

Lakes, except that 1 of them must also be an official of¹ Great Lakes State.

(2) The President shall appoint an alternate Commissioner who shall perform the duties of a Commissioner—

(A) until a vacancy referred to in subsection (b)(3) of this section is filled; and

(B) in the event of the absence of a Commissioner from any meeting of the United States Section or the Commission.

(3) Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 171 of title 28.

(b)(1) Except as provided in paragraph (2), the term of office of Commissioners appointed under subsection (a)(1)(B) of this section is 6 years.

(2) Of the Commissioners first appointed under subsection (a)(1)(B) of this section after November 14, 1986, 1 shall be appointed for a term of 2 years, 1 shall be appointed for a term of 4 years, and 1 shall be appointed for a term of 6 years.

(3) Whenever a vacancy occurs among Commissioners appointed under subsection (a)(1)(B) of this section, the President shall appoint an individual to fill that vacancy for the remainder of the applicable term.

(June 4, 1956, ch. 358, § 3, 70 Stat. 242; Pub. L. 99-659, title IV, § 405(a), Nov. 14, 1986, 100 Stat. 3737; Pub. L. 106-562, title III, § 301, Dec. 23, 2000, 114 Stat. 2806.)

AMENDMENTS

2000—Subsec. (a)(3). Pub. L. 106-562 added par. (3).

1986—Pub. L. 99-659 amended section generally. Prior to amendment, section read as follows: “The United States shall be represented on the Commission by three Commissioners to be appointed by the President, to serve as such during his pleasure, and to receive no compensation for their services as such Commissioners. Of such Commissioners—

“(a) one shall be an official of the United States Government; and

“(b) two shall be persons residing in Great Lakes States, duly qualified by reason of knowledge of the fisheries of the Great Lakes, of whom one shall be an official of a Great Lakes State: *Provided, however,* That the Commissioners appointed under this subsection shall not be residents of the same State.”

TERMINATION AND TRANSITIONAL SERVICE OF INCUMBENT COMMISSIONERS

Section 405(b) of Pub. L. 99-659 provided that: “The term of office of each United States Commissioner on the Great Lakes Fishery Commission who is serving on the date of enactment of this Act [Nov. 14, 1986] is terminated (except the United States Government official appointed under section 3(a) of the Great Lakes Fishery Act of 1956 (16 U.S.C. 932(a), as in effect before the date of enactment). However, the individuals appointed to those terms shall continue to serve as Commissioners until the President makes appointments under section 3(b)(2) of the Act of 1956 (as added by subsection (a)), which appointments shall be made within 60 days after the date of enactment.”

ALTERNATE UNITED STATES COMMISSIONERS

Secretary of State authorized to designate Alternate United States Commissioners, see sections 2672a and 2672b of Title 22, Foreign Relations and Intercourse.

§ 933. Advisory Committee

(a) Appointment and number of members; factors in selection

The United States Section shall appoint an advisory committee for each of the Great Lakes, upon which committee each State bordering on the lake may be represented by not more than four members. In making such appointments, the United States Section shall make its selection for each State from a list proposed by the Governor of that State; and shall give due consideration to the interests of—

(1) State agencies having jurisdiction over fisheries;

(2) the commercial fishing industry of the lake;

(3) the sports fishing of the lake; and

(4) the public at large.

(b) Membership on other committees

A member of the advisory committee for one lake may also be a member of the advisory committee for one or more other lakes.

(c) Compensation

The members of the advisory committee shall receive no compensation from the Government of the United States for their services as such members. Not more than ten members of all the committees, designated by the committees and approved by the United States Section, may be paid by the Government of the United States for transportation expenses and per diem incident to attendance at the annual meeting of the Commission or of the United States Section.

(d) Meetings

The members of the advisory committee for each lake shall be invited to attend all non-executive meetings of the United States Section relating to that lake and at such meetings shall be granted opportunity to examine and be heard on all proposed recommendations, programs, and activities relating to that lake.

(June 4, 1956, ch. 358, § 4, 70 Stat. 242; Pub. L. 107-228, div. A, title II, § 208, Sept. 30, 2002, 116 Stat. 1364.)

AMENDMENTS

2002—Subsec. (c). Pub. L. 107-228, which directed the substitution of “ten” for “five” and “the annual” for “each” in subsec. (c) of section 4 of the Great Lakes Fisheries Act of 1956, was executed by making the substitutions in subsec. (c) of this section, which is section 4 of the Great Lakes Fishery Act of 1956, to reflect the probable intent of Congress.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 934. Repealed. Pub. L. 92-471, title II, § 203(a), Oct. 9, 1972, 86 Stat. 787

Section, act June 4, 1956, ch. 358, § 5, 70 Stat. 243, provided that service of individuals appointed as United

¹ So in original. Probably should be followed by “a”.

States Commissioners shall not be treated as service for the purposes of certain sections of Title 18, Crimes and Criminal Procedure, and Title 5, Government Organization and Employees.

§ 935. Acquisition of real property; construction and operation of lamprey control works; entry into agreements for construction and operation of works

In order to carry out the obligations of the United States under the Convention, the United States Section is authorized—

- (a) to acquire any real property, or any interest therein, by purchase, exchange, gift, dedication, condemnation, or otherwise;
- (b) to construct, operate, and maintain any project or works designed to facilitate compliance with the provisions of the Convention relating to the sea lamprey control program; and
- (c) to enter into contract or agreement with any State or other public agency or private agency or individual for the construction, operation, or maintenance of any such project or works.

(June 4, 1956, ch. 358, § 6, 70 Stat. 243.)

UNITED STATES FISH AND WILDLIFE SERVICE; WORK ON SEA LAMPREY PROGRAM; REIMBURSEMENTS

Pub. L. 101-512, title I, Nov. 5, 1990, 104 Stat. 1918, provided in part that: “beginning October 1, 1990, and thereafter, the United States Fish and Wildlife Service can perform work for the Great Lakes Fishery Commission, authorized by 16 U.S.C. 931-939c, Great Lakes Fisheries [Fishery] Act of 1956, on the sea lamprey program on a reimbursable basis: *Provided further*, That such reimbursements are to be treated as Intragovernmental funds as defined in the publication titled ‘A Glossary of Terms Used in the Federal Budget Process’.”

§ 936. Secretary of the Interior; authority to transfer lamprey control projects and act on behalf of United States Section

The Secretary of the Interior is authorized, upon the request of the United States Section—

- (a) to transfer to the United States Section any lamprey control project or works under his jurisdiction now existing or now under construction; and
- (b) to act for or on behalf of the United States Section in the exercise of the powers granted by this chapter.

(June 4, 1956, ch. 358, § 7, 70 Stat. 243.)

§ 937. United States Section as agency of United States

The United States Section shall, for the purposes of these¹ provisions of title 28, relating to claims against the United States and tort claims procedure, be deemed to be an agency of the United States.

(June 4, 1956, ch. 358, § 8, 70 Stat. 243.)

REFERENCES IN TEXT

Provisions of title 28, relating to claims against the United States, referred to in text, include sections 1346(b), 2501 et seq., and 2671 et seq., of Title 28, Judiciary and Judicial Procedure.

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

§ 938. Notice of proposals

At least thirty days before approving a proposal to utilize a lamprey control measure or install a device in any stream, the United States Section shall cause notice of such proposal to be sent to the official agency having jurisdiction over fisheries in each of the States through which the stream flows.

(June 4, 1956, ch. 358, § 9, 70 Stat. 243.)

§ 939. Transmission of recommendations

The Secretary of State shall upon the receipt from the Commission of any recommendation of a conservation measure made in accordance with article IV of the Convention transmit a copy of the recommendation with his comments thereon to the Governor of each Great Lakes State for consideration and such action as may be found to be appropriate. The Secretary of State shall also inform such other public agencies as he may deem appropriate.

(June 4, 1956, ch. 358, § 10, 70 Stat. 244.)

§ 939a. Cooperation with other agencies

Any agency of the United States Government is authorized to cooperate with the United States Section in the conduct of research programs and related activities and, on a reimbursable or other basis, to enter into agreements with the United States Section for the purpose of assisting it in carrying out the program for the control of lamprey populations.

(June 4, 1956, ch. 358, § 11, 70 Stat. 244.)

§ 939b. State laws and regulations

Nothing in this chapter shall be construed as preventing any of the Great Lakes States from making or enforcing laws or regulations within their respective jurisdictions so far as such laws or regulations do not conflict with the Convention or this chapter.

(June 4, 1956, ch. 358, § 12, 70 Stat. 244.)

§ 939c. Authorization of appropriations

There is hereby authorized to be appropriated from time to time such sums as may be necessary for carrying out the purposes and provisions of the Convention and this chapter.

(June 4, 1956, ch. 358, § 13, 70 Stat. 244.)

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