

(b) All fish delivered for transportation or which have been transported, purchased, received, or which are being transported, in violation of this chapter or any regulations made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him and placed in the custody of such persons as the Secretary of the Interior shall by regulations prescribe, and shall, as a part of the penalty and in addition to any fine or imprisonment imposed under section 853 of this chapter, be forfeited by such court to the United States upon conviction of the offender under this chapter, or upon judgment of the court that the same were transported, delivered, purchased, or received in violation of this chapter or regulations made pursuant thereto. (May 20, 1926, ch. 346, § 6; July 2, 1930, ch. 801, 46 Stat. 846; 1939 Reorg. Plan No. II, § 4 (e), eff. July 1, 1939, 4 F. R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions, see note to section 852c of this title.

§ 853. Penalty.

In addition to any forfeiture provided in this chapter, any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$200, or imprisonment for a term of not more than three months, or by both such fine and imprisonment, in the discretion of the court. (May 20, 1926, ch. 346, § 7; July 2, 1930, ch. 801, 46 Stat. 847.)

§ 854. Effect on power of States.

Nothing in this chapter shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of this chapter, or from making or enforcing laws or regulations which shall give further protection to large-mouth and small-mouth black bass. (May 20, 1926, ch. 346, § 8; July 2, 1930, ch. 801, 46 Stat. 847.)

§ 855. Effect on shipments for breeding or stocking.

Nothing in this chapter shall be construed to prevent the shipment in interstate commerce of live fish and eggs for breeding or stocking purposes. (May 20, 1926, ch. 346, § 9, as added July 2, 1930, ch. 801, 46 Stat. 847.)

Chapter 14.—REGULATION OF WHALING

Sec.

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§ 901. Short title.

This chapter shall be known by the short title of "The Whaling Treaty Act". (May 1, 1936, ch. 251, § 1, 49 Stat. 1246.)

§ 902. Right whales and young of any whale; hunting, etc., prohibited except under regulations.

Unless and except as permitted by regulations made as hereinafter provided, it shall be unlawful to hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry or cause to be carried by any means whatever, receive for shipment, transportation, or carriage, import or export at any time or in any manner, any right whale, or the young of any whale, excepting dolphins and porpoises; or to sell, purchase, ship, transport by any means whatever, import, or export, the products of any right whale, including oil, meat, bone, meal, or fertilizer. (May 1, 1936, ch. 251, § 2, 49 Stat. 1246.)

§ 903. Calves or female whales accompanied by calves.

It shall be unlawful to kill at any time any calves or any female whales accompanied by calves or suckling whales, protected by article 5 of the Convention for the regulation of whaling, concluded at Geneva, September 24, 1931, signed on the part of the United States, March 31, 1932. (May 1, 1936, ch. 251, § 3, 49 Stat. 1246.)

§ 904. "Right whales" and "calves" defined.

For the purposes of this chapter, right whales shall be deemed to include North Atlantic or North Cape whales, Greenland or Bowhead whales, and Pacific right whales; calves or suckling whales shall be deemed to include whales having a length less than the following dimensions: Blue or sulphurbottom, 60 feet; finbacks, 50 feet; and humpbacks, 35 feet. (May 1, 1936, ch. 251, § 4, 49 Stat. 1246.)

§ 905. Regulations for whaling; statistical and biological data.

Subject to the provisions and in order to carry out the purposes of the Convention, the Secretary of the Treasury and the Secretary of the Interior are authorized and directed from time to time to determine when, to what extent if at all, and by what means it is compatible with the terms of the Convention to allow hunting, taking, capturing, killing, possession, sale, purchase, shipment, transportation, carriage, import, or export of any whale or the product of any whale protected by said Convention and to make the necessary joint regulations therefor.

Any regulation made under the provisions of this chapter shall become effective when approved by the President.

The Secretary of the Interior is authorized and directed to assemble and collate the statistical and biological data submitted as required by this chapter or any regulation made pursuant thereto, and is further authorized and directed to conduct such sta-

tistical and biological studies as may be necessary to carry out the terms and provisions of said Convention and this chapter. (May 1, 1936, ch. 251, § 5, 49 Stat. 1247; 1939 Reorg. Plan No. II, § 4 (e), eff. July 1, 1939, 4 F. R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

1939 Reorg. Plan No. II, cited to text, transferred the functions of the Secretary of Commerce relating to the Whaling Treaty Act to Secretary of the Interior.

§ 906. Utilization of carcass.

The fullest possible use shall be made of the carcass of every whale taken by extracting the oil by boiling, or otherwise, from all blubber, from the head, the tongue, and from the tail as far forward as the outer opening of the lower intestine; and when whales are brought on shore adequate provision shall be made for utilizing the residue after the oil has been extracted. (May 1, 1936, ch. 251, § 6, 49 Stat. 1247.)

§ 907. Gray whales; killing whales for sport; prohibited.

It shall be unlawful for any person, association, partnership, or corporation or for the owners of any vessel of American registry to kill a gray whale at any time, or to kill any whale wantonly, for sport, or without utilizing the carcass. (May 1, 1936, ch. 251, § 7, 49 Stat. 1247.)

§ 908. Licenses; applications; fees.

Before engaging in whaling, any person, association, partnership, or corporation shall obtain a whaling license from the Secretary of the Interior for each vessel or other craft engaged in the taking and killing of whales and for each floating reduction ship, shore whaling station, or other plant used in the processing of whales. In making application for such license the applicant shall:

(a) furnish evidence of having adequate equipment for utilization of the whale as provided in section 906 of this title;

(b) agree to engage crews and gunners of whaling vessels on some basis not solely on number of whales taken;

(c) provide for keeping accurate records of the catch, any biological data necessary, and statistical records of production required by the Secretary of the Interior;

(d) pay a fee of \$1,000 for a license good for one year from date of issue for each floating reduction ship, shore whaling station, or other plant used in processing whales, and a fee of \$250 for each vessel or other craft in excess of two engaged in the taking of whales in connection with any one such ship, station, or plant, and all moneys received for licenses shall be covered into the Treasury of the United States. (May 1, 1936, ch. 251, § 8, 49 Stat. 1247; 1939 Reorg. Plan No. II, § 4 (e), eff. July 1, 1939, 4 F. R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions, see note to section 905 of this title.

§ 909. Enforcement of chapter; seizure and forfeiture of vessels.

The provisions of this chapter or any regulations thereof shall be enforced primarily by the Coast

Guard and the Bureau of Customs. The Secretary of the Treasury is authorized when necessary to request assistance of the Secretary of the Navy, and the Secretary of the Navy may, upon request, cooperate in the enforcement of this chapter. Any commander of a Coast Guard, customs, or naval vessel, who shall find a whaling vessel of United States registry violating this chapter, shall have authority to seize such vessel and order it conveyed at the expense of the owners to the nearest port of the United States, and shall also have authority, in his discretion, in lieu of seizure, to impose on and collect from the commanding officer of such whaling vessel a forfeiture of \$2,500, which forfeiture shall be reported and paid forthwith to the United States District Court of the district in which is situated any port to which such whaling vessel might be conveyed for action under the terms of this chapter: *Provided*, That within six months after payment of forfeiture the person or persons making such payment may institute proceedings in said district court to recover said forfeiture, less costs, on satisfactory proof said vessel did not violate any provision of this chapter or any regulation made pursuant thereto. In the event of the seizure and conveyance to port, such vessel including its apparel may be forfeited to the United States by proper proceedings in the United States District Court of the said district. (May 1, 1936, ch. 251, § 9, 49 Stat. 1247.)

§ 910. Arrests, searches and seizures by employees of Treasury Department; forfeiture of seized whales.

Any employee of the Treasury Department, authorized by the Secretary of the Treasury to enforce the provisions of this chapter, shall have power without warrant to arrest any person committing a violation of this chapter or any regulation made pursuant thereto in his presence and to take such person for examination or trial before an officer or court of competent jurisdiction, shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this chapter or any regulation made pursuant thereto, and shall have authority, with a search warrant, to search any place. All whales or parts or products thereof captured, shipped, transported, carried, imported, or possessed contrary to the provisions of this chapter, or of any regulations made pursuant thereto, shall, when found, be seized by any such employee or by any marshal, deputy marshal, or commander of a Coast Guard, customs, or naval vessel, and upon conviction of the offender, or upon judgment of a court of the United States that the same were captured, shipped, transported, carried, imported, or possessed contrary to the provisions of this chapter, or of any regulations made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction. (May 1, 1936, ch. 251, § 10, 49 Stat. 1248.)

§ 911. Violations; fines and penalties.

Any person, association, partnership, or corporation who shall violate any of the provisions of said

Convention, or of this chapter, or who shall violate or fail to comply with any regulation made pursuant to this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be deprived of his license and shall be fined not more than \$10,000 or imprisoned not more than six months or both. (May 1, 1936, ch. 251, § 11, 49 Stat. 1248.)

§ 912. State and Territorial laws.

Nothing in this chapter shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of said Convention or of this chapter, or from making or enforcing laws or regulations which shall give further protection to whales or their young, or which shall regulate the possession, transportation, or sale of whale products of any kind. (May 1, 1936, ch. 251, § 12, 49 Stat. 1248.)

§ 913. Natives or Eskimos; when permitted to engage in whaling.

Nothing in this chapter or in the regulations thereof shall apply to natives or Eskimos engaged in whaling who use only canoes or other native craft propelled by oars or sails, do not carry firearms, are not employed by others than natives or Eskimos, and are not under contract to deliver products of their whaling to any third person. (May 1, 1936, ch. 251, § 13, 49 Stat. 1248.)

§ 914. Separability clause.

If any clause, sentence, paragraph, or part of this chapter shall for any reason be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (May 1, 1936, ch. 251, § 14, 49 Stat. 1248.)

§ 915. Appropriations.

There is authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be

necessary to carry out the provisions and accomplish the purposes of this chapter and said Convention. (May 1, 1936, ch. 251, § 15, 49 Stat. 1249.)

Chapter 15.—PREDATORY SEA LAMPREYS IN THE GREAT LAKES

Sec.

921. Investigation of abundance and distribution of predatory sea lampreys; development of control measures; eradication; termination date.

922. Cooperation among Federal, State, and other agencies.

923. Appropriations.

§ 921. Investigation of abundance and distribution of predatory sea lampreys; development of control measures; eradication; termination date.

The Director of the Fish and Wildlife Service of the Department of the Interior is authorized and directed to prosecute, for a period of not to exceed ten years from August 8, 1946, investigations of the abundance and distribution of sea lampreys, experiments to develop control measures, and a vigorous program for the elimination and eradication of sea lamprey populations of the Great Lakes. (Aug. 8, 1946, ch. 879, § 1, 60 Stat. 930.)

§ 922. Cooperation among Federal, State, and other agencies.

In carrying out the purposes and objectives of section 921 of this title the Director of the Fish and Wildlife Service is authorized to cooperate with the official conservation agencies of the States bordering on the Great Lakes, with the commercial fishing industry, and with other governmental or private agencies, organizations, or individuals having jurisdiction over or an interest in the fisheries of the Great Lakes. (Aug. 8, 1946, ch. 879, § 2, 60 Stat. 930.)

§ 923. Appropriations.

There is authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary not to exceed \$20,000 per annum to carry out the purposes and objectives of sections 921 and 922 of this title. (Aug. 8, 1946, ch. 879, § 3, 60 Stat. 931.)