

Section 760i, Pub. L. 87-173, § 2, Aug. 30, 1961, 75 Stat. 409, authorized appropriation of \$1,325,000 to carry out section 760h of this title.

Section 760j, Pub. L. 87-580, § 1, Aug. 9, 1962, 76 Stat. 356, related to propagation of disease resistant oysters, acquisition of brood stock, transfer and distribution, and for State sharing of costs.

Section 760k, Pub. L. 87-580, § 2, Aug. 9, 1962, 76 Stat. 356, authorized grants to States for research and other necessary activities in development and propagation of disease-resistant strains of oysters and conditions of such grants.

Section 760l, Pub. L. 87-580, § 3, Aug. 9, 1962, 76 Stat. 357, authorized appropriation of \$100,000 to carry out sections 760j to 760l of this title.

CHAPTER 10—NORTHERN PACIFIC HALIBUT FISHING

SUBCHAPTER I—NORTHERN PACIFIC HALIBUT ACT OF 1924

Sec.

761 to 769. Omitted.

SUBCHAPTER II—NORTHERN PACIFIC HALIBUT ACT OF 1932

771 to 771j. Omitted.

SUBCHAPTER III—NORTHERN PACIFIC HALIBUT ACT OF 1937

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SUBCHAPTER I—NORTHERN PACIFIC HALIBUT ACT OF 1924

§§ 761 to 769. Omitted

CODIFICATION

Sections, act June 7, 1924, ch. 345, §§ 1 to 10, 12, 43 Stat. 648 to 650, constituting the Northern Pacific Halibut Act of 1924, are now covered by act June 28, 1937, ch. 392, §§ 1 to 10, 50 Stat. 325 to 328, incorporated in sections 772 to 772i of this title.

SUBCHAPTER II—NORTHERN PACIFIC HALIBUT ACT OF 1932

§§ 771 to 771j. Omitted

CODIFICATION

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

SUBCHAPTER III—NORTHERN PACIFIC HALIBUT ACT OF 1937

§ 772. Short title

This subchapter may be cited as the "Northern Pacific Halibut Act of 1937."

(June 28, 1937, ch. 392, § 1, 50 Stat. 325.)

DELEGATION OF FUNCTIONS

President's authority under Article III, paragraph 2, of the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Area and Bering Sea to approve or reject actions of the International Pacific Halibut Commission was delegated to the Secretary of State, see Ex. Ord. No. 11467, May 1, 1969, 34 F.R. 7271, set out as a note under section 1025 of this title.

ADMISSION OF ALASKA AS STATE

Alaska Statehood provisions as not affecting the rights of the United States under this chapter, see section 8(e) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

§ 772a. Definitions

When used in this subchapter—

(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 2d day of March 1953 and any other treaty or convention which modifies or replaces that Convention, and shall include the regulations promulgated thereunder.

(b) Commission: The word "Commission" means the Commission provided for in 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; Aug. 8, 1953, ch. 382, 67 Stat. 494.)

AMENDMENTS

1953—Subsec. (a). Act Aug. 8, 1953, substituted "2d day of March 1953 and any other treaty or convention which modifies or replaces that Convention" for "29th

day of January 1937" and deleted "of the International Fisheries Commission" preceding "promulgated".

Subsec. (b). Act Aug. 8, 1953, substituted "Commission provided for in the Convention" for "International Fisheries Commission provided for by article III of the Convention".

EFFECTIVE DATE OF 1953 AMENDMENT

Act Aug. 8, 1953, provided in part that: "This Act [amending subsecs. (a) and (b) of this section] shall take effect on the date of entry into force of the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Ottawa, March 2, 1953."

§ 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 this subchapter;

(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 this subchapter;

(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 this subchapter;

(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 this subchapter;

(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 this subchapter;

(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 fish-

ing 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 this subchapter.

(June 28, 1937, ch. 392, § 3, 50 Stat. 326.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 772e of this title.

§ 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.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 772f of this title.

§ 772d. Enforcement

(a) Boarding and stopping of vessels

The provisions of the Convention and of this subchapter and any regulations issued under this subchapter shall be enforced by the Coast Guard, the Customs Service, and the National Oceanic and Atmospheric Administration. For such purposes any officer of the Coast Guard, Customs, or National Oceanic and Atmospheric Administration 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) Arrest and seizure

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 this subchapter, 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) Detention

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) Testimony of officers

Officers or employees of the Coast Guard, Customs, and National Oceanic and Atmospheric Administration 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; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

"National Oceanic and Atmospheric Administration" was substituted for "United States Fish and Wildlife Service" and Department of Commerce succeeded the Department of the Interior in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

United States Fish and Wildlife Service, consisting of the Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife, succeeded and replaced the Fish and Wildlife Service of the Interior Department under provisions of Fish and Wildlife Act of 1956, as originally provided in section 742b (a) and (d) of this title.

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior,

with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization 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 Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to title 5. 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.

Reorg. Plan No. III of 1940, set out in the Appendix to Title 5, Government Organization 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.

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, transferred the Bureau of Fisheries in the Department of Commerce and its functions to the Department of the Interior.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 772e of this title.

§ 772e. Penalties and forfeitures

(a) Fine and imprisonment

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) Cargo and vessel

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) Application of provisions of customs laws

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 this subchapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this subchapter: *Provided*, That except as provided in section 772d of this title all rights, powers, and duties conferred or imposed by this subchapter upon any officer or employee of the Treasury Department shall, for the purposes of this subchapter, be exercised or performed by

the Secretary of Commerce 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; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

REFERENCES IN TEXT

The customs laws, referred to in subsec. (c), are classified generally to Title 19, Customs Duties.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior, and prior transfers, see Transfer of Functions notes 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 Commerce 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; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior, and prior transfers, see Transfer of Functions notes under section 772d of this title.

§ 772g. Exemption of Commission

None of the prohibitions contained in this subchapter 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 Commerce are authorized to make such joint rules and regulations as may be necessary to carry out the provisions of this subchapter.

(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; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior, and prior transfers, see Transfer of Functions notes under section 772d of this title.

§ 772i. Effective date

This subchapter 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.

§ 772j. Facilities for Commission; authorization of appropriations

(a) The Secretary of State is authorized to provide, by contract, grant, or otherwise, facilities for office and any other necessary space for the Commission. Such facilities shall be located on or near the campus of the University of Washington in the State of Washington and shall be provided without regard to the cost-sharing provisions in the Convention.

(b) There is authorized to be appropriated such amount, not in excess of \$500,000, as may be necessary to carry out the provisions of this section.

(June 28, 1937, ch. 392, § 11, as added Oct. 1, 1965, Pub. L. 89-233, 79 Stat. 902.)

CHAPTER 10A—SOCKEYE OR PINK SALMON FISHING

Sec.

776. Definitions.

776a. Unlawful acts.

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) Use of customs; 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. Authorization of 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 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 Ottawa on the 28th day of December 1956.

(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 and pink salmon: The term "sockeye salmon" means that species of