

[CHAPTER 1053]

AN ACT

To amend section 10 of the Act of August 2, 1946, relating to the receipt of pay, allowances, travel, or other expenses while drawing a pension, disability allowance, disability compensation, or retired pay, and for other purposes.

September 27, 1950
[S. 1507]
[Public Law 844]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the Act approved August 2, 1946 (60 Stat. 854, 34 U. S. C. 853e-1), is hereby amended to read as follows:

Reserve personnel.

“Any member of the Naval Reserve or Marine Corps Reserve entitled to draw a pension, retainer pay, disability allowance, disability compensation, or retired pay from the Government of the United States by virtue of prior military service, may elect, with reference to periods of active duty, active duty for training, drill, training, instruction, or other duty for which they may be entitled to receive compensation pursuant to any provisions of law to receive either (1) the compensation for such duty, which, when authorized by law, shall include travel or other expenses incident thereto, and subsistence and quarters, or commutation thereof, or (2) the pension, retainer pay, disability allowance, disability compensation or retired pay, but not both; and unless they specifically waive or relinquish the latter, they shall not receive the former for the periods of such duty: *Provided*, That nothing contained in this section shall be construed as prohibiting the enlistment or appointment in the Naval Reserve or the Marine Corps Reserve of any person who may be entitled to draw any such pension, disability allowance, or disability compensation.”

Active-duty pay,
etc.

Election of payment.

SEC. 2. Notwithstanding the provisions of any other law, any member of a Reserve component of the Army of the United States or of the Air Force of the United States entitled to draw a pension, retirement pay, disability allowance, disability compensation, or retired pay from the Government of the United States by virtue of prior military service, may elect, with reference to periods of active duty or drill, training, instruction, or other duty for which they may be entitled to receive compensation pursuant to any provisions of law, to receive either (1) the compensation for such duty, which, when authorized by law, shall include travel or other expenses incident thereto, and subsistence and quarters, or commutation thereof, or (2) the pension, retirement pay, disability allowance, disability compensation, or retired pay, but not both; and unless they specifically waive or relinquish the latter they shall not receive the former for the periods of such duty.

SEC. 3. The provisions of this Act shall be effective from July 1, 1947, and shall terminate five years after the date of approval of this Act.

Effective date;
termination.

Approved September 27, 1950.

[CHAPTER 1054]

AN ACT

To give effect to the International Convention for the Northwest Atlantic Fisheries, signed at Washington under date of February 8, 1949, and for other purposes.

September 27, 1950
[S. 2801]
[Public Law 845]

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 Northwest Atlantic Fisheries Act of 1950.

Northwest Atlantic Fisheries Act of 1950.

SEC. 2. When used in this Act—

Definitions.

(a) Convention: The word “convention” means the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949.

(b) Commission: The word "Commission" means the International Commission for the Northwest Atlantic Fisheries provided for by article II of the convention.

(c) Person: The word "person" denotes individuals, partnerships, corporations, and associations, subject to the jurisdiction of the United States.

(d) Convention area: The term "convention area" means that portion of the northwest Atlantic Ocean defined in article I of the convention.

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

(f) Fishing gear: The term "fishing gear" means any apparatus or appliance of whatever kind or description used or capable of being used for fishing.

(g) Fishing: The word "fishing" means the catching, taking, or fishing for, or the attempted catching, taking, or fishing for any species of fish protected under regulations adopted pursuant to this Act.

U. S. representation.

SEC. 3. (a) The United States shall be represented, on the Commission and on any panel in which the United States participates, by three Commissioners to be appointed by the President and to serve at his pleasure. The Commissioners shall be entitled to adopt such rules of procedure as they find necessary.

(b) The United States Commissioners, although officers of the United States Government while so serving, shall receive no compensation for their services as such Commissioners.

Advisory committee.

SEC. 4. (a) The United States Commissioners shall appoint an advisory committee composed of not less than five nor more than twenty persons who shall fairly represent the various interests in the fisheries of the convention area, including fishermen and vessel owners, and who shall be well informed concerning the fisheries of the convention area. The members of the advisory committee shall serve for a term of two years, and shall be eligible for reappointment. The advisory committee shall meet at least once a year, or more frequently if necessary, shall elect its own officers, and shall be entitled to fix the times and places of its meetings and to adopt rules of procedure for their conduct. The United States Commissioners shall also have the authority to call a meeting of the advisory committee on the request of three members of the committee. The advisory committee, or such representatives as it may designate, may attend as observers all non-executive meetings of the Commission or of any panel of which the United States is a member. The advisory committee shall be invited to all nonexecutive meetings of the United States Commissioners and at such meetings shall be given full opportunity to examine and to be heard on all proposed programs of investigation, reports, and recommendations of the United States Commissioners and all regulations proposed to be issued under the authority of this Act.

(b) The members of the advisory committee shall receive no compensation for their services as such members. On approval by the United States Commissioners not more than five members of the advisory committee, designated by the committee, may be paid for their actual transportation expenses and per diem incident to attendance at meetings outside of the United States of the Commission or a panel thereof.

Service status of Commissioners.

SEC. 5. Service of any individual as a United States Commissioner appointed pursuant to section 3 (a), 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 provi-

sions of sections 281, 283, and 284 of title 18 of the United States Code, of section 190 of the Revised Statutes (U. S. C., title 5, sec. 99), or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States, except insofar as such provisions of law may prohibit any such individual from receiving compensation in respect of any particular matter in which such individual was directly involved in the performance of such service.

62 Stat. 697, 698.
18 U. S. C., Sup. III,
§§ 281, 283, 284.

SEC. 6. (a) The Secretary of State is authorized to receive, on behalf of the Government of the United States, reports, requests, recommendations, and other communications of the Commission, and to act thereon directly or by reference to the appropriate authorities.

Authority of Secretary of State.

(b) The Secretary of State, with the concurrence of the Secretary of the Interior, is authorized to accept or reject, on behalf of the United States, proposals received from the Commission pursuant to article VIII of the convention.

Authority of Secretary of Interior.

SEC. 7. (a) The Secretary of the Interior is authorized and directed to administer and enforce, through the Fish and Wildlife Service, all of the provisions of the convention, this Act, and regulations issued pursuant thereto, except to the extent otherwise provided for in this Act. In carrying out such functions he is authorized and directed to adopt such regulations as may be necessary to carry out the purposes and objectives of the convention and this Act, and, with the concurrence of the Secretary of State, he may cooperate with the duly authorized officials of the Government of any party to the convention.

Enforcement activities.

(b) Enforcement activities under the provisions of this Act relating to vessels engaged in fishing and subject to the jurisdiction of the United States shall be primarily the responsibility of the United States Coast Guard, in cooperation with the Fish and Wildlife Service.

(c) The Secretary of the Interior may designate officers of the States of the United States to enforce the provisions of the convention, or of this Act, or of the regulations of the Secretary of the Interior. When so designated such officers are authorized to function as Federal law-enforcement officers for the purposes of this Act.

Cooperation of U. S. agencies, etc.

SEC. 8. (a) The Secretary of State with the concurrence of the agency, institution, or organization concerned, may direct the United States Commissioners to arrange for the cooperation of agencies of the United States Government, and of State and private institutions and organizations in carrying out the provisions of article VI of the convention.

(b) All agencies of the Federal Government are authorized, upon request of the Commission, to cooperate in the conduct of scientific and other programs, and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the convention.

(c) None of the prohibitions deriving from this Act, or contained in the laws or regulations of any State, 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.

Scientific investigation.

(d) Nothing in this Act shall be construed to limit or to add to the authority of the individual States to exercise their existing sovereignty within the presently defined limits of the territorial waters of the respective States.

Authority of individual States.

SEC. 9. (a) It shall be unlawful for any person subject to the jurisdiction of the United States to engage in fishing in violation of any

Unlawful acts.

regulation adopted pursuant to this Act or of any order of a court issued pursuant to section 10 of this Act, to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of any such regulations, or order, to fail to make, keep, submit, or furnish any record or report required of him by such regulation, or to refuse to permit any officer authorized to enforce such regulations to inspect such record or report at any reasonable time.

(b) It shall be unlawful for any person or vessel subject to the jurisdiction of the United States to do any act prohibited or fail to do any act required by any regulation adopted pursuant to this Act.

Penalties.

SEC. 10. Any person violating any provision of this Act or any regulation adopted pursuant to this Act, upon conviction, shall be fined for a first offense not more than \$500 and for a subsequent offense committed within five years not more than \$1,000 and for such subsequent offense the court may order forfeited, in whole or in part, the fish taken by such person, 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.

Power to arrest, etc.

SEC. 11. (a) Any duly authorized enforcement officer or employee 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 customs officer; and any other person authorized to enforce the provisions of the convention, this Act, and the regulations issued pursuant thereto, shall have power without warrant or other process to arrest any person subject to the jurisdiction of the United States committing in his presence or view a violation of the convention or of this Act, or of the regulations issued pursuant thereto and to take such person immediately for examination before a justice or judge or any other official designated in section 3041 of title 18 of the United States Code; and shall have power, without warrant or other process, to search any vessel subject to the jurisdiction of the United States when he has reasonable cause to believe that such vessel is engaging in fishing in violation of the provisions of the convention or this Act, or the regulations issued pursuant thereto. Any person authorized to enforce the provisions of the convention, this Act, or the regulations issued pursuant thereto shall have power to execute any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of this Act, and shall have power with a search warrant to search any vessel, vehicle, person, or place at any time. The judges of the United States district 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. Any person authorized to enforce the provisions of the convention, this Act, or the regulations issued pursuant thereto may, except in the case of a first offense, seize, whenever and wherever lawfully found, all fish taken or retained, and all fishing gear involved in fishing, contrary to the provisions of the convention or this Act or to regulations issued pursuant thereto. Any property so seized shall not be disposed of except pursuant to the order of a court of competent jurisdiction or the provisions of subsection (b) of this section, or, if perishable, in the manner prescribed by regulations of the Secretary of the Interior.

62 Stat. 815.
18 U. S. C., Sup. III,
§ 3041.

Issuance of warrants.

Seizure.

62 Stat. 974.
28 U. S. C., Sup. III,
§ 2464.

(b) Notwithstanding the provisions of 28 United States Code 2464, 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 property seized if the process has been levied, on receiving from the claimant of the property a bond or stipulation for double the value of the property with sufficient surety

to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the property 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.

SEC. 12. There is hereby authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for carrying out the purposes and provisions of this Act, including the United States share of the joint expenses of the Commission as provided in article XI of the convention; for the expenses of the United States Commissioners and authorized advisers.

SEC. 13. 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 September 27, 1950.

Appropriation au-
thorized.

Separability.

[CHAPTER 1055]

AN ACT

To extend for a period of five years the time for appropriating and expending funds to carry out the Federal Airport Act.

September 27, 1950
[S. 2875]
[Public Law 846]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (b) and (c) of section 5 of the Federal Airport Act are amended—

- (1) by striking out "seven fiscal years", in each such subsection, and inserting in lieu thereof "twelve fiscal years"; and
- (2) by striking out "shall remain available until June 30, 1953", in each such subsection, and inserting in lieu thereof "shall remain available until June 30, 1958".

Approved September 27, 1950.

60 Stat. 172.
49 U. S. C. § 1104
(b), (c); Sup. III,
§ 1104 (c).

[CHAPTER 1056]

AN ACT

To amend section 5 of the Act of February 26, 1944, entitled "An Act to give effect to the Provisional Fur Seal Agreement of 1942 between the United States of America and Canada; to protect the fur seals of the Pribilof Islands; and for other purposes".

September 27, 1950
[S. 3123]
[Public Law 847]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act of February 26, 1944 (58 Stat. 100), is amended by deleting the last clause reading "and the proceeds of such sale shall be paid into the Treasury of the United States", and inserting in lieu thereof the following: "and the proceeds of such sales and of the sales of other products of the wildlife resources of the Pribilof Islands shall be deposited into the Treasury. There is hereby authorized to be appropriated annually an amount, not exceeding the total proceeds of such sales covered into the Treasury during the preceding fiscal year, for the purposes of this Act and for the development of the fur seal and other wildlife resources of the Pribilof Islands and the proper utilization of their products".

Approved September 27, 1950.

Pribilof Islands.
58 Stat. 101.
16 U. S. C. § 631e.

Appropriation au-
thorized.