

- (1) enter restraining orders or prohibitions;
- (2) issue warrants, process in rem, or other process;
- (3) prescribe and accept satisfactory bonds or other security; and
- (4) take such other actions as are in the interests of justice.

(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.)

AMENDMENTS

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

§ 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 two years and shall be eligible for reappointment.

(c) Duties of committee

Members of the consultative committee may attend—

- (1) all public meetings of the General Council or the Fisheries Commission;
- (2) any other meetings to which they are invited by the General Council or the Fisheries 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.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5601, 5608, 5611 of this title.

§ 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) of this section 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) of this section, 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 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.).

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

(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.)

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.)

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