

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

with the Secretary of the Interior, may arrange for cooperation with agencies of the United States, the States, treaty Indian tribes, private institutions and organizations, and may execute such memoranda as may be necessary to reflect such agreements.

#### (b) United States agencies; facilities and personnel

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 Commission and Panels in carrying out their responsibilities under the Treaty. Such agencies may accept reimbursement from the Commission for providing such services, facilities, and personnel.

(Pub. L. 99-5, §5, Mar. 15, 1985, 99 Stat. 11.)

### § 3635. Preemption

If any State or treaty Indian tribe has taken any action, or omitted to take any action, the results of which place the United States in jeopardy of not fulfilling its international obligations under the Treaty, or any fishery regime or Fraser River Panel regulation adopted thereunder, the Secretary shall inform the State or tribe of the manner in which the action or inaction places the United States in jeopardy of not fulfilling its international obligations under the Treaty, of any remedial action which would relieve this concern, and of the intention to promulgate Federal regulations if such remedial actions are not undertaken within fifteen days unless an earlier action is required to avoid violation of United States Treaty obligations. Should United States action be required to meet Treaty obligations to Canada in respect to treaty Indian fisheries conducted in terminal areas subject to the continuing jurisdiction of a United States district court, such action shall be taken within the framework of such court jurisdiction. Otherwise, regulations may be promulgated by the Secretary pursuant to section 3636(a) of this title which shall supersede any State or treaty Indian tribal law, regulation or order determined by the Secretary to place the United States in jeopardy of not fulfilling its international obligations under the Treaty. Timely notice of all such determinations shall be disseminated by electronic media and shall be published in local newspapers in the major fishing ports affected and in the Federal Register. In order to enable the United States to fulfill its obligations under article IV(7) of the Treaty, the States of Alaska, Idaho, Oregon and Washington and the treaty Indian tribes shall advise the Secretary of all pertinent laws or regulations pertaining to the harvest of Pacific salmon, together with such amendments thereto as may be adopted from time to time.

(Pub. L. 99-5, §6, Mar. 15, 1985, 99 Stat. 11.)

### § 3636. Rulemaking

#### (a) Promulgation of regulations by Secretary of Commerce

The Secretary, in consultation with the Secretary of the Interior, the Secretary of the Department in which the Coast Guard is operating