in the future: *Provided further*, That the funds authorized to be appropriated under this subsection shall not be available to the Secretary for use as grants for chartering fishing vessels. Amounts appropriated pursuant to this subsection shall remain available until expended.

(c) In addition to the funds authorized in subsection (a) and (b), there is authorized to be appropriated \$100,000 for the fiscal year beginning after the date of enactment of this Act and for each succeeding fiscal year during the term of this Act, which shall be made available to the States in such amounts as the Secretary may determine for developing a new commercial fishery therein.

Apportionment
of funds.
Formula.

SEC. 5. (a) Funds appropriated pursuant to section 4(a) shall be apportioned among the States, by the Secretary, on July 1 of each year or as soon as practicable thereafter, on a basis determined by the ratio which the average of the value of raw fish harvested by domestic commercial fishermen and received within the State (regardless where caught) for the three most recent calendar years for which data satisfactory to the Secretary are available plus the average of the value to the manufacturer of manufactured and processed fishery merchandise manufactured within each State for the three most recent calendar years for which data satisfactory to the Secretary are available, bears to the total average value of all raw fish harvested by domestic commercial fishermen and received within the States (regardless where caught) and fishery merchandise manufactured and processed within the States for the three most recent calendar years for which data satisfactory to the Secretary are available. However, no State may receive an apportionment for any fiscal year of less than one-half of 1 per centum of funds or more than 6 per centum of the funds.

(b) So much of any apportionment for any fiscal year which is not obligated during any year remains available for obligation to carry out the purposes of this Act until the close of the succeeding fiscal year, and if unobligated at the end of that year, the sum is returned to the Treasury of the United States.

Submission of
plans for projects.

SEC. 6. (a) Any State desiring to avail itself of the benefits of this Act may, through its State agency, submit to the Secretary full plans, specifications, and estimates of any project proposed for that State. Items included for engineering, planning, inspection, and unforeseen contingencies in connection with any works to be constructed shall not exceed 10 per centum of the cost of the works, and shall be paid by the State as a part of its contribution to the total cost of the works. If the Secretary approves the plans, specifications, and estimates as being consistent with the purposes of this Act and in accordance with standards to be established by him, he shall notify the State agency. No part of any moneys appropriated pursuant to this Act may be obligated with respect to any project until the plans, specifications, and estimates have been submitted to and approved by the Secretary. The expenditure of funds authorized by this Act shall be applied only to approved projects, and if otherwise applied they shall be replaced by the State before it may participate in any further assistance under this Act.

Approval.

(b) If the Secretary approves the plans, specifications, and estimates for the project, he shall promptly notify the State agency and immediately set aside so much of the appropriation made available under section 4(a) of this Act as represents the Federal share payable under this Act on account of the project, which sum shall not exceed 75 per centum of the total estimated cost of the project.

(c) When the Secretary determines that a project approved by him had been completed, he shall cause to be paid to the proper authority of the State, the Federal share of the project. The Secretary may, if he determines that the project is being conducted in compliance with the approved plans and specifications, make periodic payments on the project as it progresses, but these payments, together with previous payments, shall not exceed the United States share of the project in conformity with the plans and specifications. The Secretary and each State agency may determine jointly at what time and in what amounts progress payments are made. All payments shall be made to the official or depository, as may be designated by the State agency and authorized under the laws of the State to receive public funds of the State.

Payment to proper authority.

SEC. 7. (a) All work, including the furnishing of labor and materials, needed to complete any project approved by the Secretary shall be performed in accordance with applicable Federal and State laws under the direct supervision of the State agency, and in accordance with regulations as the Secretary may prescribe. Title to all property, real and personal, acquired for the purposes of completing any project approved by the Secretary, vests in the State.

Work conditions.

(b) All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), and shall receive overtime pay in accordance with and subject to the provisions of the Contract Work Hours Standards Act (Public Law 87-581). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

Pay rates.

49 Stat. 1011.

76 Stat. 357.
40 USC 327
note.

64 Stat. 1267.
63 Stat. 108.

Property disposal.

(c) If a State disposes of any real or personal property acquired under this Act, the State shall pay into the Treasury of the United States the amount of any proceeds resulting from the property disposal to the extent of and in the same ratio that funds provided by this Act were used in the acquisition of the property. In no case shall the amount paid into the Treasury of the United States under this section exceed the amount of funds provided by this Act for the acquisition of the property involved.

SEC. 8. The Secretary is authorized to make such rules and regulations as he determines necessary to carry out the purposes of this Act.

Rules and regulations.

SEC. 9. Amend section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1121) as amended (16 U.S.C. sec. 742c), by adding a new subsection to read as follows:

“(e) The Secretary is authorized under such terms and conditions and pursuant to regulations prescribed by him to use the funds appropriated under this section to make loans to commercial fishermen for the purpose of chartering fishing vessels pending the construction or repair of vessels lost, destroyed, or damaged by the earthquake of March 27, 1964, and subsequent tidal waves related thereto: *Provided*, That any loans made under this subsection shall only be repaid from the net profits of the operations of such chartered vessels, which profits shall be reduced by such reasonable amount as determined by the Secretary for the salary of the fishermen chartering such vessels. The funds authorized herein shall not be available for such loans after June 30, 1966.”

Fishing vessels, chartering.
Loans to Alaskan earthquake victims.

Approved May 20, 1964.