

(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.

(Pub. L. 104-43, title II, §209, Nov. 3, 1995, 109 Stat. 381; Pub. L. 105-384, title II, §201(b)(2), Nov. 13, 1998, 112 Stat. 3451.)

AMENDMENTS

1998—Subsec. (c). Pub. L. 105-384 substituted “171” for “17”.

§ 5609. Definitions

In this chapter:

(1) 1982 Convention

The term “1982 Convention” means the United Nations Convention on the Law of the Sea of 10 December 1982.

(2) Authorized enforcement officer

The term “authorized enforcement officer” means a person authorized to enforce this chapter, any regulation issued under this chapter, or any measure that is legally binding on the United States under the Convention.

(3) Commission

The term “Commission” means the body provided for by Articles V, VI, XIII, XIV, and XV of the Convention.

(4) Commissioner

The term “Commissioner” means a United States Commissioner to the Northwest Atlantic Fisheries Organization appointed under section 5601 of this title.

(5) Convention

The term “Convention” means the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa on October 24, 1978, and as amended on September 28, 2007.

(6) Convention Area

The term “Convention Area” means the waters of the Northwest Atlantic Ocean north of 35°00' N and west of a line extending due north from 35°00' N and 42°00' W to 59°00' N, thence due west to 44°00' W, and thence due north to the coast of Greenland, and the waters of the Gulf of St. Lawrence, Davis Strait and Baffin Bay south of 78°10' N.

(7) Council

The term “Council” means the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council.

(8) Fishery resources**(A) In general**

The term “fishery resources” means all fish, mollusks, and crustaceans, including any products thereof, within the Convention Area.

(B) Exclusions

The term “fishery resources” does not include—

- (i) sedentary species over which coastal States may exercise sovereign rights consistent with Article 77 of the 1982 Convention; or
- (ii) insofar as they are managed under other international treaties, anadromous and catadromous stocks and highly migratory species listed in Annex I of the 1982 Convention.

(9) Fishing activities**(A) In general**

The term “fishing activities” means harvesting or processing fishery resources, or transshipping¹ of fishery resources or products derived from fishery resources, or any other activity in preparation for, in support of, or related to the harvesting of fishery resources.

(B) Inclusions

The term “fishing activities” includes—

- (i) the actual or attempted searching for or catching or taking of fishery resources;
- (ii) any activity that can reasonably be expected to result in locating, catching, taking, or harvesting of fishery resources for any purpose; and

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

(iii) any operation at sea in support of, or in preparation for, any activity described in this paragraph.

(C) Exclusions

The term “fishing activities” does not include any operation related to emergencies involving the health and safety of crew members or the safety of a vessel.

(10) Fishing vessel

(A) In general

The term “fishing vessel” means a vessel that is or has been engaged in fishing activities.

(B) Inclusions

The term “fishing vessel” includes a fish processing vessel or a vessel engaged in transshipment or any other activity in preparation for or related to fishing activities, or in experimental or exploratory fishing activities.

(11) Organization

The term “Organization” means the Northwest Atlantic Fisheries Organization provided for by Article V of the Convention.

(12) Person

The term “person” means any individual (whether or not a citizen or national of the United States), and any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State).

(13) Representative

The term “Representative” means a United States Representative to the Northwest Atlantic Fisheries Scientific Council appointed under section 5601 of this title.

(14) Scientific council

The term “Scientific Council” means the Scientific Council provided for by Articles V, VI, and VII of the Convention.

(15) Secretary

The term “Secretary” means the Secretary of Commerce.

(16) State

The term “State” means each of the several States of the United States, the District of Columbia, and any other commonwealth, territory, or possession of the United States.

(17) Transshipment

The term “transshipment” means the unloading of all or any of the fishery resources on board a fishing vessel to another fishing vessel either at sea or in port.

(Pub. L. 104-43, title II, §210, Nov. 3, 1995, 109 Stat. 381; Pub. L. 105-384, title II, §201(b)(3), Nov. 13, 1998, 112 Stat. 3451; Pub. L. 114-327, title V, §508, Dec. 16, 2016, 130 Stat. 1996.)

AMENDMENTS

2016—Pub. L. 114-327 amended section generally. Prior to amendment, section defined terms for this chapter.
1998—Par. (6). Pub. L. 105-384 substituted “Magnuson-Stevens Fishery” for “Magnuson Fishery”.

§ 5610. Authorization of appropriations

There are authorized to be appropriated to carry out this chapter, including to pay the

United States contribution to the Organization as provided in Article IX of the Convention, \$500,000 for each fiscal year through fiscal year 2021.

(Pub. L. 104-43, title II, §211, Nov. 3, 1995, 109 Stat. 382; Pub. L. 105-384, title II, §201(a), Nov. 13, 1998, 112 Stat. 3451; Pub. L. 107-372, title III, §305, Dec. 19, 2002, 116 Stat. 3096; Pub. L. 109-479, title III, §302(i), Jan. 12, 2007, 120 Stat. 3625; Pub. L. 114-327, title V, §509, Dec. 16, 2016, 130 Stat. 1998.)

AMENDMENTS

2016—Pub. L. 114-327 substituted “including to pay the United States contribution to the Organization as provided in Article IX of the Convention” for “including use for payment as the United States contribution to the Organization as provided in Article XVI of the Convention” and “2021” for “2012”.

2007—Pub. L. 109-479 substituted “2012” for “2006”.

2002—Pub. L. 107-372 substituted “2006” for “2001”.

1998—Pub. L. 105-384 substituted “for each fiscal year through fiscal year 2001” for “for each of the fiscal years 1995, 1996, 1997, and 1998”.

§ 5611. Repealed. Pub. L. 113-188, title II, § 201(f), Nov. 26, 2014, 128 Stat. 2018

Section, Pub. L. 104-43, title II, §212, as added Pub. L. 105-384, title II, §201(c), Nov. 13, 1998, 112 Stat. 3452, required annual reports on the activities of the Fisheries Commission, the General Council, the Scientific Council, and the consultative committee established under section 5607 of this title.

§ 5612. Repealed. Pub. L. 114-327, title V, § 510, Dec. 16, 2016, 130 Stat. 1998

Section, Pub. L. 104-43, title II, §213, as added Pub. L. 105-384, title II, §201(d), Nov. 13, 1998, 112 Stat. 345, related to quota allocation practice under the Convention.

CHAPTER 77—YUKON RIVER SALMON

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SUBCHAPTER I—IMPLEMENTATION OF INTERIM AGREEMENT

§ 5701. Purposes

It is the purpose of this subchapter—
(1) to implement the interim agreement for the conservation of salmon stocks originating from the Yukon River in Canada agreed to