

to cooperate or contract with State and other institutions and agencies upon such terms and conditions as he determines to be appropriate; and (3) to make public the results of such research conducted pursuant to section 760e of this title.

(Pub. L. 86-359, § 2, Sept. 22, 1959, 73 Stat. 642; 1970 Reorg. Plan No. 4, § 1(b), eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note set out under section 755 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 760g of this title.

§ 760g. Authorization of appropriations for migratory game fish study

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 760e to 760g of this title: *Provided*, That no more than \$2,700,000 be appropriated for this purpose in any one fiscal year.

(Pub. L. 86-359, § 3, Sept. 22, 1959, 73 Stat. 643.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 760f of this title.

§ 760h to 760l. Omitted

CODIFICATION

Section 760h, Pub. L. 87-173, § 1, Aug. 30, 1961, 75 Stat. 409, provided for establishment of shellfisheries research center at Milford, Connecticut and included a statement of purpose.

Section 760i, Pub. L. 87-173, § 2, Aug. 30, 1961, 75 Stat. 409, authorized appropriation of \$1,325,000 to carry out section 760h of this title.

Section 760j, Pub. L. 87-580, § 1, Aug. 9, 1962, 76 Stat. 356, related to propagation of disease resistant oysters, acquisition of brood stock, transfer and distribution, and for State sharing of costs.

Section 760k, Pub. L. 87-580, § 2, Aug. 9, 1962, 76 Stat. 356, authorized grants to States for research and other necessary activities in development and propagation of disease-resistant strains of oysters and conditions of such grants.

Section 760l, Pub. L. 87-580, § 3, Aug. 9, 1962, 76 Stat. 357, authorized appropriation of \$100,000 to carry out sections 760j to 760l of this title.

CHAPTER 10—NORTHERN PACIFIC HALIBUT FISHING

SUBCHAPTER I—NORTHERN PACIFIC HALIBUT ACT OF 1924

Sec.

761 to 769. Omitted.

SUBCHAPTER II—NORTHERN PACIFIC HALIBUT ACT OF 1932

771 to 771j. Omitted.

SUBCHAPTER III—NORTHERN PACIFIC HALIBUT ACT OF 1937

772 to 772j. Repealed.

SUBCHAPTER IV—NORTHERN PACIFIC HALIBUT ACT OF 1982

Sec.		
773.	Definitions.	
773a.	International Pacific Halibut Commission.	
	(a) United States Commissioners.	
	(b) Alternate United States Commissioners.	
773b.	Acceptance or rejection of Commission recommendations.	
773c.	General responsibility.	
	(a) Secretary of Commerce.	
	(b) Adoption of regulations; cooperation with Canadian officials.	
	(c) Regional Fishery Management Council involvement.	
773d.	Cooperation of Federal agencies.	
773e.	Prohibited acts.	
773f.	Civil penalties.	
	(a) Liability; continuing violations; notice; determination of amount.	
	(b) Judicial review.	
	(c) Recovery of assessed penalties by Attorney General.	
	(d) Compromise, modification, and remission of penalties.	
773g.	Crimes and criminal penalties.	
	(a) Offenses.	
	(b) Fines; Imprisonment.	
	(c) Federal jurisdiction.	
773h.	Forfeitures.	
	(a) Civil forfeiture proceeding.	
	(b) United States district court jurisdiction.	
	(c) Seizure of forfeited property.	
	(d) Bond or other security; disposal of seized fish.	
	(e) Presumption of violation.	
773i.	Administration and enforcement.	
	(a) Secretary of Commerce and Secretary of department in which Coast Guard is operating.	
	(b) Arrest, search and inspection, seizure; execution of warrants or other process.	
	(c) Citation of owner or operator of offending vessel.	
	(d) United States district court jurisdiction.	
	(e) Witnesses; records and files.	
	(f) Investigations by Secretary of Commerce; powers; process.	
773j.	Authorization of appropriations.	
773k.	Location of office space and other facilities on or near University of Washington campus in State of Washington.	

SUBCHAPTER I—NORTHERN PACIFIC HALIBUT ACT OF 1924

§ 761 to 769. Omitted

CODIFICATION

Sections, act June 7, 1924, ch. 345, §§ 1 to 10, 12, 43 Stat. 648 to 650, constituting the Northern Pacific Halibut Act of 1924, are covered by act May 17, 1982, Pub. L. 97-176, §§ 1 to 13, 96 Stat. 78 to 84, incorporated in sections 773 to 773k of this title.

SUBCHAPTER II—NORTHERN PACIFIC HALIBUT ACT OF 1932

§ 771 to 771j. Omitted

CODIFICATION

Sections, act May 2, 1932, ch. 154, §§ 1 to 11, 47 Stat. 142 to 144, constituting the Northern Pacific Halibut Act of 1932, are covered by act May 17, 1982, Pub. L.

97-176, §§ 1 to 13, 96 Stat. 78 to 84, incorporated in sections 773 to 773k of this title.

SUBCHAPTER III—NORTHERN PACIFIC HALIBUT ACT OF 1937

§ 772 to 772j. Repealed. Pub. L. 97-176, § 14, May 17, 1982, 96 Stat. 84

Section 772, act June 28, ch. 392, § 1, 50 Stat. 325, provided that this subchapter may be cited as the "Northern Pacific Halibut Act of 1937". See section 1 of Pub. L. 97-176, set out as a Short Title note under section 773 of this title, for the short title of the successor Northern Pacific Halibut Act of 1982.

Section 772a, acts June 28, 1937, ch. 392, § 2, 50 Stat. 325; Aug. 8, 1953, ch. 382, 67 Stat. 494, defined the terms "Convention", "Commission", "person", "Territorial waters of the United States", "Territorial waters of Canada", "Convention waters", "halibut", and "vessel". See section 773 of this title.

Section 772b, act June 28, 1937, ch. 392, § 3, 50 Stat. 326, enumerated the unlawful acts under the terms of the Northern Pacific Halibut Act of 1937. See section 773e of this title.

Section 772c, act June 28, 1937, ch. 392, § 4, 50 Stat. 327, related to the duty of the owner or master of vessels to keep records and reports and to make them available for inspection.

Section 772d, act June 28, 1937, ch. 392, § 5, 50 Stat. 327; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, related to enforcement, arrest and seizure of offending persons and vessels, detention, and use of the testimony of Federal officers and employees. See section 773f of this title.

Section 772e, act June 28, 1937, ch. 392, § 6, 50 Stat. 328; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, related to penalties and forfeitures. See sections 773f to 773h of this title.

Section 772f, act June 28, 1937, ch. 392, § 7, 50 Stat. 328; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, related to penalties relative to records and reports.

Section 772g, act June 28, 1937, ch. 392, § 8, 50 Stat. 328, exempted the Commission and its agents when engaged in scientific investigations from the prohibitions of the subchapter.

Section 772h, act June 28, 1937, ch. 392, § 9, 50 Stat. 328; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, authorized the promulgation of rules and regulations. See section 773c of this title.

Section 772i, act June 28, 1937, ch. 392, § 10, 50 Stat. 328, set the effective date for the Northern Pacific Halibut Act of 1937 as the date of exchange of ratifications of the Convention of January 29, 1937, signed by the United States and Canada [July 28, 1937].

Section 772j, act June 28, 1937, ch. 392, § 11, as added Oct. 1, 1965, Pub. L. 89-233, 79 Stat. 902, provided for the location of office facilities on or near the campus of the University of Washington. See section 773k of this title.

EFFECTIVE DATE OF REPEAL

Section 14 of Pub. L. 97-176 provided in part that the Northern Pacific Halibut Act of 1937 [sections 772 to 772j of this title] is repealed effective as of the 90th day after the date of enactment of Pub. L. 97-176 [May 17, 1982].

SUBCHAPTER IV—NORTHERN PACIFIC HALIBUT ACT OF 1982

§ 773. Definitions

As used in this subchapter the term:

(a) "Convention" means the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Ottawa, Canada on March 2, 1953, as amended by the Protocol Amending the Convention, signed at Washington March 29, 1979, and includes the regulations promulgated thereunder.

(b) "Commission" means the International Pacific Halibut Commission provided for by article III of the Convention.

(c) "Fishery conservation zone" means the fishery conservation zone of the United States established by section 1811 of this title.

(d) "Convention waters" means the maritime areas off the west coast of the United States and Canada described in article I of the Convention.

(e) "Halibut" means fish of the species Hippoglossus stenolepis inhabiting Convention waters.

(f) "Fishing vessel" means—

(1) any vessel engaged in catching fish in Convention waters or in processing or transporting fish loaded in Convention waters;

(2) any vessel outfitted to engage in any activity described in paragraph (1); or

(3) any vessel in normal support of any vessel described in paragraph (1) or (2).

(g) "Secretary" means the Secretary of Commerce.

(Pub. L. 97-176, § 2, May 17, 1982, 96 Stat. 78.)

SHORT TITLE

Section 1 of Pub. L. 97-176 provided: "That this Act [enacting this subchapter and repealing subchapter III of this chapter] may be cited as the 'Northern Pacific Halibut Act of 1982'."

§ 773a. International Pacific Halibut Commission

(a) United States Commissioners

The United States shall be represented on the Commission by three United States Commissioners to be appointed by the President and to serve at his pleasure. The Commissioners shall receive no compensation for their services as Commissioners. Each United States Commissioner shall be appointed for a term of office not to exceed 2 years, but is eligible for reappointment. Any United States Commissioner may be appointed for a term of less than 2 years if such appointment is necessary to ensure the the terms of office of not more than two Commissioners will expire in any 1 year. A vacancy among the United States Commissioners shall be filled by the President in the manner in which the original appointment was made, but any Commissioner appointed to fill a vacancy occurring before the expiration of the term for which the Commissioner's predecessor was appointed shall be appointed only for the remainder of such term. Of the Commissioners—

(1) one shall be an official of the National Oceanic and Atmospheric Administration; and

(2) two shall be knowledgeable or experienced concerning the Northern Pacific halibut fishery; of these, one shall be a resident of Alaska and the other shall be a nonresident of Alaska. Of the three commissioners described in paragraphs (1) and (2), one shall be a voting member of the North Pacific Fishery Management Council.

(3) Commissioners shall not be considered Federal employees except for the purposes of injury compensation or tort claims liability as provided in section 8101 et seq. of title 5 and section 2671 et seq. of title 28. This subsection shall take effect on the 90th day after May 17, 1982.

(b) Alternate United States Commissioners

The Secretary of State, in consultation with the Secretary, may designate from time to time alternate United States Commissioners to the commission. An Alternate United States Commissioner may exercise, at any meeting of the Commission, all powers and duties of a United States Commissioner in the absence of a duly designated Commissioner for whatever reason. The number of such alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of authorized United States Commissioners that will not be present.

(Pub. L. 97-176, § 3, May 17, 1982, 96 Stat. 78.)

§ 773b. Acceptance or rejection of Commission recommendations

The Secretary of State, with the concurrence of the Secretary, may accept or reject, on behalf of the United States, recommendations made by the Commission in accordance with article III of the Convention and paragraphs 14 and 15 of the annex to the Convention.

(Pub. L. 97-176, § 4, May 17, 1982, 96 Stat. 79.)

§ 773c. General responsibility

(a) Secretary of Commerce

The Secretary shall have general responsibility to carry out the Convention and this subchapter.

(b) Adoption of regulations; cooperation with Canadian officials

In fulfilling this responsibility, the Secretary—

(1) shall, in consultation with the Secretary of the department in which the Coast Guard is operating, adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and this subchapter; and

(2) may, with the concurrence of the Secretary of State, cooperate with the duly authorized officials of the Government of Canada.

(c) Regional Fishery Management Council involvement

The Regional Fishery Management Council having authority for the geographic area concerned may develop regulations governing the

United States portion of Convention waters, including limited access regulations, applicable to nationals or vessels of the United States, or both, which are in addition to, and not in conflict with regulations adopted by the Commission. Such regulations shall only be implemented with the approval of the Secretary, shall not discriminate between residents of different States, and shall be consistent with the limited entry criteria set forth in section 1853(b)(6) of this title. If it becomes necessary to allocate or assign halibut fishing privileges among various United States fishermen, such allocation shall be fair and equitable to all such fishermen, based upon the rights and obligations in existing Federal law, reasonably calculated to promote conservation, and carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of the halibut fishing privileges: *Provided*, That the Regional Council may provide for the rural coastal villages of Alaska the opportunity to establish a commercial halibut fishery in areas in the Bering Sea to the north of 56 degrees north latitude during a 3 year development period.

(Pub. L. 97-176, § 5, May 17, 1982, 96 Stat. 79.)

§ 773d. Cooperation of Federal agencies

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 purposes of assisting the Commission in carrying out its duties under the Convention. Such agency may accept reimbursement from the Commission.

(Pub. L. 97-176, § 6, May 17, 1982, 96 Stat. 80.)

§ 773e. Prohibited acts

It is unlawful—

(a) for any person subject to the jurisdiction of the United States—

(1) to violate any provision of the Convention, this subchapter or any regulation adopted under this subchapter;

(2) to refuse to permit any enforcement officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Convention, this subchapter or any regulation adopted under this subchapter;

(3) to forcibly assault, resist, oppose, impede, intimidate or interfere with any enforcement officer in the conduct of any search or inspection described in paragraph (2);

(4) to resist a lawful arrest or detention for any act prohibited by this section;

(5) to ship, transport, offer for sale, sell, purchase, import, export or have custody, control or possession of, any fish taken or retained in violation of the Convention, this subchapter, or any regulation adopted under this subchapter; or

(6) to interfere with, delay or prevent, by any means, the apprehension, arrest or detention of another person, knowing that

such person has committed any act prohibited by this section.

(b) for any foreign fishing vessel, and for the owner or operator of any foreign fishing vessel, to engage in fishing for halibut in the fishery conservation zone, unless such fishing is authorized by, and conducted in accordance with the Convention, this subchapter and regulations adopted under this subchapter.

(Pub. L. 97-176, § 7, May 17, 1982, 96 Stat. 80.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 773f, 773g, 773h, 773i of this title.

§ 773f. Civil penalties

(a) Liability; continuing violations; notice; determination of amount

Any person who is found by the Secretary, after notice and opportunity for a hearing in accordance with section 554 of title 5, to have committed an act prohibited by section 773e of this title shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed \$25,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary, or his designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violation, the degree of culpability, and history of prior offenses, ability to pay, and such other matters as justice may require.

(b) Judicial review

Any person against whom a civil penalty is assessed under subsection (a) of this section may obtain review thereto in the appropriate court of the United States by filing a notice of appeal in such court within 30 days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary and the Attorney General. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed, in accordance with rules prescribed pursuant to section 2112 of title 28. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5.

(c) Recovery of assessed penalties by Attorney General

If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(d) Compromise, modification, and remission of penalties

The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

(Pub. L. 97-176, § 8, May 17, 1982, 96 Stat. 80.)

§ 773g. Crimes and criminal penalties

(a) Offenses

A person is guilty of any ¹ offense if he commits an act prohibited by section 773e(a)(2), (3), (4), or (6) of this title; or section 773e(b) of this title.

(b) Fines; imprisonment

Any offense described in subsection (a) of this section is punishable by a fine of not more than \$50,000 or imprisonment for not more than 6 months, or both; except that if in the commission of any offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this subchapter, or places any such officer in fear of imminent bodily injury the offense is punishable by a fine of not more than \$100,000, or imprisonment for not more than 10 years or both.

(c) Federal jurisdiction

There is Federal jurisdiction over any offense described in this section.

(Pub. L. 97-176, § 9, May 17, 1982, 96 Stat. 81.)

§ 773h. Forfeitures

(a) Civil forfeiture proceeding

Any fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and any fish taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 773e of this title shall be subject to forfeiture to the United States. All or part of such vessel may, and all such fish shall, be forfeited to the United States pursuant to a civil proceeding under this section.

(b) United States district court jurisdiction

Any district court of the United States shall have jurisdiction, upon application by the Attorney General on behalf of the United States, to order any forfeiture authorized under subsection (a) of this section and any action provided for under subsection (d) of this section.

(c) Seizure of forfeited property

If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States, which has not previously been seized pursuant to this subchapter or for which security has not previously been obtained under subsection (d) of this section. The provisions of the customs laws relating to—

(1) the disposition of forfeited property;

¹So in original. Probably should be "an".

- (2) the proceeds from the sale of forfeited property;
- (3) the remission or mitigation of forfeitures; and
- (4) the compromise of claims;

shall apply to any forfeiture ordered, and to any case in which forfeiture is alleged to be authorized, under this section, unless such provisions are inconsistent with the purposes, policy, and provisions of this subchapter. The duties and powers imposed upon the Commissioner of Customs or other persons under such provisions shall, with respect to this subchapter, be performed by officers or other persons designated for such purpose by the Secretary.

(d) Bond or other security; disposal of seized fish

(1) Any officer authorized to serve any process in rem which is issued by a court having jurisdiction under section 773i(d) of this title shall—

- (A) stay the execution of such process; or
- (B) discharge any fish seized pursuant to such process;

upon the receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person delivering such property to the appropriate court upon order thereof, without any impairment of its value, or paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

(2) Any fish seized pursuant to this subchapter may be disposed of pursuant to the order of a court of competent jurisdiction or, if perishable, in a manner prescribed by regulations of the Secretary or the Secretary of the department in which the Coast Guard is operating.

(e) Presumption of violation

For purposes of this section, it shall be a rebuttable presumption that all fish found on board a fishing vessel which is seized in connection with an act prohibited by section 773e of this title were taken or retained in violation of the Convention and this subchapter.

(Pub. L. 97-176, § 10, May 17, 1982, 96 Stat. 81.)

§ 773i. Administration and enforcement

(a) Secretary of Commerce and Secretary of department in which Coast Guard is operating

The Convention, this subchapter, and any regulation adopted under this subchapter, shall be enforced by the Secretary and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, and of any State agency, in the performance of such duties.

(b) Arrest, search and inspection, seizure; execution of warrants or other process

Any officer who is authorized by the Secretary, the Secretary of the department in which

the Coast Guard is operating, or the head of any Federal or State agency which has entered into an agreement with such Secretaries under subsection (a) of this section to enforce the Convention, this subchapter or any regulation adopted under this subchapter may—

(1) with or without a warrant or other process—

(A) arrest any person, if he has reasonable cause to believe that such person has committed an act prohibited by section 773e of this title;

(B) board, and search or inspect, any fishing vessel which is subject to this subchapter;

(C) at reasonable times enter, and search or inspect, shoreside facilities in which fish taken subject to this subchapter are processed, packed or held;

(D) seize any fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, an act prohibited by section 773e of this title;

(E) seize any fish (wherever found) taken or retained in the course of an act prohibited by section 773e of this title, or the proceeds of the sale of such fish; and

(F) seize any other evidence related to an act prohibited by section 773e of this title;

(2) execute any warrant or other process issued by any court of competent jurisdiction; and

(3) exercise any other lawful authority.

(c) Citation of owner or operator of offending vessel

If any officer authorized to enforce this subchapter (as provided for in this section) finds that a fishing vessel is operating or has been operated in the commission of an act prohibited by section 773e of this title, such officer may, in accordance with regulations issued jointly by the Secretary and the Secretary of the department in which the Coast Guard is operating, issue a citation to the owner or operator of such vessel in lieu of proceeding under subsection (b) of this section. If a permit has been issued pursuant to this subchapter for such vessel, such officer shall note the issuance of any citation under this subsection, including the date thereof and the reason therefor, on the permit. The Secretary shall maintain a record of all citations issued pursuant to this subsection.

(d) United States district court jurisdiction

The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under this subchapter. Any such court may, at any time—

(1) enter restraining orders or prohibitions;

(2) issue warrants, process in rem or other process;

(3) prescribe and accept satisfactory bonds or other security; and

(4) take such other actions as are in the interest of justice.

(e) Witnesses; records and files

When requested by the appropriate authorities of Canada, officers or employees of the Coast Guard, the National Oceanic and Atmospheric Administration or any other agency of the United States may be directed to attend as a witness, and to produce such available records and files or duly certified copies thereof as may be necessary for the prosecution in Canada of any violation of the Convention or any Canadian law relating to the enforcement thereof.

(f) Investigations by Secretary of Commerce; powers; process

(1) In cooperation with such other agencies as may be appropriate, the Secretary may conduct or cause to be conducted such law enforcement investigations as are deemed necessary to carry out the purposes of this subchapter.

(2) For the purpose of all investigations which, in the opinion of the Secretary, are necessary and proper for the enforcement of this subchapter, the Secretary or any officer designated by him is empowered to administer oaths and affirmations, subpoena witnesses, take evidence, and require the production of any books, papers, or other documents which the Secretary deems relevant or material to the inquiry. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place or hearing.

(3) Process of the Secretary may be served by anyone duly authorized by him either—

(A) by delivering a copy thereof to the individual to be served, or to a member of the partnership to be served, or the president, secretary, or other executive officer or a director of the corporation to be served; or the agent designated for service of process;

(B) by leaving a copy thereof at the residence or the principal office or place of business of such individual, partnership, or corporation; or

(C) by mailing a copy thereof by registered or certified mail addressed to such individual, partnership, or corporation at his or its residence or principal office or place of business. The verified return by the individual so serving such complaint, order, or other process setting forth the manner of service shall be proof of same, and the returned post office receipt for such complaint, order, or other process mailed by registered or certified mail shall be proof of the service of the same.

(Pub. L. 97-176, § 11, May 17, 1982, 96 Stat. 82.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 773h of this title.

§ 773j. Authorization of appropriations

There is hereby authorized to be appropriated for fiscal year 1983 and beyond, such sums as may be necessary for carrying out the Convention and this subchapter, including—

(a) necessary travel expenses of the United States Commissioners or alternate Commissioners; and

(b) 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 section 262(b)² of title 22 insofar as it limits the authority of United States representatives to international organizations with respect to such commitments.

(Pub. L. 97-176, § 12, May 17, 1982, 96 Stat. 84.)

§ 773k. Location of office space and other facilities on or near University of Washington campus in State of Washington

There are hereby authorized to be appropriated such sums as may be necessary for the Secretary of State to provide for fiscal year 1983 and beyond, by contract, grant, or otherwise, facilities for office and any other necessary space for the Commission. Such facilities shall be located on or near the campus of the University of Washington in the State of Washington and shall be provided without regard to the cost-sharing provisions in the Convention.

(Pub. L. 97-176, § 13, May 17, 1982, 96 Stat. 84.)

CHAPTER 10A—SOCKEYE OR PINK SALMON FISHING

Sec.	Definitions.
776.	Unlawful acts.
776a.	(a) Fishing in convention waters. (b) Transportation; sales; possession. (c) Port or harbor use. (d) Fishing without a license. (e) Records and reports. (f) Commission property. (g) Acts of commission or omission.
776b.	Omission of or fraudulent returns, records, and reports; penalties.
776c.	Penalties and forfeitures. (a) Fine and imprisonment; prohibition on activities. (b) Forfeitures; first and subsequent violations. (c) Use of customs; procedure. (d) Minor violations; citation to appear. (e) Bond or stipulation.
776d.	Enforcement. (a) Designation of Federal agency; cooperation with State and Dominion officers. (b) Authorization to State officers. (c) Conformity to convention article. (d) Arrests, searches, and seizures. (e) Evidence. (f) Inspection of licenses.
776e.	Cooperation of Federal agencies; conduct of scientific investigations.
776f.	Authorization of appropriations.

§ 776. Definitions

When used in this chapter—

(a) Convention: The word "convention" means the convention between the United States of America and the Dominion of Canada for the protection, preservation, and extension of the sockeye salmon fisheries of the Fraser River system, signed at Washington on the 26th day of May 1930, as amended by the proto-

²So in original. Probably should be "262b".