

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 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 ac-