

be expended and accounted for in the same manner as the funds authorized to be appropriated by this joint resolution. The Commissioner General is also authorized to receive contributions of material, or to borrow material or exhibits, and to accept the services of any skilled and unskilled labor that may be available through State or Federal relief organizations, to aid in carrying out the general purposes of this joint resolution. At the close of the exposition or when the connection of the Government of the United States therewith ceases, the Commissioner General shall dispose of any such portion of the material contributed as may be unused, and return such borrowed property; and, under the direction of the Commission, dispose of any structures which may have been constructed and account therefor: *Provided*, That all disposition of materials, property, and so forth, shall be at public sale to the highest bidder, and the proceeds thereof shall be covered into the Treasury of the United States.

Disposal of buildings and property.

*Proviso.*  
Public sales.

Report to Congress.

Termination of Commission.

**SEC. 9.** It shall be the duty of the Commission to transmit to Congress, within six months after the close of the exposition, a detailed statement of all expenditures, and such other reports as may be deemed proper, which reports shall be prepared and arranged with a view to concise statement and convenient reference. Upon the transmission of such report to Congress the Commission established by and all appointments made under the authority of this joint resolution shall terminate.

Approved, April 25, 1936.

[CHAPTER 251.]

AN ACT

May 1, 1936.  
[S. 3413.]  
[Public, No. 535.]

To give effect to the Convention between the United States and certain other countries for the regulation of whaling, concluded at Geneva, September 24, 1931, signed on the part of the United States, March 31, 1932, and for other purposes.

The Whaling Treaty Act.  
*Post*, p. 3079.  
Taking, etc., of right whales unlawful.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act shall be known by the short title of "The Whaling Treaty Act".

Dolphins and porpoises excepted.

**SEC. 2.** That unless and except as permitted by regulations made as hereinafter provided, it shall be unlawful to hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry or cause to be carried by any means whatever, receive for shipment, transportation, or carriage, import or export at any time or in any manner, any right whale, or the young of any whale, excepting dolphins and porpoises; or to sell, purchase, ship, transport by any means whatever, import, or export, the products of any right whale, including oil, meat, bone, meal, or fertilizer.

Killing of calves, or females with calves, prohibited.  
*Post*, p. 3085.

**SEC. 3.** That it shall be unlawful to kill at any time any calves or any female whales accompanied by calves or suckling whales, protected by article 5 of the Convention for the regulation of whaling, concluded at Geneva, September 24, 1931, signed on the part of the United States, March 31, 1932.

Right whales defined.

**SEC. 4.** That for the purposes of this Act, right whales shall be deemed to include North Atlantic or North Cape whales, Greenland or Bowhead whales, and Pacific right whales; calves or suckling whales shall be deemed to include whales having a length less than the following dimensions: Blue or sulphurbottom, 60 feet; finbacks, 50 feet; and humpbacks, 35 feet.

Calves, etc.

SEC. 5. That subject to the provisions and in order to carry out the purposes of the Convention, the Secretary of the Treasury and the Secretary of Commerce are authorized and directed from time to time to determine when, to what extent if at all, and by what means it is compatible with the terms of the Convention to allow hunting, taking, capturing, killing, possession, sale, purchase, shipment, transportation, carriage, import, or export of any whale or the product of any whale protected by said Convention and to make the necessary joint regulations therefor.

Hunting, etc., regulations.

Any regulation made under the provisions of this Act shall become effective when approved by the President.

Effective on Executive approval.

The Secretary of Commerce is hereby authorized and directed to assemble and collate the statistical and biological data submitted as required by this Act or any regulation made pursuant thereto, and is further authorized and directed to conduct such statistical and biological studies as may be necessary to carry out the terms and provisions of said Convention and this Act.

Statistical and biological data.

SEC. 6. That the fullest possible use shall be made of the carcass of every whale taken by extracting the oil by boiling, or otherwise, from all blubber, from the head, the tongue, and from the tail as far forward as the outer opening of the lower intestine; and when whales are brought on shore adequate provision shall be made for utilizing the residue after the oil has been extracted.

Fullest use of carcass to be made.

SEC. 7. That it shall be unlawful for any person, association, partnership, or corporation or for the owners of any vessel of American registry to kill a gray whale at any time, or to kill any whale wantonly, for sport, or without utilizing the carcass.

Killing of gray whales, etc.

SEC. 8. That before engaging in whaling, any person, association, partnership, or corporation shall obtain a whaling license from the Secretary of Commerce for each vessel or other craft engaged in the taking and killing of whales and for each floating reduction ship, shore whaling station, or other plant used in the processing of whales. In making application for such license the applicant shall:

Whaling licenses.

(a) furnish evidence of having adequate equipment for utilization of the whale as provided in section 6 of this Act;

(b) agree to engage crews and gunners of whaling vessels on some basis not solely on number of whales taken;

(c) provide for keeping accurate records of the catch, any biological data necessary, and statistical records of production required by the Secretary of Commerce;

(d) pay a fee of \$1,000 for a license good for one year from date of issue for each floating reduction ship, shore whaling station, or other plant used in processing whales, and a fee of \$250 for each vessel or other craft in excess of two engaged in the taking of whales in connection with any one such ship, station, or plant, and all moneys received for licenses shall be covered into the Treasury of the United States.

Requirements.

Fees.

SEC. 9. That the provisions of this Act or any regulations thereof shall be enforced primarily by the Coast Guard and the Bureau of Customs. The Secretary of the Treasury is hereby authorized when necessary to request assistance of the Secretary of the Navy, and the Secretary of the Navy may, upon request, cooperate in the enforcement of this Act. Any commander of a Coast Guard, customs, or naval vessel, who shall find a whaling vessel of United States registry violating this Act, shall have authority to seize such vessel and order it conveyed at the expense of the owners to the nearest port of the United States, and shall also have authority, in his discretion, in lieu of seizure, to impose on and collect from the

Enforcement of Act or regulations thereof.

Seizure or imposition of forfeiture upon violation.

commanding officer of such whaling vessel a forfeiture of \$2,500, which forfeiture shall be reported and paid forthwith to the United States District Court of the district in which is situated any port to which such whaling vessel might be conveyed for action under the terms of this Act: *Provided*, That within six months after payment of forfeiture the person or persons making such payment may institute proceedings in said district court to recover said forfeiture, less costs, on satisfactory proof said vessel did not violate any provision of this Act or any regulation made pursuant thereto. In the event of the seizure and conveyance to port, such vessel including its apparel may be forfeited to the United States by proper proceedings in the United States District Court of the said district.

*Proriso.*  
Recovery.

Forfeiture of vessel,  
etc.

Authority to arrest  
offenders.

Illegally captured  
whales; disposition.

SEC. 10. That any employee of the Treasury Department, authorized by the Secretary of the Treasury to enforce the provisions of this Act, shall have power without warrant to arrest any person committing a violation of this Act or any regulation made pursuant thereto in his presence and to take such person for examination or trial before an officer or court of competent jurisdiction, shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this Act or any regulation made pursuant thereto, and shall have authority, with a search warrant, to search any place. All whales or parts or products thereof captured, shipped, transported, carried, imported, or possessed contrary to the provisions of this Act, or of any regulations made pursuant thereto, shall, when found, be seized by any such employee or by any marshal, deputy marshal, or commander of a Coast Guard, customs, or naval vessel, and upon conviction of the offender, or upon judgment of a court of the United States that the same were captured, shipped, transported, carried, imported, or possessed contrary to the provisions of this Act, or of any regulations made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction.

Penalty for viola-  
tion.

SEC. 11. That any person, association, partnership, or corporation who shall violate any of the provisions of said Convention, or of this Act, or who shall violate or fail to comply with any regulation made pursuant to this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be deprived of his license and shall be fined not more than \$10,000 or imprisoned not more than six months or both.

State, etc., laws or  
regulations.

SEC. 12. That nothing in this Act shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of said Convention or of this Act, or from making or enforcing laws or regulations which shall give further protection to whales or their young, or which shall regulate the possession, transportation, or sale of whale products of any kind.

Provisions inapplica-  
ble to natives, etc.

SEC. 13. Nothing in this Act or in the regulations thereof shall apply to natives or Eskimos engaged in whaling who use only canoes or other native craft propelled by oars or sails, do not carry firearms, are not employed by others than natives or Eskimos, and are not under contract to deliver products of their whaling to any third person.

Separability clause.

SEC. 14. That if any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 15. There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this Act and said Convention.

Approved, May 1, 1936.

Appropriations authorized.

[CHAPTER 252.]

AN ACT

An Act<sup>1</sup> to amend section 10 and repeal section 16 of the Act entitled "An Act to regulate the distribution, promotion, retirement, and discharge of commissioned officers of the Marine Corps, and for other purposes", approved May 29, 1934 (48 Stat. 811), and for other purposes.

May 1, 1936.  
[H. R. 4016.]  
[Public, No. 536.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of section 10 of the Act entitled "An Act to regulate the distribution, promotion, retirement, and discharge of commissioned officers of the Marine Corps, and for other purposes", approved May 29, 1934 (48 Stat. 811), as provides: "and officers in the upper four-sevenths of the grades below brigadier general, subject to selection as established by the first section of this Act, shall be eligible for consideration by selection boards and for promotion without regard to length of service in grade: *Provided*, That no officer of the Marine Corps shall be ineligible for consideration for promotion by reason of completion of length of commissioned service until he shall have been once considered by a selection board", is hereby amended to read as follows: "and until January 1, 1938, officers in the upper three-sevenths of the grades below brigadier general, subject to selection as established by the first section of this Act, shall be eligible for consideration by selection boards without regard to length of service in grade: *Provided*, That hereafter no officer of the Marine Corps shall be ineligible for consideration by a selection board or for promotion by reason of completion of length of commissioned service or because of age without having at least once been considered by a selection board, and any officer of the Marine Corps now on a promotion list shall be eligible for promotion unless removed from said list in accordance with existing law: *Provided further*, That officers of the Marine Corps of the grade of second lieutenant and above, except those appointed or serving as major general commandant, as assistant to the major general commandant, as the head of a staff department, or whose names appear on an eligible list for appointment as head of a staff department, shall not serve on duty in the Marine Corps Headquarters, Washington, District of Columbia, more than four out of any eight consecutive years unless the President shall determine that the public interests so require."

Marine Corps, commissioned officers.  
Vol. 48, p. 812; U. S. C., p. 1554.  
Promotions regardless of length of service in grade.

*Proviso.*  
No officer ineligible for promotion until at least once considered by selection board.

Service at Headquarters.

SEC. 2. That section 16 of the said Act of May 29, 1934 (48 Stat. 811), be, and the same is hereby, repealed.

Section repealed.  
Vol. 48, p. 813; U. S. C., p. 1554.

SEC. 3. That officers of the Marine Corps in the grades of lieutenant colonel and major, who prior to June 30, 1935, completed the designated periods of service for their respective grades, shall retain their eligibility for consideration for selection until June 30, 1936, and such officers who on that date are not on a promotion or retention list shall be transferred to the retired list: *Provided*, That a duly constituted selection board appointed as provided by law shall be convened immediately after the approval of this Act which board, in recommending for selection for promotion the number of officers of the grades of lieutenant colonel and major directed

Lieutenant colonels and majors.

Selection for promotion, etc., and retirement of.

*Proviso.*  
Selection board, immediate convening of, recommendations, etc.

<sup>1</sup> So in original.