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 773i 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 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 L. 97–176 provided that the Northern Pacific Halibut Act of 1937 [sections 772 to 772j of this title] is repealed effective as of the 90th day after the date of enactment of Pub.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[1] 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; Pub. L. 102–251, title III, § 302(a), Mar. 9, 1992, 106 Stat. 64; Pub. L. 104–208, div. A, title I, § 101(a) [title II, § 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009–41.)

AMENDMENT OF SECTION

Pub. L. 102–251, title III, §§ 302(a), 308, Mar. 9, 1992, 106 Stat. 64, 66, provided that, effective on the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States, with authority to prescribe implementing regulations effective Mar. 9, 1992, but with no such regulation to be effective until the date on which the Agreement enters into force for the United States, section is amended by amending subsection (c) generally and adding subsection (h) to read as follows:

(c) ''Exclusive economic zone'' means the zone established by Proclamation Numbered 5030, dated March 10, 1983. For purposes of applying this subchapter, the inner boundary of that zone is a line coterminous with the seaward boundary of each of the coastal States.

(h) ''Special areas'' means the areas referred to as eastern special areas in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990; in particular, the term refers to those areas east of the maritime boundary, as defined in that Agreement, that lie within 200 nautical miles of the baselines from which the breadth of the territorial sea of Russia is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured.

REFERENCES IN TEXT

Section 1811 of this title, referred to in subsec. (c), which established the fishery conservation zone, was amended generally by Pub. L. 99–659, title I, § 101(b), Nov. 14, 1986, 100 Stat. 3706, and now relates to United States sovereign rights to fish and fishery management authority within the exclusive economic zone.

Proclamation Numbered 5030, referred to in subsec. (c), is Proc. No. 5030, Mar. 10, 1983, 48 F.R. 10605, which is set out as a note under section 1453 of this title.

AMENDMENTS

1996—Subsec. (c). Pub. L. 104–208 made technical amendment to reference in original act which appears in text as reference to section 1811 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 101(a) [title II, § 211(b)] of div. A of Pub. L. 104–208 provided that the amendment made by that section is effective 15 days after Oct. 11, 1996.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 308 of title III of Pub. L. 102–251 provided that:

[1] See References in Text note below.

''(a) IN GENERAL.—The amendment made by section 301(e)(3) [amending section 1822 of this title] takes effect on the date of enactment of this Act [Mar. 9, 1992], and the amendments made by the other provisions of this title [amending this section and sections 773e, 1151, 1362, 1801, 1802, 1811, 1821, 1822, 1824, 1853, 1857, 1861, 3631, and 3636 of this title and sections 1122 and 1124a of Title 33, Navigation and Navigable Waters], except as provided in subsection (b), shall be effective on the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States.

''(b) AUTHORITY TO PRESCRIBE REGULATIONS.—The authority to prescribe regulations to implement the amendments made by this title shall be effective on the date of enactment of this Act [Mar. 9, 1992], but no such regulation may be effective until the date on which the Agreement described in subsection (a) enters into force for the United States.''

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 that 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 Ber-