Public Law 92-601

AN ACT

To prohibit the use of certain small vessels in United States fisheries.

October 27, 1972
[S. 3358]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, during the five-year period beginning on the date of the enactment of this Act, it shall be unlawful for any person on board any prohibited vessel—

U.S. fisheries.
Prohibited vessels and fish.

(1) to transfer at sea or cause to be transferred at sea any prohibited fish; or

(2) to land or cause to be landed any prohibited fish in any port of the United States.

SEC. 2. (a) Any person who knowingly—

Violations and penalty.

(1) violates the first section of this Act;

(2) takes, sells, transfers, purchases, or receives any prohibited fish which are transferred or landed in violation of the first section of this Act; or

(3) violates any regulation issued pursuant to section 4 of this Act;

shall be liable to a civil penalty of not more than $1,000, in addition to any other penalty provided by law. Each separate unlawful transfer or landing of prohibited fish shall constitute a separate violation of the first section of this Act.

(b) Any prohibited fish transferred or landed in violation of the first section of this Act, or the monetary value thereof, shall be subject to forfeiture.

SEC. 3. (a) The judges of the United States district courts and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this Act and the regulations issued pursuant thereto.

Enforcement.

(b) Enforcement of this Act and the regulations issued pursuant thereto shall be the joint responsibility of the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating.

(c) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this Act and the regulations issued pursuant thereto.

Warrants.

(d) Such person so authorized shall have the power, with or without a warrant or other process, to search any vessel subject to the jurisdiction of the United States.

Vessel search.

(e) Such person so authorized may seize, whenever and wherever lawfully found, all prohibited fish transferred, landed, taken, sold, purchased, or received in violation of the provisions of this Act or the regulations issued pursuant thereto. Any prohibited fish so seized may be disposed of pursuant to the order of a court of competent jurisdiction, pursuant to the provisions of subsection (f) of this section or, if perishable, in a manner prescribed by regulations of the Secretary concerned.

Seizure.

(f) Notwithstanding the provisions of section 2464 of title 28, United States Code, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any prohibited fish seized if the process has been levied, on receiving from the claimant of the prohibited fish a bond or stipulation for the value of the property with

Bond.
62 Stat. 974.

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sufficient surety to be approved by a judge of the district court having jurisdiction of the violation, conditioned to deliver the prohibited fish seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value 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 event of any breach of the conditions thereof as determined by the court. In the discretion of the accused, and subject to the direction of the court, the prohibited fish may be sold for not less than its reasonable market value and the proceeds of such sale placed in the registry of the court pending judgment in the case.

Regulations.

SEC. 4. The Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating are authorized jointly and severally to issue such regulations as may be necessary to carry out the provisions of this Act.

Definitions.

SEC. 5. As used in this Act—

62 Stat. 859.

(1) The term "person" means a person as defined in section 1 of title 1, United States Code.

(2) The term "prohibited fish" means, with respect to any prohibited vessel, the fish, mollusk, crustacean, or other form of marine animal or plant life which such vessel was authorized to engage in the catching of before the prohibition described in paragraph (3)(C) of this section was imposed on such vessel by the foreign country concerned.

(3) The term "prohibited vessel" means any vessel of less than five net tons which was—

(A) constructed in a foreign country,

(B) used in a fishery of such foreign country, and

(C) subsequently prohibited by such foreign country from being used in such fishery;

but does not mean any such vessel which was acquired by a citizen of the United States or a resident alien before the date of the enactment of this Act.

Approved October 27, 1972.

October 27, 1972
[H. R. 16804]

Public Law 92-602

AN ACT

To rename the Mineola Dam and Lake as the Carl L. Estes Dam and Lake.

Mineola Dam and Lake, Sabine River, Tex.
Name change.
84 Stat. 1824.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Mineola Dam and Lake on the Sabine River, Texas, authorized by the Flood Control Act of 1970 shall be known and designated hereafter as the "Carl L. Estes Dam and Lake". Any law, regulation, map, or record of the United States in which such dam and lake is referred shall be held and considered to refer to such dam and lake by the name of "Carl L. Estes Dam and Lake".

Approved October 27, 1972.