

Public Law 579

CHAPTER 669

AN ACT

August 12, 1954
[S. 3713]

To give effect to the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed at Tokyo, May 9, 1952, and for other purposes.

North Pacific
Fisheries Act of
1954.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "North Pacific Fisheries Act of 1954".

Definitions.

SEC. 2. As used in this Act, the term—

TIAS 2786.

(a) "Convention" means the International Convention for the High Seas Fisheries of the North Pacific Ocean with a protocol relating thereto signed at Tokyo, May 9, 1952;

(b) "Commission" means the International North Pacific Fisheries Commission provided for by article II of the Convention;

(c) "United States Section" means the United States Commissioners to the Commission;

(d) "Convention area" means all waters, other than territorial waters, of the North Pacific Ocean which for the purposes of this Act shall include the adjacent seas;

(e) "Fishing vessel" means any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities.

U. S. Commis-
sioners.

SEC. 3. The United States shall be represented on the Commission by not more than four Commissioners to be appointed by the President, to serve as such during his pleasure, and to receive no compensation for their services as Commissioners. Of such Commissioners—

(a) one shall be an official of the United States Government; and

(b) each of the others shall be a person residing in a State or Territory, the residents of which maintain a substantial fishery in the Convention area.

Advisory com-
mittee.

SEC. 4. (a) The United States Section shall appoint an advisory committee composed of not less than five nor more than twenty members and shall fix the terms of office thereof, such members to be selected both from the various groups participating in the fisheries covered by the Convention and from the fishery agencies of the States or Territories, the residents of which maintain a substantial fishery in the Convention area.

(b) Any or all members of the advisory committee may attend all sessions of the Commission except executive sessions.

(c) The advisory committee shall be invited to all nonexecutive meetings of the United States Section and at such meetings shall be granted opportunity to examine and to be heard on all proposed programs of study and investigation, reports, and recommendations of the United States Section.

(d) The members of the advisory committee shall receive no compensation for their services as such members. On approval by the United States Section, not more than three members of the committee, designated by the committee, may be paid for transportation expenses and per diem incident to attendance at meetings of the Commission or of the United States Section.

Nonapplicability
of certain statutes.

SEC. 5. Service of any individual appointed from private life as a United States Commissioner pursuant to section 3, or as a member of the Advisory Committee appointed pursuant to section 4 (a), shall not be considered as service or employment bringing such individual within the provisions of sections 281, 283, 284, and 434 of title 18 of the United States Code, and section 190 of the Revised Statutes (5 U. S. C. 99), except insofar as such provisions of law may prohibit any such individual from acting or receiving compensation in respect

to matters directly relating to the Convention, this Act, or regulations issued pursuant to this Act.

SEC. 6. The President is authorized to (a) accept or reject, on behalf of the United States, recommendations made by the Commission in accordance with the provisions of article III, section 1, of the Convention, and recommendations made by the Commission in pursuance of the provisions of the Protocol to the Convention; and (b) act for the United States in the selection of persons by the contracting parties to compose the special committee provided by the Protocol to the Convention.

Presidential authority.

SEC. 7. Any agency of the Federal Government is authorized, upon request of the Commission, to cooperate in the conduct of scientific and other programs, and to furnish, on a reimbursable basis, facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the Convention. Such agency may accept reimbursement from the Commission.

Agency co-operation.

Reimbursement.

SEC. 8. (a) The provisions of the Convention and this Act relating to abstention from fishing in certain areas by the nationals and vessels of one or more of the contracting parties shall be enforced by the Coast Guard in cooperation with the Fish and Wildlife Service and the Bureau of Customs.

Restricted fishing areas.
Enforcement.

(b) For such purposes any Coast Guard officer, any officer of the Fish and Wildlife Service, or any other person authorized to enforce the provisions of the Convention and this Act referred to in subsection (a) of this section may go on board any fishing vessel of Canada or Japan found in waters in which Canada or Japan has agreed by or under the Convention to abstain from exploitation of one or more stocks of fish, and, when he has reasonable cause to believe that such vessel is engaging in operations in violation of the provisions of the Convention, may, without warrant or other process, inspect the equipment, books, documents, and other articles on such vessel and question the persons on board, and for these purposes may hail and stop such vessel, and use all necessary force to compel compliance.

(c) Whenever any such officer has reasonable cause to believe that any person on any fishing vessel of Canada or Japan is violating, or immediately prior to the boarding of such vessel was violating, the provisions of the Convention referred to in subsection (a) of this section, such person, and any such vessel employed in such violation shall be detained and shall be delivered as promptly as practicable to an authorized official of the nation to which they belong in accordance with the provisions of the Convention.

(d) Any officer of the Coast Guard, any officer of the Fish and Wildlife Service, or any other person authorized to enforce the provisions of the Convention and this Act referred to in subsection (a) of this section, may be directed to attend as witnesses and to produce such available records and files or duly certified copies thereof as may be necessary to the prosecution in Canada or Japan of any violation of the provisions of the Convention or any Canadian or Japanese law for the enforcement thereof when requested by the appropriate authorities of Canada or Japan respectively.

SEC. 9. The Secretary of the Interior may designate officers of the States and Territories of the United States to enforce the provisions of the Convention and this Act in so far as they pertain to fishing vessels of the United States and the persons on board such vessels.

U. S. fishing vessels, etc.

SEC. 10. (a) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States to engage in the catching of any stock of fish from which the United States may agree to abstain in the waters specified for such abstention as set forth in the Annex to the Convention, or to load, process, possess, or transport any

Unlawful acts.

such fish or fish products processed therefrom in the said waters, or to land in a port of the United States any fish so caught, loaded, possessed, or transported or any fish products processed therefrom.

(b) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States knowingly to load, process, possess, or transport any fish specified in subsection (a) of this section or any fish products processed therefrom in the territorial waters of the United States or in any waters of the Convention area in addition to those specified in subsection (a) of this section, or to land in a port of the United States any such fish or fish products.

(c) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States knowingly to load, process, possess, or transport in the Convention area or in the territorial waters of the United States any fish taken by a national of Canada or Japan from a stock of fish from which Canada or Japan respectively has agreed to abstain as set forth in the Annex to the Convention or any fish products processed therefrom, or to land such fish or fish products in a port of the United States.

(d) It shall be unlawful for any person subject to the jurisdiction of the United States to aid or abet in the taking of fish by a national or fishing vessel of Canada or of Japan from a stock of fish from which Canada or Japan has respectively agreed to abstain as set forth in the Annex of the Convention.

(e) It shall be unlawful for the master or owner or any person in charge of any fishing vessel of the United States to refuse to permit the duly authorized officials of the United States, Canada, or Japan to board such vessel or inspect its equipment, books, documents, or other articles or question the persons on board in accordance with the provision of the Convention, or to obstruct such officials in the execution of such duties.

Penalties.

SEC. 11. (a) Any person violating subsection (a), (b), or (c) of section 10 of this Act shall upon conviction be fined not more than \$10,000, and for such offense the court may order forfeited, in whole or in part, the fish concerned in the offense, or the fishing gear involved in such fishing, or both, or the monetary value thereof. Such forfeited fish or fishing gear shall be disposed of in accordance with the direction of the court.

(b) Any person violating subsection (d) of section 10 of this Act shall upon conviction be fined not more than \$10,000.

(c) Any person violating subsection (e) of section 10 of this Act shall upon conviction be fined not more than \$10,000 and be imprisoned for not more than one year or both, and for such offense the court may order forfeited, in whole or in part the fish and fishing gear on board the vessel, or both, or the monetary value thereof. Such fish and fishing gear shall be disposed of in accordance with the direction of the court.

64 Stat. 1070.

(d) Section 10 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1067; 16 U. S. C. 989) shall not apply to violations for which penalties are provided in this section.

Applicable statutes.

SEC. 12. For the effective execution of this Act, sections 7 (a) and (b), 9, 10, and 11 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1067; 16 U. S. C. 986, 988, 989, 990) shall be deemed to be incorporated herein in haec verba provided that regulations authorized by section 7 (a) of the Northwest Atlantic Fisheries Act shall be adopted by the Secretary of the Interior on consultation with the United States Section and shall apply only to stocks of fish in the Convention area contiguous to the territorial waters of Alaska.

SEC. 13. (a) There is hereby authorized to be appropriated from time to time such sums as may be necessary for carrying out the purposes and provisions of the Convention and this Act, including—

(1) necessary travel expenses of the United States Commissioners without regard to the Standardized Government Travel Regulations, as amended, the Travel Expense Act of 1949, or section 10 of the Act of March 3, 1933 (U. S. C., title 5, sec. 73b); and

(2) the United States share of the joint expenses of the Commission; provided that the Commissioners shall not, with respect to commitments concerning the United States share of the joint expenses of the Commission, be subject to the provisions of section 262 (b) of title 22 of the United States Code insofar as they limit the authority of United States representatives to international organizations with respect to such commitments.

(b) Such funds as shall be made available to the Secretary of the Interior for research and related activities shall be expended to carry out the program of the Commission in accordance with recommendations of the United States Section.

SEC. 14. If any provision of this Act or the application of such provision to any circumstances or persons shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other circumstances or persons shall not be affected thereby.

Approved August 12, 1954.

Appropriations.

63 Stat. 166.
5 USC 835 note.
60 Stat. 808.

66 Stat. 550.
22 USC 262b.

Separability.

Public Law 580

CHAPTER 725

JOINT RESOLUTION

To repeal certain World War II laws relating to return of fishing vessels, and for other purposes.

August 13, 1954
[S. J. Res. 67]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective upon the enactment of this joint resolution, the following statutory provisions are repealed:

Repeals.

(a) The Act of April 29, 1943, entitled "An Act to authorize the return to private ownership of certain vessels formerly used or suitable for use in the fisheries or industries related thereto", as amended (Public Law 44, Seventy-eighth Congress, 57 Stat. 69; Public Law 305, Seventy-eighth Congress, 58 Stat. 223; Public Law 716, Seventy-ninth Congress, 60 Stat. 976; 50 War App. U. S. C. 1301-1305).

Fishing vessels.
Return to private ownership.

(b) The Act of August 10, 1946, entitled "An Act relating to the sale by the United States of surplus vessels suitable for fishing" (Public Law 717, Seventy-ninth Congress, 60 Stat. 977; 50 War App. U. S. C. 1306-1308). Notwithstanding the enactment of this joint resolution, the aforesaid statutory provisions shall apply to any vessels which prior to such enactment have been declared available for return to former owners by notice to the Department of Commerce under the Act of April 29, 1943, as amended, or determined to be surplus for sale to former owners of fishing vessels in accordance with the Act of August 10, 1946 (Public Law 717, Seventy-ninth Congress). Any other vessels which, but for the enactment of this joint resolution, would be disposed of in accordance with any of the aforesaid statutory provisions, shall be disposed of in accordance with the provisions of other existing laws.

Sale.

Effectivity.

Approved August 13, 1954.