

and plant life other than marine mammals and birds.

(12) “Fishing” means—

(A) the catching, taking, or harvesting of fish, or any other activity that can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(B) any operation at sea in preparation for or in direct support of any activity described in subparagraph (A).

(13) “Fishing vessel” means—

(A) any vessel engaged in catching fish within the Convention area or in processing or transporting fish loaded in the Convention area;

(B) any vessel outfitted to engage in any activity described in subparagraph (A);

(C) any vessel supporting a vessel described in subparagraph (A) or (B).

(14) “Incidental taking” means catching, taking, or harvesting a species or stock of fish while conducting directed fishing for another species or stock of fish.

(15) “Party” means Canada, Japan, the Russian Federation, the United States, and any other nation that may accede to the Convention.

(16) “Secretary” means the Secretary of State.

(17) “United States Section” means the United States Commissioners of the Commission.

(Pub. L. 102-567, title VIII, §803, Oct. 29, 1992, 106 Stat. 4309; Pub. L. 102-587, title VIII, §8003, Nov. 4, 1992, 106 Stat. 5098; Pub. L. 104-43, title IV, §404(b), Nov. 3, 1995, 109 Stat. 391; Pub. L. 106-562, title III, §304(a), Dec. 23, 2000, 114 Stat. 2806.)

REFERENCES IN TEXT

Proclamation Numbered 5030, dated March 10, 1983, referred to in par. (10), is set out as a note under section 1453 of this title.

CODIFICATION

Title VIII of Pub. L. 102-567 and Pub. L. 102-587 enacted substantially identical sections. Title VIII of Pub. L. 102-587 was repealed by Pub. L. 106-562.

AMENDMENTS

1995—Par. (13)(C). Pub. L. 104-43 amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: “any vessel described in subparagraph (A) or (B).”

§ 5003. United States Commissioners

(a) Commissioners

The United States shall be represented on the Commission by not more than three United States Commissioners to be appointed by and serve at the pleasure of the President. Each United States Commissioner shall be appointed for a term of office not to exceed 4 years, but is eligible for reappointment. Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 171 of title 28. Of the Commissioners—

(1) one shall be an official of the United States Government;

(2) one shall be a resident of the State of Alaska; and

(3) one shall be a resident of the State of Washington.

An individual is not eligible for appointment under paragraph (2) or (3) as a Commissioner unless the individual is knowledgeable or experienced concerning the anadromous stocks and ecologically related species of the North Pacific Ocean.

(b) Alternate Commissioners

The Secretary, in consultation with the Secretary of Commerce, may designate from time to time Alternate United States Commissioners to the Commission. An Alternate United States Commissioner may exercise all designated powers and duties of a United States Commissioner in the absence of a duly designated Commissioner for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of authorized United States Commissioners that will not be present.

(c) United States Section

The United States Section, in consultation with the Advisory Panel established in section 5004 of this title, shall identify and recommend to the Commission research needs and priorities for anadromous stocks and ecologically related species subject to the Convention, and oversee the United States research programs involving such fisheries, stocks, and species.

(d) Compensation

United States Commissioners and Alternate United States Commissioners shall receive no compensation for their services as Commissioners and Alternate Commissioners.

(e) Travel expenses

(1) In general

The Secretary may pay the necessary travel expenses of the United States Commissioners and Alternate United States Commissioners in carrying out the duties of the Commission in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5.

(2) Reimbursement

The Secretary of Commerce may reimburse the Secretary for amounts expended by the Secretary under this subparagraph.¹

(Pub. L. 102-567, title VIII, §804, Oct. 29, 1992, 106 Stat. 4310; Pub. L. 102-587, title VIII, §8004, Nov. 4, 1992, 106 Stat. 5099; Pub. L. 106-562, title III, §304, Dec. 23, 2000, 114 Stat. 2806; Pub. L. 114-327, title I, §121(b)(1), Dec. 16, 2016, 130 Stat. 1984.)

CODIFICATION

Title VIII of Pub. L. 102-567 and Pub. L. 102-587 enacted identical sections. Title VIII of Pub. L. 102-587 was repealed by Pub. L. 106-562.

AMENDMENTS

2016—Subsec. (e). Pub. L. 114-327 added subsec. (e).

2000—Subsec. (a). Pub. L. 106-562, §304(b), inserted after second sentence “Individuals serving as such

¹ So in original. Probably should be “subsection”.

Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 171 of title 28.”

§ 5004. Advisory Panel

(a) Establishment of Panel

An Advisory Panel to the United States Section is established. The Advisory Panel shall be composed of the following:

(1) The Commissioner of the Alaska Department of Fish and Game.

(2) The Director of the Washington Department of Fisheries.

(3) One representative of the Pacific States Marine Fisheries Commission, designated by the Executive Director of that commission.

(4) Eleven members (six of whom shall be residents of the State of Alaska and five of whom shall be residents of the State of Washington), appointed by the Secretary, in consultation with the Secretary of Commerce, from among a slate of 12 persons nominated by the Governor of Alaska and a slate of 10 persons nominated by the Governor of Washington.

(b) Qualifications

Persons appointed to the Advisory Panel shall be individuals who are knowledgeable or experienced concerning anadromous stocks and ecologically related species. In submitting a slate of nominees pursuant to subsection (a)(4), the Governors of Alaska and Washington shall seek to represent the broad range of parties interested in anadromous stocks and ecologically related species, and at a minimum shall include on each slate at least one representative of commercial salmon fishing interests and of environmental interests concerned with protection of living marine resources.

(c) Limitation on service

Any person appointed to the Advisory Panel pursuant to subsection (a)(4) shall serve for a term not to exceed 4 years, and may not serve more than two consecutive terms.

(d) Functions

The Advisory Panel shall be invited to all non-executive meetings of the United States Section and at such meetings shall be granted the opportunity to examine and to be heard on all proposed programs of study and investigation, reports, and recommendations of the United States Section.

(e) Compensation

The members of the Advisory Panel shall receive no compensation for their service as such members.

(f) Travel expenses

(1) In general

The Secretary may pay the necessary travel expenses of the members of the Advisory Panel in carrying out their service as such members in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5.

(2) Reimbursement

The Secretary of Commerce may reimburse the Secretary for amounts expended by the Secretary under this subparagraph.¹

(Pub. L. 102-567, title VIII, §805, Oct. 29, 1992, 106 Stat. 4311; Pub. L. 102-587, title VIII, §8005, Nov. 4, 1992, 106 Stat. 5100; Pub. L. 106-562, title III, §304(a), Dec. 23, 2000, 114 Stat. 2806; Pub. L. 114-327, title I, §121(b)(2), Dec. 16, 2016, 130 Stat. 1985.)

CODIFICATION

Title VIII of Pub. L. 102-567 and Pub. L. 102-587 enacted identical sections. Title VIII of Pub. L. 102-587 was repealed by Pub. L. 106-562.

AMENDMENTS

2016—Subsecs. (e), (f). Pub. L. 114-327 added subsecs. (e) and (f) and struck out former subsec. (e) which related to compensation and expenses.

TERMINATION OF ADVISORY PANELS

Advisory panels established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a panel established by the President or an officer of the Federal Government, such panel is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a panel established by Congress, its duration is otherwise provided for by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 5005. Commission recommendations

The Secretary, with the concurrence of the Secretary of Commerce, may accept or reject, on behalf of the United States, recommendations made by the Commission in accordance with article IX of the Convention.

(Pub. L. 102-567, title VIII, §806, Oct. 29, 1992, 106 Stat. 4311; Pub. L. 102-587, title VIII, §8006, Nov. 4, 1992, 106 Stat. 5101; Pub. L. 106-562, title III, §304(a), Dec. 23, 2000, 114 Stat. 2806.)

CODIFICATION

Title VIII of Pub. L. 102-567 and Pub. L. 102-587 enacted identical sections. Title VIII of Pub. L. 102-587 was repealed by Pub. L. 106-562.

§ 5006. Administration and enforcement of Convention

(a) Responsibilities

The Secretary of Commerce shall be responsible for administering provisions of the Convention, this chapter, and regulations issued under this chapter. The Secretary, in consultation with the Secretary of Commerce and the Secretary of Transportation, shall be responsible for coordinating the participation of the United States in the Commission.

(b) Consultation and cooperation

In carrying out such functions, the Secretary of Commerce—

(1) shall, in consultation with the Secretary of Transportation and the United States Section, issue such regulations as may be necessary to carry out the purposes and objectives of the Convention and this chapter; and

¹ So in original. Probably should be “subsection”.