

representing the State and Tribal fishery management authorities concur.

(5) All decisions and recommendations of any joint Panel shall require the concurring votes of each Panel under the voting rules specified in paragraphs (2) and (3).

(6) To assist in the resolution of disputes affecting decisions of the United States Section or of the United States Panel sections, a three-person Conciliation Board may be established. The members of the Conciliation Board shall be selected by the United States Section as follows: each non-Federal Commissioner shall submit a list of no fewer than three qualified nominees; one person shall be selected from each list by consensus decision of the Federal Commissioner and the other two non-Federal Commissioners. The Conciliation Board shall operate under such bylaws as may be established by the United States Section.

(7) In any matter where the Fraser River Panel is unable to act because the United States Fraser River Panel members have been unable to reach a decision in accordance with paragraph (3) of this subsection, and upon a determination by the Chairman of the United States Section that an action of the Panel is required, the United States Section shall act for the United States Panel members in the Fraser River Panel.

(8) In any matter where the Secretary of State determines that the United States is in jeopardy of not fulfilling its international obligations under the Treaty, the Secretary of State shall so certify to the United States Section. Such certification shall include the reasons for such determination and shall specify the date by which a decision by the United States Section is desired. If the United States Section has not reached a decision by the date specified, the Secretary of State, after consultation with the Secretary and the Secretary of the Interior, shall report on the matter to the President.

(i) Consultation

In carrying out their functions under the Treaty, the Commissioners and Panel members may consult with such other interested parties as they consider appropriate. The Federal Advisory Committee Act [5 U.S.C. App.] shall not apply.

(Pub. L. 99-5, §3, Mar. 15, 1985, 99 Stat. 8; Pub. L. 99-5, §16(c), formerly Pub. L. 106-113, div. B, §1000(a)(1) [title VI, §623(c)], Nov. 29, 1999, 113 Stat. 1535, 1501A-59, renumbered Pub. L. 109-479, title III, §302(d)(1), Jan. 12, 2007, 120 Stat. 3623; Pub. L. 106-554, §1(a)(4) [div. B, title I, §144(c)(5)], Dec. 21, 2000, 114 Stat. 2763, 2763A-239.)

REFERENCES IN TEXT

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

2000—Subsec. (f). Pub. L. 106-554, §1(a)(4) [div. B, title I, §144(c)(5)(A)], added subsec. (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 106-554, §1(a)(4) [div. B, title I, §144(c)(5)(B), (C)], redesignated subsec. (f) as (g) and substituted “For the northern, southern, and Fraser

River panels, the appointing authorities” for “The appointing authorities”. Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 106-554, §1(a)(4) [div. B, title I, §144(c)(5)(B)], redesignated subsec. (g) as (h). Former subsec. (h) redesignated (i).

Subsec. (h)(3). Pub. L. 106-554, §1(a)(4) [div. B, title I, §144(c)(5)(D)], substituted “northern, southern, and transboundary” for “northern and southern”.

Subsec. (i). Pub. L. 106-554, §1(a)(4) [div. B, title I, §144(c)(5)(B)], redesignated subsec. (h) as (i).

1999—Subsec. (g)(1). Pub. L. 99-5, §16(c)(1), formerly Pub. L. 106-113, §1000(a)(1) [title II, §623(c)(1)], as renumbered by Pub. L. 109-479, §302(d)(1), substituted “Except as provided in paragraph (2), the” for “The”.

Subsec. (g)(2) to (8). Pub. L. 99-5, §16(c)(2), (3), formerly Pub. L. 106-113, §1000(a)(1) [title II, §623(c)(2), (3)], as renumbered by Pub. L. 109-479, §302(d)(1), added par. (2) and redesignated former pars. (2) to (7) as (3) to (8), respectively.

§ 3633. Authority and responsibility

(a) Secretary of State

The Secretary of State is authorized to—

(1) receive and transmit, on behalf of the United States, reports, requests, recommendations, proposals, and other communications of and to the Commission and Panels;

(2) in consultation with the Secretary and the Secretary of the Interior, approve, disapprove, object to, or withdraw objections to fishery regimes, including enhancement programs and Fraser River Panel regulations proposed in accordance with the Treaty, on the condition that the United States shall be obligated to carry out such regimes or regulations only to the extent that funds are made available for such purposes in appropriation Acts; and

(3) act upon, or refer to other appropriate authority, any communication referred to in paragraph (1) of this subsection other than a proposed fishery regime or Fraser River Panel regulation.

(b) States and treaty Indian tribes

Recommendations of the Commission on fishery regimes or Fraser River Panel regulations approved by the Secretary of State pursuant to subsection (a)(2) of this section shall be forwarded immediately to the States of Alaska, Oregon, Washington, and Idaho and to the treaty Indian tribes, as appropriate. In the exercise of their general fishery management authority, the States and treaty Indian tribes may adopt corresponding laws, regulations, or orders within their respective jurisdictions.

(c) Secretary of Commerce

In cooperation with the appropriate Regional Fishery Management Councils, States and treaty Indian tribes, the Secretary shall prepare, as appropriate, all statements, reports, and information required by the Treaty and submit such documents to the Secretary of State, who shall transmit them to the Commission.

(Pub. L. 99-5, §4, Mar. 15, 1985, 99 Stat. 10.)

§ 3634. Interagency cooperation

(a) States, United States agencies, treaty Indian tribes, private institutions and organizations

In carrying out the provisions of the Treaty and this chapter, the Secretary, in consultation