

AMENDMENTS

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

§ 5609. Definitions

In this chapter the following definitions apply:

(1) 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.

(2) Commissioner

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

(3) Convention

The term “Convention” means the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa on October 24, 1978.

(4) Fisheries Commission

The term “Fisheries Commission” means the Fisheries Commission provided for by Articles II, XI, XII, XIII, and XIV of the Convention.

(5) General Council

The term “General Council” means the General Council provided for by Article¹ II, III, IV, and V of the Convention.

(6) Magnuson Act

The term “Magnuson Act” means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(7) Organization

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

(8) 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).

(9) Representative

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

(10) Scientific Council

The term “Scientific Council” means the Scientific Council provided for by Articles II, VI, VII, VIII, IX, and X of the Convention.

(11) Secretary

The term “Secretary” means the Secretary of Commerce.

(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.)

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

REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in par. (6), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, as amended, which is classified principally to chapter 38 (§1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

AMENDMENTS

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 use for payment as the United States contribution to the Organization as provided in Article XVI of the Convention, \$500,000 for each fiscal year through fiscal year 2001.

(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.)

AMENDMENTS

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. Annual report

The Secretary shall annually report to the Congress on the activities of the Fisheries Commission, the General Council, the Scientific Council, and the consultative committee established under section 5607 of this title.

(Pub. L. 104-43, title II, §212, as added Pub. L. 105-384, title II, §201(c), Nov. 13, 1998, 112 Stat. 3452.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5612 of this title.

§ 5612. Quota allocation practice**(a) In general**

The Secretary of Commerce, acting through the Secretary of State, shall promptly seek to establish a new practice for allocating quotas under the Convention that—

- (1) is predictable and transparent;
- (2) provides fishing opportunities for all members of the Organization; and
- (3) is consistent with the Straddling Fish Stocks Agreement.

(b) Report

The Secretary of Commerce shall include in annual reports under section 5611 of this title—

- (1) a description of the results of negotiations held pursuant to subsection (a) of this section;
- (2) an identification of barriers to achieving such a new allocation practice; and
- (3) recommendations for any further legislation that is necessary to achieve such a new practice.

(c) “Straddling Fish Stocks Agreement” defined

In this section the term “Straddling Fish Stocks Agreement” means the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the

Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

(Pub. L. 104-43, title II, §213, as added Pub. L. 105-384, title II, §201(d), Nov. 13, 1998, 112 Stat. 3452.)

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 through an exchange of notes between the

Government of the United States and the Government of Canada on February 3, 1995;

(2) to provide for representation by the United States on the Yukon River Panel established under such agreement; and

(3) to authorize to be appropriated sums necessary to carry out the responsibilities of the United States under such agreement.

(Pub. L. 104-43, title VII, §702, Nov. 3, 1995, 109 Stat. 392.)

SHORT TITLE

Section 701 of title VII of Pub. L. 104-43 provided that: “This title [enacting this subchapter] may be cited as the ‘Yukon River Salmon Act of 1995’.”

Pub. L. 106-450, title II, §201, Nov. 7, 2000, 114 Stat. 1941, provided that: “This title [enacting subchapter II of this chapter] may be cited as the ‘Yukon River Salmon Act of 2000’.”

§ 5702. Definitions

As used in this subchapter—

(1) The term “Agreement” means the interim agreement for the conservation of salmon stocks originating from the Yukon River in Canada agreed to through an exchange of notes between the Government of the United States and the Government of Canada on February 3, 1995.

(2) The term “Panel” means the Yukon River Panel established by the Agreement.

(3) The term “Yukon River Joint Technical Committee” means the technical committee established by paragraph C.2 of the Memorandum of Understanding concerning the Pacific Salmon Treaty between the Government of the United States and the Government of Canada recorded January 28, 1985.

(Pub. L. 104-43, title VII, §703, Nov. 3, 1995, 109 Stat. 393.)

§ 5703. Panel

(a) Representation

The United States shall be represented on the Panel by six individuals, of whom—

(1) one shall be an official of the United States Government with expertise in salmon conservation and management;

(2) one shall be an official of the State of Alaska with expertise in salmon conservation and management; and

(3) four shall be knowledgeable and experienced with regard to the salmon fisheries on the Yukon River.

(b) Appointments

Panel members shall be appointed as follows:

(1) The Panel member described in subsection (a)(1) of this section shall be appointed by the Secretary of State.

(2) The Panel member described in subsection (a)(2) of this section shall be appointed by the Governor of Alaska.

(3) The Panel members described in subsection (a)(3) of this section shall be appointed by the Secretary of State from a list of at least 3 individuals nominated for each position by the Governor of Alaska. The Governor of Alaska may consider suggestions for nominations provided by organizations with expertise