

Public Law 92-87

AN ACT

To amend the Northwest Atlantic Fisheries Act of 1950.

August 11, 1971
[H. R. 9181]

Northwest Atlantic Fisheries Act of 1950, amendments.

64 Stat. 1067;
82 Stat. 419.
16 USC 981.

10 UST 59.
14 UST 924.
17 UST 635.
21 UST 567,
576.

"International measures of control."

"National measures of control."

Proposals.
16 USC 985.

1 UST 477.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. Subsection (a) of section 2 of the Northwest Atlantic Fisheries Act of 1950 (hereafter referred to as the "Act") is amended by striking out "and amendments including the 1961 declaration of understanding and the 1963 protocol, as well as the convention signed at Washington under date of February 8, 1949" and inserting in lieu thereof "and any amendments thereto which have entered or may enter into force for the United States including, but not limited to, the 1956 protocol, the 1961 declaration of understanding, the 1963 protocol, and the 1965 protocols".

SEC. 102. (a) Section 2(c) of the Act is amended by striking out "subject to the jurisdiction of the United States" and inserting in lieu thereof "subject to the jurisdiction of the United States, or to the jurisdiction of other parties to the convention with respect to international measures of control in force for such parties".

(b) Section 2(e) of the Act is amended by striking out "subject to the jurisdiction of the United States," and by inserting immediately before the period at the end of such section 2(e) the following: "subject to the jurisdiction of the United States, or to the jurisdiction of other parties to the convention with respect to international measures of control in force for such parties."

SEC. 103. Section 2 of the Act is amended by adding at the end thereof the following:

"(i) International measures of control: The term 'international measures of control' means any proposal of the Commission which had entered into force with respect to the United States with regard to measures of control on the high seas which may be undertaken for the purposes of insuring the application of the convention and the measures in force thereunder by the United States with respect to persons or vessels of some or all other parties to the convention and by other parties to the convention with respect to persons or vessels of the United States.

"(j) National measures of control: The term 'national measures of control' means any proposal of the Commission which has entered into force for the United States with regard to measures of control on the high seas which may be undertaken for the purposes of insuring the application of the convention and the measures in force thereunder by the United States with respect to persons or vessels subject to its jurisdiction, and any other actions which may be undertaken by the United States for the purposes of insuring the application of the convention and the measures in force thereunder to persons or vessels subject to its jurisdiction pursuant to the provisions of this Act."

SEC. 104. Subsection (b) of section 6 of the Act is amended to read as follows:

"(b) The Secretary of State, with the concurrence of the Secretary of Commerce, is authorized to take appropriate action on behalf of the United States with regard to proposals received from the Commission pursuant to article VIII of the convention. The Secretary of Commerce shall inform the Secretary of State as to what action he considers appropriate within five months of the date on the notification of the proposal by the depositary government, and again within the first forty days of the additional sixty-day period provided by the

convention if a rejection is presented by another party to the convention, or within twenty days after receipt of a rejection received within the additional sixty-day period, whichever date shall be the later. The Secretary of the Department in which the United States Coast Guard is operating shall similarly inform the Secretary of State as to whether he considers that any such proposal relating to international measures of control or national measures of control should be rejected.”

SEC. 105. Section 6 of the Act is amended by adding at the end thereof the following:

64 Stat. 1069,
16 USC 985.

“(c) In the event that a proposal of the Commission does not come into effect because of a number of objections in accordance with the provisions of paragraph 7 of article VIII of the convention, the Secretary of State, with the concurrence of the Secretary of Commerce and the Secretary of the Department in which the Coast Guard is operating, may nevertheless assent to giving effect to it on an agreed date by agreement with one or more of the parties to the convention, as provided for in that paragraph.”

1 UST 483.

SEC. 106. Subsection (b) of section 7 of the Act is amended to read as follows:

Enforcement.
16 USC 986.

“(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 Secretary of the Department in which the Coast Guard is operating, in cooperation with the Secretary of Commerce. The Secretary of the Department in which the Coast Guard is operating, with the concurrence of the Secretary of Commerce, is authorized and directed to adopt such regulations as may be necessary to provide for national measures of control, and with the concurrence of the Secretary of Commerce and the Secretary of State, for international measures of control and to cooperate with the duly authorized enforcement officials of the Government of any party to the convention.”

“SEC. 107. Section 7 of the Act is amended by adding at the end thereof the following:

U.S. fishing
vessels, inspec-
tion authority.

“(d) Except as otherwise provided in this Act, the duly authorized officials of any party to the convention shall have the same powers as Federal law-enforcement officers to enforce the provisions of the convention, or of this Act, or of the regulations of the Secretaries of Commerce and the Department in which the Coast Guard is operating, with respect to persons or vessels of the United States, pursuant to and to the extent authorized by international measures of control, and such officials are authorized to function as Federal law-enforcement officers for the purposes of this Act. Such powers shall include, only if and to the extent authorized in international measures of control, arrest of any person or search of any vessel subject to the jurisdiction of the United States, execution of any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of this Act, and seizure of any property. Unless such enforcement is authorized by the international measures of control or by agreement of the United States, such duly authorized officials shall not exercise these powers in that portion of the convention area in which the United States exercises the same exclusive rights in respect to fisheries as it has in the territorial sea except with regard to vessels of their own flag which may be entitled within such zone, by agreement with the United States, to (1) engage in the fisheries, or to (2) engage in activities in support of a foreign fishery fleet, or to (3) engage in the taking of any Continental Shelf fishery resource which appertains to the United States.

“(e) Any duly authorized enforcement officer or employee of the Department of Commerce may be designated by the Secretary of Commerce and any Coast Guard officer may be designated by the Secretary of the Department in which the Coast Guard is operating to enforce international measures of control on behalf of the United States with regard to persons or vessels of any other party to the convention to which the measure is applicable, in any portion of the convention area except such portions in which any other government exercises the same exclusive rights in respect to fisheries as it has in its territorial sea unless such enforcement is authorized by the international measures of control or by agreement with the government concerned.

“(f) Any person designated to enforce international measures of control pursuant to subsection (e) of this section may be directed to attend as witness and to produce such available records and files or duly certified copies thereof as may be necessary to the prosecution in any country party to the convention of any violation of the provisions of the convention or any law or regulation of that country for the enforcement thereof when requested by the appropriate authorities of such country.”

Unlawful acts.
64 Stat. 1069.
16 USC 988.

SEC. 108. Section 9 of the Act is amended by adding at the end thereof the following:

“(c) It shall be unlawful for the master or owner or any person in charge of any vessel subject to the jurisdiction of the United States to refuse to permit any person authorized to enforce the provisions of this Act and any regulations adopted pursuant thereto, including in the convention area the duly authorized officials of any party to the convention authorized to undertake international measures of control, to board such vessel or inspect its equipment, books, documents, or other articles or question the persons on board in accordance with the provisions of the convention, this Act, regulations adopted pursuant thereto, international measures of control, and national measures of control, or to obstruct such officials in the execution of such duties.”

Penalties.
16 USC 989.

SEC. 109. (a) Section 10 of the Act is amended—

(1) by inserting “(a)” immediately after “SEC. 10.”;

(2) by striking out “any provision” and inserting in lieu thereof “subsection (a) or (b) of section 9”;

(3) by inserting “by the Secretary of Commerce” immediately after “adopted”; and

(4) by adding at the end thereof the following:

Supra.

“(b) Any person violating subsection (c) of section 9 of this Act or any regulation adopted pursuant to this Act, upon conviction, shall be fined for a first offense not more than \$1,000 and be imprisoned for not more than six months, or both, and for a subsequent offense committed within five years not more than \$10,000 and be imprisoned for not more than one year, or both.”

Transfer of functions.
16 USC 986.

SEC. 110. (a) In subsection (a) of section 7 of the Act strike out “The Secretary of the Interior is authorized and directed to administer and enforce, through the Fish and Wildlife Service,” and insert in lieu thereof “The Secretary of Commerce is authorized and directed to administer and enforce”.

(b) In subsection (c) of section 7 of the Act strike out “Secretary of the Interior” each place it appears and insert in lieu thereof at each such place “Secretary of Commerce”.

16 USC 990.

(c) In the first sentence in subsection (a) of section 11 of the Act strike out “Fish and Wildlife Service of the Department of the Interior” and insert in lieu thereof “Department of Commerce”.

(d) In the last sentence in subsection (a) of section 11 of the Act strike out "Secretary of the Interior" and insert in lieu thereof "Secretary of Commerce".

64 Stat. 1070.
16 USC 990.

SEC. 111. (a) Section 3(a) of the Act is amended by adding at the end thereof the following: "The Secretary of State, in consultation with the Secretary of Commerce, 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 or of the United States Commissioners or of the advisory committee established pursuant to section 4, 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."

Alternate U.S. Commissioners.
16 USC 982.

16 USC 983.

(b) Section 3(b) of the Act is amended by inserting immediately after "Commissioners" in both places it occurs, the following: "or Alternate Commissioners".

16 USC 984.

(c) Section 5 of the Act is amended to read as follows:

"SEC. 5. Service of an individual as a United States Commissioner or Alternate United States Commissioner appointed pursuant to section 3(a), or as a member of the advisory committee appointed pursuant to section 4(a), shall be deemed service as a special Government employee of the United States, as defined in section 202 of title 18, United States Code."

76 Stat. 1121;
82 Stat. 1115.
16 USC 991.

(d) Section 12 of the Act is amended by inserting immediately after "Commissioners" the following: ", Alternate United States Commissioners,".

Approved August 11, 1971.

Public Law 92-88

AN ACT

To amend the District of Columbia Code with respect to the administration of small estates, and for other purposes.

August 11, 1971
[H. R. 7931]

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 "District of Columbia Administration of Estates Act".

District of Columbia Administration of Estates Act.

SEC. 2. Sections 20-2101, 20-2102, 20-2106, and 20-2107 of the District of Columbia Code (relating to the administration of small estates) are each amended by striking out "\$500" wherever it appears and inserting in lieu thereof "\$2,500".

79 Stat. 730.

SEC. 3 (a) Section 15-707 (a) of the District of Columbia Code, as amended by section 144(10) (A) of the District of Columbia Court Reorganization Act of 1970, is amended by striking out "Superior Court" and inserting in lieu thereof "court having jurisdiction over probate matters in the District of Columbia."

Probate fees.

(b) Section 15-707(b) of the District of Columbia Code, as amended by section 144(10) (A) of the District of Columbia Court Reorganization Act of 1970, is amended to read as follows:

84 Stat. 553.

"(b) Where the estate does not exceed \$500 in value the Register of Wills shall receive no fees, and where the estate does not exceed \$2,500 in value the fees may not exceed \$15."

SEC. 4. The last sentence of section 20-2105 of the District of Columbia Code (relating to the administration of small estates) is amended to read as follows: "The Register of Wills may demand and receive for services performed by him under this chapter such fees