

ployees 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 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1262, set out in note under section 481 of Title 5, Executive Departments and Government Officers and Employees.

APPROPRIATIONS FOR FISCAL YEAR 1947-1948

Section 5 of act Aug. 4, 1947, provided: "There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, additional sums for expenses during the fiscal year 1947-1948 to carry out the purposes of [sections 758-758d of this title], including personal services, traveling expenses, transportation of things, purchase, maintenance, and operation of motor vehicles, miscellaneous equipment, and supplies, communications, other contractual services, necessary printing locally, and maintenance, repair, improvement, equipment, and operation of vessels and buildings or other structures."

§ 759. Atlantic Coast shad study; recommendations; per annum cost limitation.

The Secretary of the Interior is authorized 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 promote the wisest utilization of such shad resources at a cost of not to exceed \$75,000 per annum for a six-year period. For the purposes of this section, any agency of the United States, or any corporation wholly owned by the United States, is authorized to transfer, without exchange of funds, any boats or equipment excess to its needs required by the Fish and Wildlife Service for the studies authorized in this section. (Aug. 18, 1949, ch. 478, § 2, 63 Stat. 616.)

TRANSFER OF FUNCTIONS

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 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1262, set out in note under section 481 of Title 5, Executive Departments and Government Officers and Employees.

APPROPRIATIONS

Section 4 of act Aug. 18, 1949, provided that: "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 to carry out the purposes and objectives of this Act [sections 759 and 921 of this title]."

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

The Secretary of the Interior is authorized to construct, equip, maintain, and operate rearing ponds and a fish hatchery at a suitable location in Kentucky. (July 18, 1950, ch. 465, § 1, 64 Stat. 343.)

APPROPRIATIONS

Section 2 of act July 18, 1950, provided that: "There is hereby authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the purposes of this Act [this section] including

not to exceed \$275,000 for the acquisition of lands and water rights or interests therein and the construction and equipment of such station."

§ 760a. Atlantic Coast fish study for development and protection of fish resources.

The Secretary of the Interior is directed to undertake a comprehensive continuing study of species of fish of the Atlantic coast, including bays, sounds, and tributaries, for the purpose of recommending to the States of such coast appropriate measures for the development and protection of such resources and their wisest utilization, whether for sports or commercial fishing or both, including the limitations on season, take per unit of time, per man, or per gear, or such other recommendations as will most effectively provide for the public the maximum production and utilization of such fish consistent with the maintenance of an adequate brood reserve. (Aug. 25, 1950, ch. 782, § 1, 64 Stat. 474.)

APPROPRIATIONS

Section 3 of act Aug. 25, 1950, provided that: "There is authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums, not in excess of \$250,000 per annum, as may be necessary to carry out the purposes and objectives of this Act [sections 760a and 760b of this title]."

§ 760b. Same; cooperation of Federal departments and agencies.

The Secretary is directed to make application through appropriate channels to other Federal departments or agencies for such boats and other equipment in custody of such departments or agencies as may be suitable for studies authorized hereunder, and such Federal departments and agencies are authorized to transfer such boats and other equipment to the Department of the Interior without reimbursement of funds. (Aug. 25, 1950, ch. 782, § 2, 64 Stat. 474.)

Chapter 10.—NORTHERN PACIFIC HALIBUT FISHING

NORTHERN PACIFIC HALIBUT ACT OF 1924

Sec.

761-769. Omitted.

NORTHERN PACIFIC HALIBUT ACT OF 1932

771-771j. Omitted

NORTHERN PACIFIC HALIBUT ACT OF 1937

772. Short title.

772a. Definitions.

772b. Acts unlawful.

772c. Records and reports of master or owner.

772d. Enforcement; arrest and seizure; detention; testimony of officers.

772e. Penalties and forfeitures.

772f. Penalties relative to records and reports.

772g. Exemption of Commission.

772h. Rules and regulations.

772i. Effective date.

NORTHERN PACIFIC HALIBUT ACT OF 1924

§§ 761-769. Omitted.

CODIFICATION

Sections, act June 7, 1924, ch. 345, §§ 1-10, 12, 43 Stat. 648-650, constituting the Northern Pacific Halibut

Act of 1924, are now covered by act June 28, 1937, ch. 392, §§ 1—10, 50 Stat. 325—328, incorporated in sections 772—772i of this title.

NORTHERN PACIFIC HALIBUT ACT OF 1932

§§ 771—771j. Omitted.

CODIFICATION

Sections, act May 2, 1932, ch. 154, §§ 1—11, 47 Stat. 142—144, constituting the Northern Pacific Halibut Act of 1932, are now covered by act June 28, 1937, ch. 392, §§ 1—10, 50 Stat. 325—328, incorporated in sections 772—772i of this title.

NORTHERN PACIFIC HALIBUT ACT OF 1937

§ 772. Short title.

Sections 772—772i of this title may be cited as the "Northern Pacific Halibut Act of 1937." (June 28, 1937, ch. 392, § 1, 50 Stat. 325.)

§ 772a. Definitions.

When used in sections 772—772i of this title—

(a) **Convention:** The word "Convention" means the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Ottawa on the 29th day of January 1937, and shall include the regulations of the International Fisheries Commission promulgated thereunder.

(b) **Commission:** The word "Commission" means the International Fisheries Commission provided for by article III of the Convention.

(c) **Person:** The word "person" includes partnerships, associations, and corporations.

(d) **Territorial waters of the United States:** The term "Territorial waters of the United States" means the Territorial waters contiguous to the western coast of the United States and the territorial waters contiguous to the southern and western coasts of Alaska.

(e) **Territorial waters of Canada:** The term "territorial waters of Canada" means the territorial waters contiguous to the western coast of Canada.

(f) **Convention waters:** The term "Convention waters" means the territorial waters of the United States, the territorial waters of Canada, and the high seas of the Northern Pacific Ocean and the Bering Sea, extending westerly from the limits of the territorial waters of the United States and of Canada.

(g) **Halibut:** The word "halibut" means the species of Hippoglossus inhabiting Convention waters.

(h) **Vessel:** The word "vessel" includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water. (June 28, 1937, ch. 392, § 2, 50 Stat. 325.)

§ 772b. Acts unlawful.

It shall be unlawful for—

(a) any person other than a national or inhabitant of the United States to catch or attempt to catch any halibut in the territorial waters of the United States;

(b) any person to transfer to or to receive upon any vessel of the United States, or to bring to any place within the jurisdiction of the United States any halibut caught in Convention waters by the use

of any vessel of a nation not a party to the Convention, or caught in Convention waters by any national or inhabitant of the United States or Canada in violation of the Convention or of sections 772—772i of this title;

(c) any national or inhabitant of the United States to catch, attempt to catch, or to possess any halibut in the territorial waters of the United States or in Convention waters in violation of any provision of the Convention or of sections 772—772i of this title;

(d) any person within the territory or jurisdiction of the United States to furnish, prepare, outfit, or provision any vessel, other than a vessel of the United States or Canada, in connection with any voyage during which such vessel is intended to be, is being, or has been employed in catching, attempting to catch, or possessing any halibut in Convention waters or the territorial waters of the United States or Canada;

(e) any person within the territory or jurisdiction of the United States to furnish, prepare, outfit, or provision any vessel of the United States or Canada in connection with any voyage during which such vessel is intended to be, is being, or has been employed in catching, attempting to catch, or possessing any halibut in violation of any provision of the Convention or of sections 772—772i of this title;

(f) any person within the territory or jurisdiction of the United States or any national or inhabitant of the United States within Convention waters knowingly to have or have had in his possession any halibut taken, transferred, received, or brought in in violation of any provision of the Convention or of sections 772—772i of this title;

(g) any person to depart from any place within the jurisdiction of the United States in any vessel which departs from such place in violation of the Convention or of sections 772—772i of this title;

(h) any person in the territorial waters of the United States or any national or inhabitant of the United States in Convention waters to catch or attempt to catch any halibut, or to possess any halibut caught incidentally to fishing for other species of fish by the use of or in any vessel required by the Convention to have on board any license or permit unless such vessel shall have on board a license or permit which shall comply with all applicable requirements of the Convention, and which shall be available for inspection at any time by any officer authorized to enforce the Convention or by any representative of the Commission;

(i) any person to take, retain, land, or possess any halibut caught incidentally to fishing for other species of fish, in violation of any provision of the Convention or of sections 772—772i of this title. (June 28, 1937, ch. 392, § 3, 50 Stat. 326.)

§ 772c. Records and reports of master or owner.

It shall be unlawful for the master or owner or person in charge of any vessel or any other person required by the Convention to make, keep, or furnish any record or report, to fail to do so, or to refuse

to permit any officer authorized to enforce the Convention or any representative of the Commission to examine and inspect any such record or report at any time. (June 28, 1937, ch. 392, § 4, 50 Stat. 327.)

§ 772d. Enforcement; arrest and seizure; detention; testimony of officers.

(a) The provisions of the Convention and of sections 772—772i of this title and any regulations issued under said sections shall be enforced by the Coast Guard, the Customs Service, and the Fish and Wildlife Service. For such purposes any officer of the Coast Guard, Customs, or Fish and Wildlife Service may at any time go on board of any vessel in territorial waters of the United States, or any vessel of the United States or Canada in Convention waters, except in the territorial waters of Canada, to address inquiries to those on board and to examine, inspect, and search the vessel and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel, and use all necessary force to compel compliance.

(b) Whenever it appears to any such officer that any person, other than a national or inhabitant of Canada, on any vessel of the United States is violating or has violated any provision of the Convention or of sections 772—772i of this title, he shall arrest such person and seize any such vessel employed in such violation. If any such person on any such vessel of the United States is a national or inhabitant of Canada, such person shall be detained and shall be delivered as soon as practicable to an authorized officer of Canada at the Canadian port or place nearest to the place of detention or at such other port or place as such officers of the United States and of Canada may agree upon.

(c) Whenever it appears to any such officer of the United States that any person, other than a national or inhabitant of the United States, on any vessel of Canada in Convention waters, except in the territorial waters of Canada, is violating or has violated any provision of the Convention, such person, and any such vessel employed in such violation, shall be detained and such person and such vessel shall be delivered as soon as practicable to an authorized officer of Canada at the Canadian port or place nearest to the place of detention, or at such other port or place as such officers of the United States and of Canada may agree upon. If any such person on any such vessel of Canada is a national or inhabitant of the United States, such person shall be arrested as provided for in subsection (b) of this section.

(d) Officers or employees of the Coast Guard, Customs, and Fish and Wildlife Service may be directed to attend as witnesses and to produce such available records and files or certified copies thereof as may be produced compatibly with the public interest and as may be considered essential to the prosecution in Canada of any violation of the provisions of the Convention or any Canadian law for the enforcement thereof when requested by the appropriate Canadian authorities in the manner prescribed in article V of

the Convention to suppress smuggling concluded between the United States and Canada on June 6, 1924 (44 Stat. (pt. 3), 2097). (June 28, 1937, ch. 392, § 5, 50 Stat. 327; 1939 Reorg. Plan No. II, § 4 (e), eff. July 1, 1939, 4 F. R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F. R. 2108, 54 Stat. 1232.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of such Departments, 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 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1262, set out in note under section 481 of Title 5, Executive Departments and Government Officers and Employees.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, 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 Reorg. Plan No. 26, §§ 1, 2, eff. July 31 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees. The Customs Service, referred to in this section, is a service under the Treasury Department, and the Coast Guard, also referred to in this section, is generally a service under such Department, but such Plan excepted, from the transfer, functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

1939 Reorg. Plan No. II, which is set out in note under section 133t of Title 5, Executive Departments and Government Officers and Employees, transferred the Bureau of Fisheries in the Department of Commerce and its functions to the Department of the Interior.

1940 Reorg. Plan No. III, which is also set out in note under section 133t of Title 5, Executive Departments and Government Officers and Employees, consolidated the Bureau of Fisheries and the Bureau of Biological Survey into the Fish and Wildlife Service in the Department of the Interior, and abolished the offices of Commissioner and Deputy Commissioner of Fisheries.

§ 772e. Penalties and forfeitures.

(a) Any person violating any provision of section 772b of this title upon conviction shall be fined not more than \$1,000 nor less than \$100 or be imprisoned for not more than one year, or both.

(b) The cargo of halibut of every vessel employed in any manner in connection with the violation of any provision of section 772b of this title shall be forfeited; upon a second violation of the provisions of said section, every such vessel, including its tackle, apparel, furniture, and stores may be forfeited and the cargo of halibut of every such vessel shall be forfeited; and, upon a third or subsequent violation of the provisions of said section, every such vessel, including its tackle, apparel, furniture, cargo, and stores shall be forfeited.

(c) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged

to have been incurred, under the provisions of sections 772—772i of this title, insofar as such provisions of law are applicable and not inconsistent with the provisions of said sections: *Provided*, That except as provided in section 772d of this title all rights, powers, and duties conferred or imposed by said sections upon any officer or employee of the Treasury Department shall, for the purposes of said sections, be exercised or performed by the Secretary of the Interior or by such persons as he may designate. (June 28, 1937, ch. 392, § 6, 50 Stat. 328; 1939 Reorg. Plan No. II, § 4 (e), eff. July 1, 1939, 4 F. R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

See note under section 772d of this title.

§ 772f. Penalties relative to records and reports.

Any person violating section 772c of this title shall be subject to a penalty of \$50 for each such violation. The Secretary of the Interior is authorized and empowered to mitigate or remit any such penalty in the manner prescribed by law for the mitigation or remission of penalties for violation of the navigation laws. (June 28, 1937, ch. 392, § 7, 50 Stat. 328; 1939 Reorg. Plan No. II, § 4 (e), eff. July 1, 1939, 4 F. R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

See note under section 772d of this title.

§ 772g. Exemption of Commission.

None of the prohibitions contained in sections 772—772i of this title shall apply to the Commission or its agents when engaged in any scientific investigation. (June 28, 1937, ch. 392, § 8, 50 Stat. 328.)

§ 772h. Rules and regulations.

The Secretary of the Treasury and the Secretary of the Interior are authorized to make such joint rules and regulations as may be necessary to carry out the provisions of sections 772—772i of this title. (June 28, 1937, ch. 392, § 9, 50 Stat. 328; 1939 Reorg. Plan No. II, § 4 (e), eff. July 1, 1939, 4 F. R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

See note under section 772d of this title.

§ 772i. Effective date.

Sections 772—772i of this title shall take effect on the date of exchange of ratifications of the Convention signed by the United States of America and Canada, on January 29, 1937, for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, unless such date shall be prior to June 28, 1937, in which case it shall take effect immediately. (June 28, 1937, ch. 392, § 10, 50 Stat. 328.)

EXCHANGE OF RATIFICATIONS

Ratifications of the Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea were exchanged at Ottawa on July 28, 1937.

Chapter 10A.—SOCKEYE SALMON FISHING

Sec.

776. Definitions.

776a. Unlawful acts.

Sec.

776b. Omission of or fraudulent returns, records, and reports; penalties.

776c. Penalties and forfeitures.

(a) Fine and imprisonment; prohibition on activities.

(b) Forfeitures; first and subsequent violations.

(c) Same; procedure.

(d) Minor violations; citation to appear.

(e) Bond or stipulation.

776d. Enforcement.

(a) Designation of Federal agency; cooperation with State and Dominion officers.

(b) Authorization to State officers.

(c) Conformity to convention article.

(d) Arrests, searches, and seizures.

(e) Evidence.

(f) Inspection of licenses.

776e. Cooperation of Federal agencies; conduct of scientific investigations.

776f. Appropriations.

§ 776. Definitions.

When used in this chapter—

(a) Convention: The word "convention" means the convention between the United States of America and the Dominion of Canada for the protection, preservation, and extension of the sockeye salmon fishery of the Fraser River system, signed at Washington on the 26th day of May 1930.

(b) Commission: The word "Commission" means the International Pacific Salmon Fisheries Commission provided for by article II of the convention.

(c) Person: The word "person" includes individuals, partnerships, associations, and corporations.

(d) Convention waters: The term "convention waters" means those waters described in article I of the convention.

(e) Sockeye salmon: The term "sockeye salmon" means that species of salmon known by the scientific name *Oncorhynchus nerka*.

(f) Vessel: The word "vessel" includes every type or description of water craft or other contrivance used, or capable of being used, as a means of transportation in water.

(g) Fishing: The word "fishing" means the fishing for, catching, or taking, or the attempted fishing for, catching, or taking, of any sockeye salmon in convention waters.

(h) Fishing gear: The term "fishing gear" means any net, trap, hook, or other device, appurtenance or equipment, of whatever kind or description, used or capable of being used, for the purpose of capturing fish or as an aid in capturing fish. (July 29, 1947, ch. 345, § 2, 61 Stat. 511.)

EFFECTIVE DATE

Section 10 of act July 29, 1947, provided: "This act [this chapter] shall be effective thirty days from the date of its approval."

SHORT TITLE

Congress in enacting this chapter provided in section 1 of act July 29, 1947, that it may be cited as the "Sockeye Salmon Fishing Act of 1947".

SAVINGS CLAUSE

Section 9 of act July 29, 1947, provided: "If any provision of this Act [this chapter] is held invalid for any cause, such invalidity shall not affect the other provisions hereof."