

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.—SCKEYK 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."

**§ 776a. Unlawful acts.**

(a) It shall be unlawful for any person to engage in fishing for sockeye salmon in convention waters in violation of the convention or of this chapter or of any regulation of the Commission.

(b) It shall be unlawful for any person to ship, transport, purchase, sell, offer for sale, import, export, or have in possession any sockeye salmon taken in violation of the convention or of this chapter or of any regulation of the Commission.

(c) It shall be unlawful for any person or vessel to use any port or harbor or other place subject to the jurisdiction of the United States for any purpose connected in any way with fishing in violation of the convention or of this chapter or of any regulation made by the Commission.

(d) It shall be unlawful for any person or vessel to engage in fishing for sockeye salmon in convention waters without first having obtained such license or licenses as may be used by or required by the Commission, or to fail to produce such license, upon demand, for inspection by an authorized enforcement officer.

(e) It shall be unlawful for any person to fail to make, keep, submit, or furnish any record or report required of him by the Commission or to refuse to permit any officer authorized to enforce the convention, this chapter, and the regulations of the Commission, or any authorized representative of the Commission, to inspect any such record or report at any reasonable time.

(f) It shall be unlawful for any person to molest, interfere with, tamper with, damage, or destroy any boat, net, equipment, stores, provisions, fish-cultural stations, rearing pond, weir, fishway, or any other structure, installation, experiment, property, or facility acquired, constructed, or maintained by the Commission.

(g) It shall be unlawful for any person or vessel to do any act prohibited or to fail to do any act required by the convention or by this chapter or by any regulation of the Commission. (July 29, 1947, ch. 345, § 3, 61 Stat. 511.)

**EFFECTIVE DATE**

Effective date of chapter, see note under section 776 of this title.

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

Any person who fails to make, keep, or furnish any catch return, statistical record, or any report that may be required by the Commission, or any person who furnishes a false return, record, or report, upon conviction shall be subject to such fine as may be imposed by the court not to exceed \$1,000, and shall in addition be prohibited from fishing for and from shipping, transporting, purchasing, selling, offering for sale, importing, exporting, or possessing sockeye salmon from the date of conviction until such time as any delinquent return, record, or report shall have been submitted or any false return, record, or report shall have been replaced by a duly certified correct and true return, record, or report to the satisfaction of the court. The penalties imposed by section 776c

of this title shall not be invoked for failure to comply with requirements respecting returns, records, and reports. (July 29, 1947, ch. 345, § 4, 61 Stat. 512.)

**EFFECTIVE DATE**

Effective date of chapter, see note under section 776 of this title.

**§ 776c. Penalties and forfeitures—(a) Fine and imprisonment; prohibition on activities.**

Except as provided in section 776b of this title, any person violating any provision of the convention or of this chapter or the regulation of the Commission upon conviction shall be fined not more than \$1,000 or be imprisoned not more than one year, or both, and the court may prohibit such person from fishing for, or from shipping, transporting, purchasing, selling, offering for sale, importing, exporting, or possessing sockeye salmon for such period of time as it may determine.

**(b) Forfeitures; first and subsequent violations.**

The catch of fish of every vessel or of any fishing gear employed in any manner, or any fish caught, shipped, transported, purchased, sold, offered for sale, imported, exported, or possessed in violation of this chapter or the regulations of the Commission shall be forfeited; and upon a second and subsequent violation the catch of fish shall be forfeited and every such vessel and any fishing gear and appurtenances involved in the violation may be forfeited.

**(c) Same; procedure.**

All procedures of law relating to the seizure, judicial forfeiture, and condemnation of a vessel for violation of the customs laws and the disposition of such vessel or the proceeds from the sale thereof shall apply to seizures, forfeitures, and condemnations incurred, or alleged to have been incurred, under the provisions of this chapter insofar as such provisions of law are applicable and not inconsistent with this chapter.

**(d) Minor violations; citation to appear.**

In cases of minor violations of the provisions of the convention or of this chapter or the regulations of the Commission, and in cases where immediate arrest of the person or seizure of fish, fishing gear, or of a vessel, together with its tackle, apparel, furniture, appurtenances, and cargo, would impose an unreasonable hardship, the person authorized to make such arrest or seizure or any court of competent jurisdiction may, in his or its discretion, issue a citation requiring such person to appear before the proper official of the court having jurisdiction thereof within a specified time, not exceeding fifteen days; or in the case of property, post such citation upon said property and require its delivery to such court within such specified time. Upon the issuance of such citation and the filing of a copy thereof with the clerk of the appropriate court the person so cited and the property so seized and posted shall thereupon be subject to the jurisdiction of the court to answer the order of the court in such cause. Any property so seized shall not be disposed of except pursuant to the order of such court or the provisions of subsection (e) of this section.

**(e) Bond or stipulation.**

When a warrant of arrest or other process in rem, including that specified in subsection (d) of this section, is issued in any cause of admiralty jurisdiction under this section, the marshal or other officer shall stay the execution of such process, or discharge any property seized if the process has been levied, on receiving from the claimant of the property a bond or stipulation with sufficient sureties or approved corporate surety in such sum as the court shall order, conditioned to deliver the property seized, if condemned, without impairment in value (or, in the case of sockeye salmon, to pay its equivalent in money) or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in the event of any breach of the conditions thereof as determined by the court. (July 29, 1947, ch. 345, § 5, 61 Stat. 512.)

**EFFECTIVE DATE**

Effective date of chapter, see note under section 776 of this title.

**§ 776d. Enforcement—(a) Designation of Federal agency; cooperation with State and Dominion officers.**

The President of the United States shall designate a Federal agency which shall be responsible for the enforcement of the provisions of the convention and this chapter and the regulations of the Commission, except to the extent otherwise provided for in the convention and this chapter. It shall be the duty of the Federal agency so designated to take appropriate measures for enforcement at such times and to such extent as it may deem necessary to insure effective enforcement and for this purpose to cooperate with other Federal agencies, State officers, the Commission, and with the authorized officers of the Dominion of Canada.

**(b) Authorization to State officers.**

The Federal agency designated by the President for enforcement purposes may authorize officers and employees of the State of Washington to enforce the provisions of the convention and of this chapter and the regulations of the Commission. When so authorized such officers may function as Federal law-enforcement officers for the purposes of this chapter.

**(c) Conformity to convention article.**

Enforcement of the convention and this chapter and the regulations of the Commission shall be subject to and in accordance with the provisions of article IX of the convention.

**(d) Arrests, searches, and seizures.**

Any duly authorized officer or employee of the Federal agency designated by the President for enforcement purposes under the provisions of subsection (a) of this section; any officer or employee of the State of Washington who is authorized by the Federal agency so designated by the President; any enforcement officer of the Fish and Wildlife Service of the Department of the Interior, any Coast Guard officer, any United States marshal or deputy United

States marshal, any collector or deputy collector of customs, and any other person authorized to enforce the provisions of the convention, this chapter, and the regulations of the Commission, shall have power, without warrant or other process, but subject to the provisions of the convention, to arrest any person committing in his presence or view a violation of the convention or of this chapter or of the regulations of the Commission and to take such person immediately for examination before an officer or trial before a court of competent jurisdiction; and shall have power, without warrant or other process, to search any vessel within convention waters when he has reasonable cause to believe that such vessel is subject to seizure under the provisions of the convention or this chapter, or the regulations of the Commission, and to search any place of business or any commercial vehicle when he has reasonable cause to believe that such place or vehicle contains fish taken, possessed, transported, purchased, or sold in violation of any of the provisions of the convention, this chapter, or the regulations of the Commission. Any person authorized to enforce the provisions of the convention and of this chapter and the regulations of the Commission shall have power to execute any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of this chapter, and shall have power with a search warrant to search any person, vessel, or place, at any time. The judges of the United States courts and the United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. Subject to the provisions of the convention, any person authorized to enforce the convention and this chapter and the regulations of the Commission may seize, whenever and wherever lawfully found, all fish caught, shipped, transported, purchased, sold, offered for sale, imported, exported, or possessed contrary to the provisions of the convention or this chapter or the regulations of the Commission and may seize any vessel, together with its tackle, apparel, furniture, appurtenances and cargo, and all fishing gear, used or employed contrary to the provisions of the convention or this chapter or the regulations of the Commission, or which it reasonably appears has been used or employed contrary to the provisions of the convention or this chapter or the regulations of the Commission.

**(e) Evidence.**

Evidence of any regulation made by the Commission may be given in any court proceedings by the production of a copy of such regulation certified by the Secretary of the Commission to be a true copy and no proof of the signature of the Secretary on such certification shall be required.

**(f) Inspection of licenses.**

Any authorized representative of the Commission, or any person authorized to enforce this chapter and the regulations of the Commission may inspect any licenses issued to persons or vessels engaging in fishing for sockeye salmon in convention waters and

for this purpose may at any reasonable time board any vessel or enter upon any premises where such fishing is or may be conducted. (July 29, 1947, ch. 345, § 6, 61 Stat. 513.)

## EFFECTIVE DATE

Effective date of chapter, see note under section 776 of this title.

## 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.

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 Coast Guard, referred to in this section, is generally a service in the Treasury Department, but such Plan excepted, from the transfer, the 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.

## FISH AND WILDLIFE SERVICE

The President by Ex. Ord. No. 9892, Sept. 22, 1947, 12 F. R. 6345 designated the Fish and Wildlife Service as the Federal Agency responsible for the enforcement of this chapter.

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

(a) All agencies of the Federal Government are authorized, upon request by the Commission, to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties of scientific investigation and improvement of the fishery, as specified in the convention.

(b) None of the prohibitions contained in this chapter, or in the laws and regulations of the States, shall prevent the Commission from conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation, or shall prevent the Commission from discharging any other duties prescribed by the convention. (July 29, 1947, ch. 345, § 7, 61 Stat. 514.)

## EFFECTIVE DATE

Effective date of chapter, see note under section 776 of this title.

§ 776f. Appropriations.

There is authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums, from time to time, as may be necessary to enable the Commission and agencies of the Federal Government to carry out the provisions of the convention and of this chapter, including purchase, operation, maintenance, and repair of aircraft, motor vehicles (including passenger-carrying vehicles),

boats, research vessels, and other necessary facilities; and printing. (July 29, 1947, ch. 345, § 8, 61 Stat. 514.)

## EFFECTIVE DATE

Effective date of chapter, see note under section 776 of this title.

## Chapter 10B.—FISH RESTORATION AND MANAGEMENT PROJECTS

Sec.

777. Cooperation between Federal government and State fish and game departments; conditions on expenditure of funds.

777a. Definitions.

777b. Appropriations.

777c. Funds available for expenses of investigations and administration; apportionment of funds among States.

777d. Certification of funds deducted for expenses and amounts apportioned to States; notification by State of intent to accept; use of funds where State fails to accept.

777e. Submission by State of detailed statement of projects; approval; limitation on certain construction items; limitation on United States share of project cost.

777f. Payments by United States.

777g. Maintenance of projects.

777h. Employment of personnel.

777i. Rules and regulations.

777j. Reports to Congress.

777k. Cooperation with fish and game departments of Territories and Possessions.

§ 777. Cooperation between Federal government and State fish and game departments; conditions on expenditure of funds.

The Secretary of the Interior is authorized and directed to cooperate with the States through their respective State fish and game departments in fish restoration and management projects as hereinafter set forth: No money apportioned under this chapter to any State, except as hereinafter provided, shall be expended therein until its legislature, or other State agency authorized by the State constitution to make laws governing the conservation of fish, shall have assented to the provisions of this chapter and shall have passed laws for the conservation of fish, which shall include a prohibition against the diversion of license fees paid by fishermen for any other purpose than the administration of said State fish and game department, except that, until the final adjournment of the first regular session of the legislature held after passage of this chapter, the assent of the governor of the State shall be sufficient. The Secretary of the Interior and the State fish and game department of each State accepting the benefits of this chapter shall agree upon the fish restoration and management projects to be aided in such State under the terms of this chapter, and all projects shall conform to the standards fixed by the Secretary of the Interior. (Aug. 9, 1950, ch. 658, § 1, 64 Stat. 430.)

## EFFECTIVE DATE

Section 13 of act Aug. 9, 1950, provided that this chapter should be effective as of July 1, 1950.

§ 777a. Definitions.

For the purpose of this chapter the term "fish restoration and management projects" shall be construed to mean projects designed for the restoration