

**§ 5601. Representation of United States under Convention**

**(a) Commissioners**

**(1) Appointments, generally**

The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the Commission, who shall each—

(A) be known as a “United States Commissioner to the Northwest Atlantic Fisheries Organization”; and

(B) serve at the pleasure of the Secretary.

**(2) Requirements for appointments**

(A) The Secretary shall ensure that of the individuals serving as Commissioners—

(i) at least 1 is appointed from among representatives of the commercial fishing industry;

(ii) 1 (but no more than 1) is an official of the Government; and

(iii) 1, other than the individual appointed under clause (ii), is a voting member of the New England Fishery Management Council.

(B) The Secretary may not appoint as a Commissioner an individual unless the individual is knowledgeable and experienced concerning the fishery resources to which the Convention applies.

**(3) Terms**

(A) The term of an individual appointed as a Commissioner—

(i) shall be specified by the Secretary at the time of appointment; and

(ii) may not exceed 4 years.

(B) An individual who is not a Government official may not serve more than 2 consecutive terms as a Commissioner.

**(b) Alternate Commissioners**

**(1) Appointment**

The Secretary may, for any anticipated absence of a duly appointed Commissioner, designate an individual to serve as an Alternate Commissioner.

**(2) Functions**

An Alternate Commissioner may exercise all powers and perform all duties of the Commissioner for whom the Alternate Commissioner is designated.

**(c) Representatives**

**(1) Appointment**

The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the Scientific Council, who shall each be known as a “United States Representative to the Northwest Atlantic Fisheries Organization Scientific Council”.

**(2) Eligibility for appointment**

(A) The Secretary may not appoint an individual as a Representative unless the individual is knowledgeable and experienced concerning the scientific issues dealt with by the Scientific Council.

(B) The Secretary shall appoint as a Representative at least 1 individual who is an official of the Government.

**(3) Term**

An individual appointed as a Representative—

(A) shall serve for a term of not to exceed 4 years, as specified by the Secretary at the time of appointment;

(B) may be reappointed; and

(C) shall serve at the pleasure of the Secretary.

**(d) Alternate Representatives**

**(1) Appointment**

The Secretary may, for any anticipated absence of a duly appointed Representative, designate an individual to serve as an Alternate Representative.

**(2) Functions**

An Alternate Representative may exercise all powers and perform all duties of the Representative for whom the Alternate Representative is designated.

**(e) Experts and advisers**

The Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives may be accompanied at meetings of the Organization by experts and advisers.

**(f) Coordination and consultation**

**(1) In general**

In carrying out their functions under the Convention, Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives shall—

(A) coordinate with the appropriate Regional Fishery Management Councils established by section 1852 of this title; and

(B) consult with the committee established under section 5607 of this title.

**(2) Relationship to other law**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to coordination and consultations under this subsection.

(Pub. L. 104-43, title II, §202, Nov. 3, 1995, 109 Stat. 377; Pub. L. 114-327, title V, §502, Dec. 16, 2016, 130 Stat. 1995.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (f)(2), 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

2016—Subsec. (a)(1). Pub. L. 114-327, §502(1), in introductory provisions, struck out “General Council and the Fisheries” before “Commission”.

Subsec. (b)(1). Pub. L. 114-327, §502(2), struck out “at a meeting of the General Council or the Fisheries Commission” after “appointed Commissioner”.

Subsec. (b)(2). Pub. L. 114-327, §502(3), struck out “, at any meeting of the General Council or the Fisheries Commission for which the Alternate Commissioner is designated” before period at end.

Subsec. (d)(1). Pub. L. 114-327, §502(4), struck out “at a meeting of the Scientific Council” after “appointed Representative”.

Subsec. (d)(2). Pub. L. 114-327, §502(5), struck out “, at any meeting of the Scientific Council for which the Alternate Representative is designated” before period at end.

Subsec. (f)(1)(A). Pub. L. 114-327, §502(6), made technical amendment to reference in original act which appears in text as reference to section 1852 of this title.

## SHORT TITLE OF 2016 AMENDMENT

Pub. L. 114-327, title V, §501(a), Dec. 16, 2016, 130 Stat. 1995, provided that: “This title [amending this section and sections 5602 to 5604, 5606, 5607, 5609, and 5610 of this title and repealing section 5612 of this title] may be cited as the ‘Northwest Atlantic Fisheries Convention Amendments Act’.”

## SHORT TITLE

Pub. L. 104-43, title II, §201, Nov. 3, 1995, 109 Stat. 377, provided that: “This title [enacting this chapter] may be cited as the ‘Northwest Atlantic Fisheries Convention Act of 1995’.”

**§ 5602. Requests for scientific advice****(a) Restriction**

A Representative may not make a request or specification described in paragraph (1) or (2) of subsection (b), respectively, unless the Representative has first—

- (1) consulted with the appropriate Regional Fishery Management Councils; and
- (2) received the consent of the Commissioners for that action.

**(b) Requests and terms of reference described**

The requests and specifications referred to in subsection (a) are, respectively—

- (1) any request, under Article VII(10)(b) of the Convention, that the Scientific Council consider and report on a question pertaining to the scientific basis for the management and conservation of fishery resources in waters under the jurisdiction of the United States within the Convention Area; and
- (2) any specification, under Article VII(11) of the Convention, of the terms of reference for the consideration of a question referred to the Scientific Council pursuant to Article VII(10)(b) of the Convention.

(Pub. L. 104-43, title II, §203, Nov. 3, 1995, 109 Stat. 378; Pub. L. 114-327, title V, §503, Dec. 16, 2016, 130 Stat. 1995.)

## AMENDMENTS

2016—Subsec. (a). Pub. L. 114-327, §503(1), in introductory provisions, substituted “A Representative may” for “The Representatives may”, “described in paragraph (1) or (2) of subsection (b)” for “described in subsection (b)(1) or (2)”, and “the Representative has” for “the Representatives have”.

Subsec. (b)(1). Pub. L. 114-327, §503(2), substituted “VII(10)(b)” for “VII(1)”.

Subsec. (b)(2). Pub. L. 114-327, §503(2)(3), substituted “VII(11)” for “VIII(2)” and “VII(10)(b)” for “VII(1)”.

**§ 5603. Authorities of Secretary of State with respect to Convention**

The Secretary of State may, on behalf of the Government of the United States—

- (1) receive and transmit reports, requests, recommendations, proposals, and other communications of and to the Organization and its subsidiary organs;
- (2) object, or withdraw an objection, to the proposal of the Commission consistent with the procedures detailed in Articles XIV and XV of the Convention;
- (3) give or withdraw notice of intent not to be bound by a measure of the Commission consistent with the procedures detailed in Articles XIV and XV of the Convention;

(4) object or withdraw an objection to an amendment to the Convention; and

(5) act upon, or refer to any other appropriate authority, any other communication referred to in paragraph (1).

(Pub. L. 104-43, title II, §204, Nov. 3, 1995, 109 Stat. 379; Pub. L. 114-327, title V, §504, Dec. 16, 2016, 130 Stat. 1996.)

## AMENDMENTS

2016—Pars. (2), (3). Pub. L. 114-327 substituted “Commission consistent with the procedures detailed in Articles XIV and XV of the Convention” for “Fisheries Commission”.

**§ 5604. Interagency cooperation****(a) Authorities of the Secretary**

In carrying out the provisions of the Convention and this chapter, the Secretary may arrange for cooperation with—

- (1) any department, agency, or instrumentality of the United States;
- (2) a State;
- (3) a Council; or
- (4) a private institution or an organization.

**(b) Other agencies**

The head of any Federal agency may—

- (1) cooperate in the conduct of scientific and other programs, and furnish facilities and personnel, for the purposes of assisting the Organization in carrying out its duties under the Convention; and
- (2) accept reimbursement from the Organization for providing such services, facilities, and personnel.

(Pub. L. 104-43, title II, §205, Nov. 3, 1995, 109 Stat. 379; Pub. L. 114-327, title V, §505, Dec. 16, 2016, 130 Stat. 1996.)

## AMENDMENTS

2016—Subsec. (a). Pub. L. 114-327 amended subsec. (a) generally. Prior to amendment, text read as follows: “In carrying out the provisions of the Convention and this chapter, the Secretary may arrange for cooperation with other agencies of the United States, the States, the New England and the Mid-Atlantic Fishery Management Councils, and private institutions and organizations.”

**§ 5605. Rulemaking**

The Secretary shall promulgate regulations as may be necessary to carry out the purposes and objectives of the Convention and this chapter. Any such regulation may be made applicable, as necessary, to all persons and all vessels subject to the jurisdiction of the United States, wherever located.

(Pub. L. 104-43, title II, §206, Nov. 3, 1995, 109 Stat. 379.)

**§ 5606. Prohibited acts and enforcement****(a) Prohibition**

It is unlawful for any person or vessel that is subject to the jurisdiction of the United States—

- (1) to violate any regulation issued under this chapter or any measure that is legally binding on the United States under the Convention;