

their retail rates, costs during any period of resource construction.

(h) Water appropriations

Nothing in this chapter shall be construed as authorizing the appropriation of water by any Federal, State, or local agency, Indian tribe, or any other entity or individual. Nor shall any provision of this chapter of any plan or program adopted pursuant to the chapter (1) affect the rights or jurisdictions of the United States, the States, Indian tribes, or other entities over waters of any river or stream or over any ground-water resource, (2) alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by the States, or (3) otherwise be construed to alter or establish the respective rights of States, the United States, Indian tribes, or any person with respect to any water or water-related right.

(i) Existing Federal licenses, permits, and certificates

Nothing in this chapter shall be construed to affect the validity of any existing license, permit, or certificate issued by any Federal agency pursuant to any other Federal law.

(Pub. L. 96-501, §10, Dec. 5, 1980, 94 Stat. 2734.)

§ 839h. Separability

If any provision of section 839b(a) through (c) of this title or any other provision of this chapter or the application thereof to any person, State, Indian tribe, entity, or circumstance is held invalid, neither the remainder of section 839b of this title or any other provisions of this chapter, nor the application of such provisions to other persons, States, Indian tribes, entities, or circumstances, shall be affected thereby.

(Pub. L. 96-501, §12, Dec. 5, 1980, 94 Stat. 2736.)

CHAPTER 13—REGULATION OF TRANSPORTATION IN INTERSTATE OR FOREIGN COMMERCE OF BLACK BASS AND OTHER FISH

§§ 851 to 856. Repealed. Pub. L. 97-79, §9(b)(1), Nov. 16, 1981, 95 Stat. 1079

Section 851, acts May 20, 1926 ch 346, §1, 44 Stat. 576; July 2, 1930, ch. 801, 46 Stat. 845; July 30, 1947, ch. 348, 61 Stat. 517; July 16, 1952, ch. 911, §1, 66 Stat. 736; Dec. 5, 1969, Pub. L. 91-135, §9(d), 83 Stat. 282, defined the terms "person" and "State". See section 3371 of this title.

Section 852, acts May 20, 1926, ch. 346, §2, 44 Stat. 576; July 2, 1930, ch. 801, 46 Stat. 845; July 30, 1947, ch. 348, 61 Stat. 517; July 16, 1952, ch. 911, §2, 66 Stat. 736; Dec. 5, 1969, Pub. L. 91-135, §9(a), 83 Stat. 281, made illegal the transportation of illegally taken black bass or other fish. See section 3372 of this title.

Section 852a, act May 20, 1926, ch. 346, §3, as added July 2, 1930, ch. 801, 46 Stat. 846; amended July 30, 1947, ch. 348, 61 Stat. 517; July 16, 1952, ch. 911, §2, 66 Stat. 736; Dec. 5, 1969, Pub. L. 91-135, §9(b), 83 Stat. 282, provided for the markings on the outside of packages and containers used in the transportation of fish. See section 3376(a) of this title.

Section 852b, act May 20, 1926, ch. 346, §4, as added July 2, 1930, ch. 801, 46 Stat. 846; amended July 30, 1947, ch. 348, 61 Stat. 517; July 16, 1952, ch. 911, §2, 66 Stat. 736, related to the application of State laws with regard to fish arriving in the State. See section 3378(a) of this title.

Section 852c, act May 20, 1926, ch. 346, §5, as added July 2, 1930, ch. 801, 46 Stat. 846; amended 1939 Reorg. Plan No. II, §4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; July 30, 1947, ch. 348, 61 Stat. 517; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, authorized the making of expenditures by the Secretary in carrying out the responsibilities under this chapter. See section 3378(d) and (e) of this title.

Section 852d, act May 20, 1926, ch. 346, §6, as added July 2, 1930, ch. 801, 46 Stat. 846; amended 1939 Reorg. Plan No. II, §4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; July 30, 1947, ch. 348, 61 Stat. 517; Oct. 17, 1968, Pub. L. 90-578, title IV, §402(b)(2), 82 Stat. 1118; Dec. 5, 1969, Pub. L. 91-135, §9(c), 83 Stat. 282; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, related to the power of arrest without warrant, utilization of Federal agencies, searches and seizures, and forfeitures. See sections 3374 and 3375 of this title.

Section 853, act May 20, 1926, ch. 346, §7, as added July 2, 1930, ch. 801, 46 Stat. 847; amended July 30, 1947, ch. 348, 61 Stat. 517, set out the penalties for the violation of the provisions of this chapter. See section 3373 of this title.

Section 854, act May 20, 1926, ch. 346, §8, as added July 2, 1930, ch. 801, 46 Stat. 847; amended July 30, 1947, ch. 348, 61 Stat. 517; July 16, 1952, ch. 911, §2, 66 Stat. 736, related to the effect of this chapter on the power of States. See section 3378(a) of this title.

Section 855, act May 20, 1926, ch. 346, §9, as added July 2, 1930, ch. 801, 46 Stat. 847; amended July 30, 1947, ch. 348, 61 Stat. 517; Aug. 25, 1959, Pub. L. 86-207, 73 Stat. 430, related to the effect of this chapter on breeding and stocking. See section 3377(c) of this title.

Section 856, act May 20, 1926, ch. 346, §10, as added July 30, 1947, ch. 348, 61 Stat. 517; amended July 16, 1952, ch. 911, §2, 66 Stat. 736, directed that this chapter not apply to steelhead trout (*salmo gairdnerii*) legally taken in the Columbia River between the States of Washington and Oregon.

CHAPTER 14—REGULATION OF WHALING

SUBCHAPTER I—WHALING TREATY ACT

Sec.
901 to 915. Repealed.

SUBCHAPTER II—WHALING CONVENTION ACT

- 916. Definitions.
- 916a. United States Commissioner.
- 916b. Acceptance or rejection by United States Government of regulations, etc.; acceptance of reports, recommendations, etc., of Commission.
- 916c. Unlawful acts.
- 916d. Licenses.
- 916e. Failure to keep returns, records, reports.
- 916f. Violations; fines and penalties.
- 916g. Enforcement.
- 916h. Cooperation between Federal and State and private agencies and organizations in scientific and other programs.
- 916i. Taking of whales for biological experiments.
- 916j. Allocation of responsibility for administration and enforcement.
- 916k. Regulations; submission; publication; effectiveness.
- 916l. Authorization of appropriations.

SUBCHAPTER I—WHALING TREATY ACT

§§ 901 to 915. Repealed. Aug. 9, 1950, ch. 653, §16, 64 Stat. 425

Sections, act May 1, 1936, ch. 251, §§1-15, 49 Stat. 1246-1249, related to hunting of whales. See sections 916 to 916l of this title.

SUBCHAPTER II—WHALING CONVENTION ACT

§ 916. Definitions

When used in this subchapter—

(a) Convention: The word “convention” means the International Convention for the Regulation of Whaling signed at Washington under date of December 2, 1946, by the United States of America and certain other governments.

(b) Commission: The word “Commission” means the International Whaling Commission established by article III of the convention.

(c) United States Commissioner: The words “United States Commissioner” mean the member of the International Whaling Commission representing the United States of America appointed pursuant to article III of the convention and section 916a of this title.

(d) Person: The word “person” denotes every individual, partnership, corporation, and association subject to the jurisdiction of the United States.

(e) Vessel: The word “vessel” denotes every kind, type, or description of water craft or contrivance subject to the jurisdiction of the United States used, or capable of being used, as a means of transportation.

(f) Factory ship: The words “factory ship” mean a vessel in which or on which whales are treated or processed, whether wholly or in part.

(g) Land station: The words “land station” mean a factory on the land at which whales are treated or processed, whether wholly or in part.

(h) Whale catcher: The words “whale catcher” mean a vessel used for the purpose of hunting, killing, taking, towing, holding onto, or scouting for whales.

(i) Whale products: The words “whale products” mean any unprocessed part of a whale and blubber, meat, bones, whale oil, sperm oil, spermaceti, meal, and baleen.

(j) Whaling: The word “whaling” means the scouting for, hunting, killing, taking, towing, holding onto, and flensing of whales, and the possession, treatment, or processing of whales or of whale products.

(k) Regulations of the Commission: The words “regulations of the Commission” mean the whaling regulations in the schedule annexed to and constituting a part of the convention in their original form or as modified, revised, or amended by the Commission from time to time, in pursuance of article V of the convention.

(l) Regulations of the Secretary of Commerce: The words “regulations of the Secretary of Commerce” mean such regulations as may be issued by the Secretary of Commerce, from time to time, in accordance with sections 916i and 916j of this title.

(Aug. 9, 1950, ch. 653, § 2, 64 Stat. 421; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

SHORT TITLE

Act Aug. 9, 1950, ch. 653, § 1, 64 Stat. 421, provided: “That this Act [enacting this subchapter] may be cited as the ‘Whaling Convention Act of 1949.’”

SEPARABILITY

Act Aug. 9, 1950, ch. 653, § 15, 64 Stat. 425, provided that: “If any provision of this Act [this subchapter] or the application of such provisions 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.”

TRANSFER OF FUNCTIONS

In subsec. (l), “Secretary of Commerce” substituted for “Secretary of the Interior” in view of: creation of National Oceanic and Atmospheric Administration in Department of Commerce and Office of Administrator of such Administration; abolition of Bureau of Commercial Fisheries in Department of the Interior and Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in Secretary of the Interior or Department of the Interior which were administered through 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.

WILDLIFE SANCTUARY FOR HUMPBACK WHALES IN WEST INDIES

Pub. L. 99-630, Nov. 7, 1986, 100 Stat. 3514, provided: “That the President shall, in concert with the International Whaling Commission, seek a treaty or other appropriate international agreement establishing a wildlife sanctuary for humpback whales in the West Indies, in the area encompassing the Turks Islands, Mouchoir Passage, Silver Bank Passage, Navidad Bank, and such additional areas in the West Indies as may be necessary to ensure the protection of the breeding grounds of the humpback whales.”

MORATORIUM ON COMMERCIAL KILLING OF WHALES

Pub. L. 96-60, title IV, § 405, Aug. 15, 1979, 93 Stat. 403, provided that:

“(a) The Congress finds and declares that—

“(1) whales are a unique marine resource of great esthetic and scientific interest to mankind and are a vital part of the marine ecosystem;

“(2) the protection and conservation of whales are of particular interest to citizens of the United States;

“(3) in 1971 the Congress adopted resolutions requesting the Secretary of State to negotiate a ten-year moratorium on the commercial killing of whales;

“(4) the United States, which effectively banned all commercial whaling by United States nationals in December 1971, has sought an international moratorium on the commercial killing of whales since 1972;

“(5) the United Nations Conference on the Human Environment adopted a resolution in 1972 calling for a ten-year moratorium on commercial whaling;

“(6) the United Nations Governing Council for Environment Programs in 1973 and 1974 confirmed such call for a ten-year moratorium, and the Council continues to support ongoing efforts relating to whale conservation;

“(7) the International Convention for the Regulation of Whaling, signed in 1946, as implemented by the International Whaling Commission, is not providing adequate protection to whales;

“(8) the data-gathering structure established under the International Whaling Commission has not provided all the available data necessary for sound whale conservation;

“(9) there is strong evidence that the members of the International Whaling Commission continue to import, in some instances in increasing amounts, whale products from countries not members of the Commission; and

“(10) defects in the implementation of the International Convention for the Regulation of Whaling by the International Whaling Commission allow harvests of the declining whale species.

“(b) The Congress urges—

“(1) the International Whaling Commission to agree to a moratorium on the commercial killing of whales; and

“(2) Brazil, Denmark, Iceland, Japan, Norway, the Soviet Union, and the Republic of Korea, as parties to the International Convention for the Regulation of Whaling and which still engage in commercial whaling, and Chile, the People’s Republic of China, Peru, Portugal, the Democratic Republic of Korea, Spain, and Taiwan, as countries which are not parties to the Convention and which still engage in commercial whaling, to recognize and comply voluntarily with a moratorium on the commercial killing of whales, as endorsed by the United Nations Conference on the Human Environment and the United Nations Governing Council for Environment Programs.”

§ 916a. United States Commissioner

(a) Appointment

The United States Commissioner shall be appointed by the President, on the concurrent recommendations of the Secretary of State and the Secretary of Commerce, and shall serve at the pleasure of the President.

(b) Deputy Commissioner

The President may appoint a Deputy United States Commissioner, on the concurrent recommendations of the Secretary of State and the Secretary of Commerce. The Deputy United States Commissioner shall serve at the pleasure of the President and shall be the principal technical adviser to the United States Commissioner, and shall be empowered to perform the duties of the Commissioner in case of the death, resignation, absence, or illness of the Commissioner.

(c) Compensation

The United States Commissioner and Deputy Commissioner, although officers of the United States Government, shall receive no compensation for their services.

(Aug. 9, 1950, ch. 653, § 3, 64 Stat. 421; 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 the Interior by Reorg. Plan No. 4 of 1970, see note set out under section 916 of this title.

ALTERNATE UNITED STATES COMMISSIONERS

Secretary of State authorized to designate Alternate United States Commissioners, see sections 2672a and 2672b of Title 22, Foreign Relations and Intercourse.

§ 916b. Acceptance or rejection by United States Government of regulations, etc.; acceptance of reports, recommendations, etc., of Commission

The Secretary of State is authorized, with the concurrence of the Secretary of Commerce, to present or withdraw any objections on behalf of the United States Government to such regulations or amendments of the schedule to the convention as are adopted by the Commission and submitted to the United States Government in accordance with article V of the convention. The Secretary of State is further authorized to receive on behalf of the United States Government reports, requests, recommendations, and other communications of the Commission, and to act thereon either directly or by reference to the appropriate authority.

(Aug. 9, 1950, ch. 653, § 4, 64 Stat. 422; 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 the Interior by Reorg. Plan No. 4 of 1970, see note set out under section 916 of this title.

§ 916c. Unlawful acts

(a) Whaling, transporting, or selling violations; records; reports

It shall be unlawful for any person subject to the jurisdiction of the United States (1) to engage in whaling in violation of the convention or of any regulation of the Commission, or of this subchapter, or of any regulation of the Secretary of Commerce; (2) to ship, transport, purchase, sell, offer for sale, import, export, or have in possession any whale or whale products taken or processed in violation of the convention, or of any regulation of the Commission, or of this subchapter, or of any regulation of the Secretary of Commerce; (3) to fail to make, keep, submit, or furnish any record or report required of him by the convention, or by any regulation of the Commission, or by any regulation of the Secretary of Commerce, or to refuse to permit any officer authorized to enforce the convention, the regulations of the Commission, this subchapter, and the regulations of the Secretary of Commerce, to inspect such record or report at any reasonable time.

(b) Acts of commission or omission

It shall be unlawful for any person or vessel subject to the jurisdiction of the United States to do any act prohibited or to fail to do any act required by the convention, or by this subchapter, or by any regulation adopted by the Commission, or by any regulation of the Secretary of Commerce.

(Aug. 9, 1950, ch. 653, § 5, 64 Stat. 422; 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 the Interior by Reorg. Plan No. 4 of 1970, see note set out under section 916 of this title.

EMERGENCY ASSISTANCE FOR SUBSISTENCE WHALE HUNTERS

Pub. L. 107-372, title IV, § 403, Dec. 19, 2002, 116 Stat. 3102, provided that: “Notwithstanding any provision of law, the use of a vessel to tow a whale taken in a traditional subsistence whale hunt permitted by Federal law and conducted in waters off the coast of Alaska is authorized, if such towing is performed upon a request for emergency assistance made by a subsistence whale hunting organization formally recognized by an agency of the United States Government, or made by a member of such an organization, to prevent the loss of a whale.”

§ 916d. Licenses

(a) Issuance

No person shall engage in whaling without first having obtained an appropriate license or scientific permit. Such licenses shall be issued by the Secretary of Commerce or such officer of the Department of Commerce as may be des-