104 Stat. 2941; Pub. L. 103–461, § 1(c), Nov. 2, 1994, 108 Stat. 4804; renumbered § 10 and amended Pub. L. 106–514, § 5, Nov. 13, 2000, 114 Stat. 2396; Pub. L. 109–226, § 5, May 25, 2006, 120 Stat. 384.)

PRIOR PROVISIONS

A prior section 10 of Pub. L. 97–348 was classified to section 3509 of this title prior to repeal by Pub. L. 106–514.

AMENDMENTS

2006—Pub. L. 109–226 substituted ''2006 through 2010'' for ''2001, 2002, 2003, 2004, and 2005''.

2000—Pub. L. 106–514 amended section generally. Prior to amendment, section read as follows: ''There are authorized to be appropriated to the Secretary for carrying out this chapter $2,000,000 for each of fiscal years 1995 to 1998.''

1994—Pub. L. 103–461 amended section generally. Prior to amendment, section read as follows: ''There is authorized to be appropriated to the Secretary for carrying out this chapter not more than $1,000,000 for each of the fiscal years 1990, 1991, 1992, and 1993.''

1990—Pub. L. 101–591 amended section generally. Prior to amendment, section read as follows: ''There is authorized to be appropriated to the Department of the Interior $1,000,000 for the period beginning October 1, 1982, and ending September 30, 1985, for purposes of carrying out sections 3503 and 3509 of this title.''

CHAPTER 56—NORTH ATLANTIC SALMON FISHING

Sec.
3601. Definitions.
3602. United States representation on Council and Commissions.
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§ 3601. Definitions

As used in this chapter, the term—

(1) ''Act of 1976'' means the Act entitled ''An Act to provide for the conservation and management of the fisheries, and for other purposes'', approved April 13, 1976 (16 U.S.C. 1801 et seq.);

(2) ''Commission'' means any of the Commissions of the Organization that are established by the Convention;

(3) ''Commissioner'' means a United States Commissioner appointed under section 3602 of this title;

(4) ''Convention'' means the Convention for the Conservation of Salmon in the North Atlantic Ocean, signed at Reykjavik, Iceland, on March 2, 1982;

(5) ''Council'' means the Council established by the Convention;

(6) ''fishing'' has the same meaning as such term has in section 3(10)[1] of the Act of 1976 (16 U.S.C. 1802(10));

(7) ''Organization'' means the North Atlantic Salmon Conservation Organization established under the Convention;

(8) ''person'' has the same meaning as such term has in section 3(19)[1] of the Act of 1976 (16 U.S.C. 1802(19)); and

(9) ''salmon'' means all species of salmon which migrate in or into the waters of the Atlantic Ocean north of 36 degrees north latitude.

(Pub. L. 97–389, title III, § 302, Dec. 29, 1982, 96 Stat. 1951.)

REFERENCES IN TEXT

An Act to provide for the conservation and management of the fisheries, and for other purposes, approved April 13, 1976 (16 U.S.C. 1801 et seq.), referred to in par. (1), is Pub. L. 94–265, Apr. 13, 1976, 90 Stat. 331, as amended, known as the Magnuson-Stevens Fishery Conservation and Management Act, which is classified principally to chapter 38 (§ 1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

Section 3 of the Act of 1976 (16 U.S.C. 1802), referred to in pars. (6) and (8), was subsequently amended, and section 3(10) and (19) no longer defines the terms ''fishing'' and ''person''. However, such terms are defined elsewhere in that section.

CODIFICATION

Section 3602 of this title, referred to in par. (3), was in the original ''section 403 of this title'', meaning section 403 of title III of Pub. L. 97–389, and has been translated as section 3602 of this title, section 303 of title III of Pub. L. 97–389, as the probable intent of Congress, because title III of Pub. L. 97–389 does not contain a section 403 and section 3602 of this title relates to appointment of a United States Commissioner.

SHORT TITLE

Section 301 of title III of Pub. L. 97–389 provided: ''This title [enacting this chapter] may be cited as the 'Atlantic Salmon Convention Act of 1982'.''

Section 1 of Pub. L. 97–389 provided: ''That this Act [enacting this chapter, amending sections 779b, 1034, and 1401 of this title and sections 688 and 883 of Title 46, Appendix, Shipping, and enacting provisions set out as notes under section 1823 of this title and section 688 of Title 46, Appendix] may be cited as the 'Fisheries Amendments of 1982'.''

§ 3602. United States representation on Council and Commissions

(a) Appointment and qualifications of Commissioners

The United States shall be represented on the Council and Commissions by three United States Commissioners to be appointed by the President to serve at his pleasure. Of such Commissioners, one shall be an official of the United States Government, and two shall be individuals (not officials of the United States Government) who are knowledgeable or experienced concerning the conservation and management of salmon of United States origin.

(b) Alternate Commissioners

The Secretary of State, in consultation with the Secretary of Commerce and the Secretary of the Interior, may designate alternate United States Commissioners. In the absence of a Commissioner appointed under subsection (a) of this section, an alternate Commissioner may exercise at any meeting of the Organization, the Council, or any Commission all functions of such Commissioner.

(c) Limited Federal employee status

Individuals who serve as Commissioners and alternate Commissioners shall not receive any

[1] See References in Text note below.

compensation for such service. Such individuals shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 171 of title 28.

(d) Consultation with other parties

In carrying out their functions under the Convention, the Commissioners may consult with the appropriate Regional Fishery Management Councils established by section 302 of the Act of 1976 (16 U.S.C. 1852), and may consult with such other interested parties as they consider appropriate. The Federal Advisory Committee Act (5 U.S.C. App. et seq.) shall not apply to consultations described in this subsection.

(Pub. L. 97–389, title III, § 303, Dec. 29, 1982, 96 Stat. 1952; Pub. L. 98–44, title I, § 102(1), July 12, 1983, 97 Stat. 216.)

REFERENCES IN TEXT

The Federal Advisory Committee Act (5 U.S.C. App. et seq.), referred to in subsec. (d), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1983—Subsec. (c). Pub. L. 98–44 substituted ''shall not be considered'' for ''shall be considered''.

§ 3603. Receipt of Organization communications by Secretary of State

(a) Concurrence with Secretaries of Commerce and the Interior on regulatory measures; action on other matters

The Secretary of State may—

(1) receive, on behalf of the United States, reports, requests, recommendations, proposals, and other communications of the Organization and its subsidiary organs;

(2) with the concurrence of the Secretary of Commerce and the Secretary of the Interior, approve, object to, or withdraw objections to regulatory measures proposed in accordance with the Convention; and

(3) act upon, or refer to other appropriate authority, any communication referred to in paragraph (1) of this subsection other than a proposed regulatory measure.

(b) Submission to President on failure of concurrence on regulatory matters

If the concurrence required under subsection (a)(2) of this section has not been obtained by the Secretary of State—

(1) regarding the approval of, or the objection to, a proposed regulatory measure within forty-five days after the measure was received on behalf of the United States; or

(2) regarding the withdrawal of an objection of the United States to a proposed regulatory measure within forty-five days after such withdrawal is proposed by the Secretary of State;

the Secretary of State shall submit the matter in disagreement, together with a statement of the opposing positions, to the President for timely disposition.

(Pub. L. 97–389, title III, § 304, Dec. 29, 1982, 96 Stat. 1952.)

§ 3604. Regulations and reports

(a) Promulgation of regulations; implementation; applicability

The Secretary of Commerce, in cooperation with the Secretary of the Interior and the Secretary of the department in which the Coast Guard is operating, shall promulgate such regulations pursuant to section 553 of title 5 as may be necessary to carry out the purposes and objectives of the Convention and this chapter, and to implement regulatory measures that are binding on the United States under the Convention. Any such regulation may be made applicable, as necessary, to all persons and all vessels subject to the jurisdiction of the United States, wherever located.

(b) Preparation and submission of reports by certain Secretaries

The Secretary of Commerce, in cooperation with the Secretary of the Interior, shall prepare all statements, reports, and notifications, required by articles 14 and 15 of the Convention and submit such documents to the Secretary of State for transmission to the Organization.

(Pub. L. 97–389, title III, § 305, Dec. 29, 1982, 96 Stat. 1953.)

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 3605. Cooperation with other agencies and institutions

(a) Federal and State agencies; private institutions

In carrying out the provisions of the Convention, the Secretary of Commerce, in consultation with the Secretary of the Interior, may arrange for the cooperation of agencies of the United States and the States, and of private institutions and organizations.

(b) Use of Federal facilities; reimbursement

Appropriate agencies of the United States may cooperate in the conduct of scientific and other programs, and may furnish facilities and personnel, for the purposes of assisting the Organization in carrying out its duties under the Convention. Such agencies may accept reimbursement from the Organization for providing such services, facilities, and personnel.

(Pub. L. 97–389, title III, § 306, Dec. 29, 1982, 96 Stat. 1953.)

§ 3606. Violations and penalties

(a) Directed fishing for salmon; Convention, rules and regulations

It is unlawful for any person, or any vessel, subject to the jurisdiction of the United States—

(1) to conduct directed fishing for salmon in waters seaward of twelve miles from the base-

lines from which the breadths of territorial seas are measured, in waters of the Atlantic Ocean north of 36 degrees north latitude; or

(2) to violate any provision of the Convention or this chapter, or of any regulation promulgated under this chapter.

(b) Civil and criminal penalties

Any person who commits any act that is unlawful under subsection (a) of this section shall—

(1) be liable to the United States for a civil penalty under section 308 of the Act of 1976 (16 U.S.C. 1858) to the same extent as if such act were an act prohibited under section 307 of the Act of 1976 (16 U.S.C. 1857); and

(2) be guilty of an offense under section 309 of the Act of 1976 (16 U.S.C. 1859) to the same extent as if such act were an act prohibited by section 307(1)(D), (E), (F), or (H) of the Act of 1976 (16 U.S.C. 1857(1)(D), (E), (F), or (H)).

(c) Civil forfeiture of vessel

Any vessel used, and any fish (or the fair market value thereof) taken or retained in any manner, in connection with or as the result of the commission of an act which is unlawful under subsection (a) of this section shall be subject to civil forfeiture under section 310 of the Act of 1976 (16 U.S.C. 1860) to the same extent as if such vessel was used in, or such fish was taken or retained in connection with or as the result of, the commission of an act prohibited by section 307 of the Act of 1976 (16 U.S.C. 1857).

(Pub. L. 97–389, title III, § 307, Dec. 29, 1982, 96 Stat. 1953; Pub. L. 98–44, title I, § 102(2), July 12, 1983, 97 Stat. 216.)

AMENDMENTS

1983—Subsec. (c). Pub. L. 98–44 inserted provision that any fish, or the fair market value thereof, taken or retained in connection with or as the result of the commission of an act unlawful under subsection (a) of this section shall be subject to civil forfeitures under section 1860 of this title to the same extent as if such fish was taken or retained in connection with or as the result of the commission of an act prohibited by section 1857 of this title.

§ 3607. Enforcement

The Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating shall enforce the provisions of this chapter and any regulation issued under this chapter. For purposes of such enforcement, such provisions and regulations shall be considered to be provisions of the Act of 1976 [16 U.S.C. 1801 et seq.] to which section 311(a), (b), (c), and (d) of the Act of 1976 (16 U.S.C. 1861(a), (b), (c), and (d), respectively) apply.

(Pub. L. 97–389, title III, § 308, Dec. 29, 1982, 96 Stat. 1953.)

REFERENCES IN TEXT

For Act of 1976, referred to in text, see section 3601(1) of this title and References in Text note set out under section 3601 of this title.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 3608. Authorization of appropriations

There are authorized to be appropriated from time to time such sums as may be necessary for carrying out the purposes and provisions of the Convention and this chapter including—

(1) necessary travel expenses of the Commissioners and alternate Commissioners in accordance with the Federal Travel Regulation and sections 5701, 5702, 5704 through 5708, and 5731 of title 5; and

(2) the United States contribution to the Organization as provided in Article 16 of the Convention, not to exceed $50,000 for fiscal year 1983, and not to exceed, for each succeeding fiscal year, the amount assessed by the Organization for the United States for such year.

(Pub. L. 97–389, title III, § 309, Dec. 29, 1982, 96 Stat. 1954.)

CHAPTER 56A—PACIFIC SALMON FISHING

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3642. Disposition of property of International Pacific Salmon Fisheries Commission.
3643. Savings provision.
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3645. Northern and Southern Funds; treaty implementation; additional authorization of appropriations.

§ 3631. Definitions

As used in this chapter, unless the context otherwise requires, the term—

(a) ''Commission'' means the Pacific Salmon Commission established by the Treaty;

(b) ''enhancement'' means manmade improvements to natural habitats, or the application of artificial fish culture technology, that will lead to the increase of salmon stocks;

(c) ''Magnuson Act'' means the Act entitled ''the Magnuson-Stevens Fishery Conservation and Management Act,'' as approved April 13, 1976, and as later amended (16 U.S.C. section 1801 et seq.);

(d) ''Panel'' means any of the Panels established by the Treaty;

(e) ''person'' means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State);

(f) ''salmon'' means any anadromous species of the family Salmonidae and genus Oncorhynchus, commonly known as Pacific salmon, including but not limited to: