

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;

(2) to refuse to permit any authorized enforcement officer to board a fishing vessel that is subject to the person's control for purposes of conducting any search, investigation, or inspection in connection with the enforcement of this chapter, any regulation issued under this chapter, or any measure that is legally binding on the United States under the Convention;

(3) forcibly to assault, resist, oppose, impede, intimidate, or interfere with any authorized enforcement officer in the conduct of any search, investigation, or inspection described in paragraph (2);

(4) to resist a lawful arrest for any act prohibited by this section;

(5) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fishery resources taken or retained in violation of this section; or

(6) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that the other person has committed an act prohibited by this section.

(b) Additional prohibitions and enforcement

For additional prohibitions relating to this chapter and enforcement of this chapter, see section 1826g of this title.

(Pub. L. 104-43, title II, §207, Nov. 3, 1995, 109 Stat. 379; Pub. L. 105-384, title II, §201(b)(1), Nov. 13, 1998, 112 Stat. 3451; Pub. L. 114-81, title I, §111, Nov. 5, 2015, 129 Stat. 659; Pub. L. 114-327, title V, §506, Dec. 16, 2016, 130 Stat. 1996.)

AMENDMENTS

2016—Subsec. (a)(5). Pub. L. 114-327 substituted “fishery resources” for “fish”.

2015—Pub. L. 114-81, §111(1), in section catchline, substituted “and enforcement” for “and penalties”.

Subsec. (a)(2), (3). Pub. L. 114-81, §111(2), (3), inserted “, investigation,” before “or inspection”.

Subsecs. (b) to (f). Pub. L. 114-81, §111(4), added subsec. (b) and struck out former subsecs. (b) to (f), which related to civil penalty, criminal penalty, civil forfeitures, enforcement, and jurisdiction of courts.

1998—Subsec. (e). Pub. L. 105-384 substituted “section” for “sections”.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 5607. Consultative committee

(a) Establishment

The Secretary of State and the Secretary, shall jointly establish a consultative committee to advise the Secretaries on issues related to the Convention.

(b) Membership

(1) The membership of the Committee shall include representatives from the New England and Mid-Atlantic Fishery Management Councils, the

States represented on those Councils, the Atlantic States Marine Fisheries Commission, the fishing industry, the seafood processing industry, and others knowledgeable and experienced in the conservation and management of fisheries in the Northwest Atlantic Ocean.

(2) TERMS AND REAPPOINTMENT.—Each member of the consultative committee shall serve for a term of 2 years and shall be eligible for reappointment.

(c) Duties of committee

Members of the consultative committee may attend—

(1) all public meetings of the Commission;

(2) any other meetings to which they are invited by the Commission; and

(3) all nonexecutive meetings of the United States Commissioners.

(d) Relationship to other law

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the consultative committee established under this section.

(Pub. L. 104-43, title II, §208, Nov. 3, 1995, 109 Stat. 380; Pub. L. 114-327, title V, §507, Dec. 16, 2016, 130 Stat. 1996.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, 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

2016—Subsec. (b)(2). Pub. L. 114-327, §507(1), substituted “2” for “two”.

Subsec. (c)(1), (2). Pub. L. 114-327, §507(2), struck out “General Council or the Fisheries” before “Commission”.

§ 5608. Administrative matters

(a) Prohibition on compensation

A person shall not receive any compensation from the Government by reason of any service of the person as—

(1) a Commissioner, Alternate Commissioner, Representative, or Alternative Representative;

(2) an expert or adviser authorized under section 5601(e) of this title; or

(3) a member of the consultative committee established by section 5607 of this title.

(b) Travel and expenses

The Secretary of State shall, subject to the availability of appropriations, pay all necessary travel and other expenses of persons described in subsection (a)(1) and of not more than six experts and advisers authorized under section 5601(e) of this title with respect to their actual performance of their official duties pursuant to this chapter, in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5.

(c) Status as Federal employees

A person shall not be considered to be a Federal employee by reason of any service of the person in a capacity described in subsection (a), except for purposes of injury compensation and tort claims liability under chapter 81 of title 5 and chapter 171 of title 28, respectively.