

AMENDMENTS

2007—Pub. L. 109-479 substituted “2012” for “2006”.
 2002—Pub. L. 107-372 substituted “2006” for “2001”.
 1998—Pub. L. 105-384 substituted “for each fiscal year through fiscal year 2001” for “for each of the fiscal years 1995, 1996, 1997, and 1998”.

§ 5611. Annual report

The Secretary shall annually report to the Congress on the activities of the Fisheries Commission, the General Council, the Scientific Council, and the consultative committee established under section 5607 of this title.

(Pub. L. 104-43, title II, §212, as added Pub. L. 105-384, title II, §201(c), Nov. 13, 1998, 112 Stat. 3452.)

§ 5612. Quota allocation practice

(a) In general

The Secretary of Commerce, acting through the Secretary of State, shall promptly seek to establish a new practice for allocating quotas under the Convention that—

- (1) is predictable and transparent;
- (2) provides fishing opportunities for all members of the Organization; and
- (3) is consistent with the Straddling Fish Stocks Agreement.

(b) Report

The Secretary of Commerce shall include in annual reports under section 5611 of this title—

- (1) a description of the results of negotiations held pursuant to subsection (a) of this section;
- (2) an identification of barriers to achieving such a new allocation practice; and
- (3) recommendations for any further legislation that is necessary to achieve such a new practice.

(c) “Straddling Fish Stocks Agreement” defined

In this section the term “Straddling Fish Stocks Agreement” means the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

(Pub. L. 104-43, title II, §213, as added Pub. L. 105-384, title II, §201(d), Nov. 13, 1998, 112 Stat. 3452.)

CHAPTER 77—YUKON RIVER SALMON

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SUBCHAPTER I—IMPLEMENTATION OF INTERIM AGREEMENT

§ 5701. Purposes

It is the purpose of this subchapter—

(1) to implement the interim agreement for the conservation of salmon stocks originating from the Yukon River in Canada agreed to through an exchange of notes between the Government of the United States and the Government of Canada on February 3, 1995;

(2) to provide for representation by the United States on the Yukon River Panel established under such agreement; and

(3) to authorize to be appropriated sums necessary to carry out the responsibilities of the United States under such agreement.

(Pub. L. 104-43, title VII, §702, Nov. 3, 1995, 109 Stat. 392.)

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-219, title III, §301, Apr. 13, 2004, 118 Stat. 616, provided that: “This title [amending section 5727 of this title and section 1977 of Title 22, Foreign Relations and Intercourse] may be cited as the ‘International Fisheries Reauthorization Act of 2004’.”

SHORT TITLE

Section 701 of title VII of Pub. L. 104-43 provided that: “This title [enacting this subchapter] may be cited as the ‘Yukon River Salmon Act of 1995’.”

Pub. L. 106-450, title II, §201, Nov. 7, 2000, 114 Stat. 1941, provided that: “This title [enacting subchapter II of this chapter] may be cited as the ‘Yukon River Salmon Act of 2000’.”

§ 5702. Definitions

As used in this subchapter—

(1) The term “Agreement” means the interim agreement for the conservation of salmon stocks originating from the Yukon River in Canada agreed to through an exchange of notes between the Government of the United States and the Government of Canada on February 3, 1995.

(2) The term “Panel” means the Yukon River Panel established by the Agreement.

(3) The term “Yukon River Joint Technical Committee” means the technical committee established by paragraph C.2 of the Memorandum of Understanding concerning the Pacific Salmon Treaty between the Government of the United States and the Government of Canada recorded January 28, 1985.

(Pub. L. 104-43, title VII, §703, Nov. 3, 1995, 109 Stat. 393.)

§ 5703. Panel

(a) Representation

The United States shall be represented on the Panel by six individuals, of whom—

- (1) one shall be an official of the United States Government with expertise in salmon conservation and management;

(2) one shall be an official of the State of Alaska with expertise in salmon conservation and management; and

(3) four shall be knowledgeable and experienced with regard to the salmon fisheries on the Yukon River.

(b) Appointments

Panel members shall be appointed as follows:

(1) The Panel member described in subsection (a)(1) of this section shall be appointed by the Secretary of State.

(2) The Panel member described in subsection (a)(2) of this section shall be appointed by the Governor of Alaska.

(3) The Panel members described in subsection (a)(3) of this section shall be appointed by the Secretary of State from a list of at least 3 individuals nominated for each position by the Governor of Alaska. The Governor of Alaska may consider suggestions for nominations provided by organizations with expertise in Yukon River salmon fisheries. The Governor of Alaska may make appropriate nominations to allow for, and the Secretary of State shall appoint, at least one member under subsection (a)(3) of this section who is qualified to represent the interests of Lower Yukon River fishing districts, and at least one member who is qualified to represent the interests of Upper Yukon River fishing districts. At least one of the Panel members under subsection (a)(3) of this section shall be an Alaska Native.

(c) Alternates

The Secretary of State may designate an alternate Panel member for each Panel member the Secretary appoints under subsections¹ (b)(1) and (3) of this section, who meets the same qualifications, to serve in the absence of the Panel member. The Governor of the State of Alaska may designate an alternative Panel member for the Panel member appointed under subsection (b)(2) of this section, who meets the same qualifications, to serve in the absence of that Panel member.

(d) Term length

Panel members and alternate Panel members shall serve four-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(e) Reappointment

Panel members and alternate Panel members shall be eligible for reappointment.

(f) Decisions

Decisions by the United States section of the Panel shall be made by the consensus of the Panel members appointed under paragraphs (2) and (3) of subsection (a) of this section.

(g) Consultation

In carrying out their functions under the Agreement, Panel members may consult with such other interested parties as they consider appropriate.

(Pub. L. 104-43, title VII, §704, Nov. 3, 1995, 109 Stat. 393.)

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

§ 5704. Advisory Committee

(a) Appointments

The Governor of Alaska may appoint an Advisory Committee of not less than eight, but not more than twelve, individuals who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River. At least 2 of the Advisory Committee members shall be Alaska Natives. Members of the Advisory Committee may attend all meetings of the United States section of the Panel, and shall be given the opportunity to examine and be heard on any matter under consideration by the United States section of the Panel.

(b) Compensation

The members of such Advisory Committee shall receive no compensation for their services.

(c) Term length

Advisory Committee members shall serve two-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) Reappointment

Advisory Committee members shall be eligible for reappointment.

(Pub. L. 104-43, title VII, §705, Nov. 3, 1995, 109 Stat. 394.)

§ 5705. Exemption

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel, the Yukon River Joint Technical Committee, or the Advisory Committee created under section 5704 of this title.

(Pub. L. 104-43, title VII, §706, Nov. 3, 1995, 109 Stat. 394.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in text, 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.

§ 5706. Authority and responsibility

(a) Responsible management entity

The State of Alaska Department of Fish and Game shall be the responsible management entity for the United States for the purposes of the Agreement.

(b) Effect of designation

The designation under subsection (a) of this section shall not be considered to expand, diminish, or change the management authority of the State of Alaska or the Federal Government with respect to fishery resources.

(c) Recommendations of Panel

In addition to recommendations made by the Panel to the responsible management entities in accordance with the Agreement, the Panel may make recommendations concerning the conservation and management of salmon originating in the Yukon River to the Department of the Interior, Department of Commerce, Department of State, North Pacific Fishery Management