etary 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 living marine resources seized pursuant to this chapter may be sold, subject to the approval of the appropriate court, for not less than the fair market value thereof. The proceeds of any such sale shall be deposited with such court pending the disposition of the matter involved.

(e) Rebuttable presumption

For purposes of this section, all living marine resources found on board a high seas fishing vessel and which are seized in connection with an act prohibited by section 5505 of this title are presumed to have been taken or retained in violation of this chapter, but the presumption can be rebutted by an appropriate showing of evidence to the contrary.

(Pub. L. 104–43, title I, § 110, Nov. 3, 1995, 109 Stat. 375.)

REFERENCES IN TEXT

The customs laws, referred to in subsec. (c), are classified generally to Title 19, Customs Duties.

CHAPTER 76—NORTHWEST ATLANTIC FISHERIES CONVENTION

Sec.
5601. Representation of United States under Convention.
(a) Commissioners.
(b) Alternate Commissioners.
(c) Representatives.
(d) Alternate Representatives.
(e) Experts and advisers.
(f) Coordination and consultation.
5602. Requests for scientific advice.
(a) Restriction.
(b) Requests and terms of reference described.
5603. Authorities of Secretary of State with respect to Convention.
5604. Interagency cooperation.
(a) Authorities of Secretary.
(b) Other agencies.
5605. Rulemaking.
5606. Prohibited acts and penalties.
(a) Prohibition.
(b) Civil penalty.
(c) Criminal penalty.
(d) Civil forfeitures.
(e) Enforcement.
(f) Jurisdiction of courts.
5607. Consultative committee.
(a) Establishment.
(b) Membership.
(c) Duties of committee.
(d) Relationship to other law.
5608. Administrative matters.
(a) Prohibition on compensation.
(b) Travel and expenses.
(c) Status as Federal employees.
5609. Definitions.
5610. Authorization of appropriations.

§ 5601. Representation of United States under Convention

(a) Commissioners

(1) Appointments, generally

The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the General Council and the Fisheries Commission, who shall each—

(A) be known as a ''United States Commissioner to the Northwest Atlantic Fisheries Organization''; and

(B) serve at the pleasure of the Secretary.

(2) Requirements for appointments

(A) The Secretary shall ensure that of the individuals serving as Commissioners—

(i) at least 1 is appointed from among representatives of the commercial fishing industry;

(ii) 1 (but no more than 1) is an official of the Government; and

(iii) 1, other than the individual appointed under clause (ii), is a voting member of the New England Fishery Management Council.

(B) The Secretary may not appoint as a Commissioner an individual unless the individual is knowledgeable and experienced concerning the fishery resources to which the Convention applies.

(3) Terms

(A) The term of an individual appointed as a Commissioner—

(i) shall be specified by the Secretary at the time of appointment; and

(ii) may not exceed 4 years.

(B) An individual who is not a Government official may not serve more than 2 consecutive terms as a Commissioner.

(b) Alternate Commissioners

(1) Appointment

The Secretary may, for any anticipated absence of a duly appointed Commissioner at a meeting of the General Council or the Fisheries Commission, designate an individual to serve as an Alternate Commissioner.

(2) Functions

An Alternate Commissioner may exercise all powers and perform all duties of the Commissioner for whom the Alternate Commissioner is designated, at any meeting of the General Council or the Fisheries Commission for which the Alternate Commissioner is designated.

(c) Representatives

(1) Appointment

The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the Scientific Council, who shall each be known as a ''United States Representative to the Northwest Atlantic Fisheries Organization Scientific Council''.

(2) Eligibility for appointment

(A) The Secretary may not appoint an individual as a Representative unless the individual is knowledgeable and experienced concerning the scientific issues dealt with by the Scientific Council.

(B) The Secretary shall appoint as a Representative at least 1 individual who is an official of the Government.

(3) Term

An individual appointed as a Representative—

(A) shall serve for a term of not to exceed 4 years, as specified by the Secretary at the time of appointment;

(B) may be reappointed; and

(C) shall serve at the pleasure of the Secretary.

(d) Alternate Representatives

(1) Appointment

The Secretary may, for any anticipated absence of a duly appointed Representative at a meeting of the Scientific Council, designate an individual to serve as an Alternate Representative.

(2) Functions

An Alternate Representative may exercise all powers and perform all duties of the Representative for whom the Alternate Representative is designated, at any meeting of the Scientific Council for which the Alternate Representative is designated.

(e) Experts and advisers

The Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives may be accompanied at meetings of the Organization by experts and advisers.

(f) Coordination and consultation

(1) In general

In carrying out their functions under the Convention, Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives shall—

(A) coordinate with the appropriate Regional Fishery Management Councils established by section 1852 of this title; and

(B) consult with the committee established under section 5607 of this title.

(2) Relationship to other law

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to coordination and consultations under this subsection.

(Pub. L. 104–43, title II, § 202, Nov. 3, 1995, 109 Stat. 377.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (f)(2), 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.

SHORT TITLE

Section 201 of title II of Pub. L. 104–43 provided that: ''This title [enacting this chapter] may be cited as the 'Northwest Atlantic Fisheries Convention Act of 1995'.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5608, 5609 of this title.

§ 5602. Requests for scientific advice

(a) Restriction

The Representatives may not make a request or specification described in subsection (b)(1) or (2) of this section, respectively, unless the Representatives have first—

(1) consulted with the appropriate Regional Fishery Management Councils; and

(2) received the consent of the Commissioners for that action.

(b) Requests and terms of reference described

The requests and specifications referred to in subsection (a) of this section are, respectively—

(1) any request, under Article VII(1) of the Convention, that the Scientific Council consider and report on a question pertaining to the scientific basis for the management and conservation of fishery resources in waters under the jurisdiction of the United States within the Convention Area; and

(2) any specification, under Article VIII(2) of the Convention, of the terms of reference for the consideration of a question referred to the Scientific Council pursuant to Article VII(1) of the Convention.

(Pub. L. 104–43, title II, § 203, Nov. 3, 1995, 109 Stat. 378.)

§ 5603. Authorities of Secretary of State with respect to Convention

The Secretary of State may, on behalf of the Government of the United States—

(1) receive and transmit reports, requests, recommendations, proposals, and other communications of and to the Organization and its subsidiary organs;

(2) object, or withdraw an objection, to the proposal of the Fisheries Commission;

(3) give or withdraw notice of intent not to be bound by a measure of the Fisheries Commission;

(4) object or withdraw an objection to an amendment to the Convention; and

(5) act upon, or refer to any other appropriate authority, any other communication referred to in paragraph (1).

(Pub. L. 104–43, title II, § 204, Nov. 3, 1995, 109 Stat. 379.)

§ 5604. Interagency cooperation

(a) Authorities of Secretary

In carrying out the provisions of the Convention and this chapter, the Secretary may arrange for cooperation with other agencies of the United States, the States, the New England and the Mid-Atlantic Fishery Management Councils, and private institutions and organizations.

(b) Other agencies

The head of any Federal agency may—

(1) cooperate in the conduct of scientific and other programs, and furnish facilities and personnel, for the purposes of assisting the Organization in carrying out its duties under the Convention; and

(2) accept reimbursement from the Organization for providing such services, facilities, and personnel.

(Pub. L. 104–43, title II, § 205, Nov. 3, 1995, 109 Stat. 379.)

§ 5605. Rulemaking

The Secretary shall promulgate regulations as may be necessary to carry out the purposes and objectives of the Convention and this chapter. 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.

(Pub. L. 104–43, title II, § 206, Nov. 3, 1995, 109 Stat. 379.)

§ 5606. Prohibited acts and penalties

(a) Prohibition

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

(1) to violate any regulation issued under this chapter or any measure that is legally binding on the United States under the Convention;

(2) to refuse to permit any authorized enforcement officer to board a fishing vessel that is subject to the person's control for purposes of conducting any search or inspection in connection with the enforcement of this chapter, any regulation issued under this chapter, or any measure that is legally binding on the United States under the Convention;

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

(4) to resist a lawful arrest 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 this section; or

(6) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that the other person has committed an act prohibited by this section.

(b) Civil penalty

Any person who commits any act that is unlawful under subsection (a) of this section shall be liable to the United States for a civil penalty, or may be subject to a permit sanction, under section 1858 of this title.

(c) Criminal penalty

Any person who commits an act that is unlawful under paragraph (2), (3), (4), or (6) of subsection (a) of this section shall be guilty of an offense punishable under section 1859(b) of this title.

(d) Civil forfeitures

(1) In general

Any vessel (including its gear, furniture, appurtenances, stores, and cargo) used in the commission of an act that is unlawful under subsection (a) of this section, and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act that is unlawful under subsection (a) of this section, shall be subject to seizure and forfeiture as provided in section 1860 of this title.

(2) Disposal of fish

Any fish seized pursuant to this chapter may be disposed of pursuant to the order of a court of competent jurisdiction or, if perishable, in a manner prescribed by regulations issued by the Secretary.

(e) Enforcement

The Secretary and the Secretary of the department in which the Coast Guard is operating shall enforce the provisions of this chapter and shall have the authority specified in sections[1] 1861(a), (b)(1), and (c) of this title for that purpose.

(f) Jurisdiction of courts

The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under this section and 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 interests of justice.

(Pub. L. 104–43, title II, § 207, Nov. 3, 1995, 109 Stat. 379.)

§ 5607. Consultative committee

(a) Establishment

The Secretary of State and the Secretary, shall jointly establish a consultative committee to advise the Secretaries on issues related to the Convention.

(b) Membership

(1) The membership of the Committee shall include representatives from the New England and Mid-Atlantic Fishery Management Councils, the States represented on those Councils, the Atlantic States Marine Fisheries Commission, the fishing industry, the seafood processing industry, and others knowledgeable and experienced in the conservation and management of fisheries in the Northwest Atlantic Ocean.

(2) TERMS AND REAPPOINTMENT.—Each member of the consultative committee shall serve for a term of two years and shall be eligible for reappointment.

(c) Duties of committee

Members of the consultative committee may attend—

(1) all public meetings of the General Council or the Fisheries Commission;

(2) any other meetings to which they are invited by the General Council or the Fisheries Commission; and

(3) all nonexecutive meetings of the United States Commissioners.

(d) Relationship to other law

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the consultative committee established under this section.

(Pub. L. 104–43, title II, § 208, Nov. 3, 1995, 109 Stat. 380.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5601, 5608 of this title.

[1] So in original. Probably should be "section".

§ 5608. Administrative matters

(a) Prohibition on compensation

A person shall not receive any compensation from the Government by reason of any service of the person as—

(1) a Commissioner, Alternate Commissioner, Representative, or Alternative Representative;

(2) an expert or adviser authorized under section 5601(e) of this title; or

(3) a member of the consultative committee established by section 5607 of this title.

(b) Travel and expenses

The Secretary of State shall, subject to the availability of appropriations, pay all necessary travel and other expenses of persons described in subsection (a)(1) of this section and of not more than six experts and advisers authorized under section 5601(e) of this title with respect to their actual performance of their official duties pursuant to this chapter, in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5.

(c) Status as Federal employees

A person shall not be considered to be a Federal employee by reason of any service of the person in a capacity described in subsection (a) of this section, except for purposes of injury compensation and tort claims liability under chapter 81 of title 5 and chapter 17[1] of title 28, respectively.

(Pub. L. 104–43, title II, § 209, Nov. 3, 1995, 109 Stat. 381.)

§ 5609. Definitions

In this chapter the following definitions apply:

(1) Authorized enforcement officer

The term ''authorized enforcement officer'' means a person authorized to enforce this chapter, any regulation issued under this chapter, or any measure that is legally binding on the United States under the Convention.

(2) Commissioner

The term ''Commissioner'' means a United States Commissioner to the Northwest Atlantic Fisheries Organization appointed under section 5601(a) of this title.

(3) Convention

The term ''Convention'' means the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa on October 24, 1978.

(4) Fisheries Commission

The term ''Fisheries Commission'' means the Fisheries Commission provided for by Articles II, XI, XII, XIII, and XIV of the Convention.

(5) General Council

The term ''General Council'' means the General Council provided for by Article[1] II, III, IV, and V of the Convention.

(6) Magnuson Act

The term ''Magnuson Act'' means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(7) Organization

The term ''Organization'' means the Northwest Atlantic Fisheries Organization provided for by Article II of the Convention.

(8) Person

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

(9) Representative

The term ''Representative'' means a United States Representative to the Northwest Atlantic Fisheries Scientific Council appointed under section 5601(c) of this title.

(10) Scientific Council

The term ''Scientific Council'' means the Scientific Council provided for by Articles II, VI, VII, VIII, IX, and X of the Convention.

(11) Secretary

The term ''Secretary'' means the Secretary of Commerce.

(Pub. L. 104–43, title II, § 210, Nov. 3, 1995, 109 Stat. 381; Pub. L. 104–208, div. A, title I, § 101(a) [title II, § 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009–41.)

REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in par. (6), is Pub. L. 94–265, Apr. 13, 1976, 90 Stat. 331, as amended, 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.

AMENDMENTS

1996—Par. (6). Pub. L. 104–208 substituted ''Magnuson-Stevens Fishery'' for ''Magnuson Fishery''.

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.

§ 5610. Authorization of appropriations

There are authorized to be appropriated to carry out this chapter, including use for payment as the United States contribution to the Organization as provided in Article XVI of the Convention, $500,000 for each of the fiscal years 1995, 1996, 1997, and 1998.

(Pub. L. 104–43, title II, § 211, Nov. 3, 1995, 109 Stat. 382.)

CHAPTER 77—YUKON RIVER SALMON

Sec.
5701. Purposes.
5702. Definitions.
5703. Panel.
(a) Representation.
(b) Appointments.
(c) Alternates.

[1] So in original. Probably should be chapter ''171''.

[1] So in original. Probably should be ''Articles''.