

(Pub. L. 97-389, title III, §302, Dec. 29, 1982, 96 Stat. 1951.)

REFERENCES IN TEXT

An Act to provide for the conservation and management of the fisheries, and for other purposes, approved April 13, 1976 (16 U.S.C. 1801 et seq.), referred to in par. (1), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, as amended, known as the Magnuson-Stevens Fishery Conservation and Management Act, 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.

Section 3 of the Act of 1976 (16 U.S.C. 1802), referred to in pars. (6) and (8), was subsequently amended, and section 3(10) and (19) no longer defines the terms "fishing" and "person". However, such terms are defined elsewhere in that section.

CODIFICATION

Section 3602 of this title, referred to in par. (3), was in the original "section 403 of this title", meaning section 403 of title III of Pub. L. 97-389, and has been translated as section 3602 of this title, section 303 of title III of Pub. L. 97-389, as the probable intent of Congress, because title III of Pub. L. 97-389 does not contain a section 403 and section 3602 of this title relates to appointment of a United States Commissioner.

SHORT TITLE

Pub. L. 97-389, §1, Dec. 29, 1982, 96 Stat. 1949, provided: "That this Act [enacting this chapter, amending sections 779b, 1034, and 1401 of this title and sections 688 and 883 of Title 46, Appendix, Shipping, and enacting provisions set out as notes under section 1823 of this title and section 688 of Title 46, Appendix] may be cited as the 'Fisheries Amendments of 1982'."

Pub. L. 97-389, title III, §301, Dec. 29, 1982, 96 Stat. 1951, provided that: "This title [enacting this chapter] may be cited as the 'Atlantic Salmon Convention Act of 1982'."

§ 3602. United States representation on Council and Commissions

(a) Appointment and qualifications of Commissioners

The United States shall be represented on the Council and Commissions by three United States Commissioners to be appointed by the President to serve at his pleasure. Of such Commissioners, one shall be an official of the United States Government, and two shall be individuals (not officials of the United States Government) who are knowledgeable or experienced concerning the conservation and management of salmon of United States origin.

(b) Alternate Commissioners

The Secretary of State, in consultation with the Secretary of Commerce and the Secretary of the Interior, may designate alternate United States Commissioners. In the absence of a Commissioner appointed under subsection (a) of this section, an alternate Commissioner may exercise at any meeting of the Organization, the Council, or any Commission all functions of such Commissioner.

(c) Limited Federal employee status

Individuals who serve as Commissioners and alternate Commissioners shall not receive any compensation for such service. Such individuals shall not be considered to be Federal employees while performing such service, except for pur-

poses of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 171 of title 28.

(d) Consultation with other parties

In carrying out their functions under the Convention, the Commissioners may consult with the appropriate Regional Fishery Management Councils established by section 302 of the Act of 1976 (16 U.S.C. 1852), and may consult with such other interested parties as they consider appropriate. The Federal Advisory Committee Act (5 U.S.C. App. et seq.) shall not apply to consultations described in this subsection.

(Pub. L. 97-389, title III, §303, Dec. 29, 1982, 96 Stat. 1952; Pub. L. 98-44, title I, §102(1), July 12, 1983, 97 Stat. 216.)

REFERENCES IN TEXT

The Federal Advisory Committee Act (5 U.S.C. App. et seq.), 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.

AMENDMENTS

1983—Subsec. (c). Pub. L. 98-44 substituted "shall not be considered" for "shall be considered".

§ 3603. Receipt of Organization communications by Secretary of State

(a) Concurrence with Secretaries of Commerce and the Interior on regulatory measures; action on other matters

The Secretary of State may—

(1) receive, on behalf of the United States, reports, requests, recommendations, proposals, and other communications of the Organization and its subsidiary organs;

(2) with the concurrence of the Secretary of Commerce and the Secretary of the Interior, approve, object to, or withdraw objections to regulatory measures proposed in accordance with the Convention; and

(3) act upon, or refer to other appropriate authority, any communication referred to in paragraph (1) of this subsection other than a proposed regulatory measure.

(b) Submission to President on failure of concurrence on regulatory matters

If the concurrence required under subsection (a)(2) of this section has not been obtained by the Secretary of State—

(1) regarding the approval of, or the objection to, a proposed regulatory measure within forty-five days after the measure was received on behalf of the United States; or

(2) regarding the withdrawal of an objection of the United States to a proposed regulatory measure within forty-five days after such withdrawal is proposed by the Secretary of State;

the Secretary of State shall submit the matter in disagreement, together with a statement of the opposing positions, to the President for timely disposition.

(Pub. L. 97-389, title III, §304, Dec. 29, 1982, 96 Stat. 1952.)