

- Sec.
- (b) Alternate Commissioners.
 - (c) Compensation.
 - (d) Travel expenses.
 - 971b. Advisory committee.
 - 971b-1. Species working groups.
 - 971c. Authority of Secretary of State; cooperative enforcement agreements.
 - (a) Recommendations from Commission.
 - (b) Enforcement agreements.
 - 971d. Administration.
 - (a) Regulations; cooperation with other parties to Convention; utilization of personnel, services, and facilities for enforcement.
 - (b) Primary enforcement responsibility.
 - (c) Regulations and other measures to carry out Commission recommendations.
 - (d) Recommended Commission actions regarding large-scale driftnet fishing and conservation of Atlantic swordfish.
 - 971e. Violations.
 - (a) In general.
 - (b) Failure to furnish returns, records, or reports.
 - (c) Refusal of request to board and inspect vessel.
 - (d) Importation of ineligible species or species under investigation.
 - (e) Sanctions.
 - (f) Forfeiture.
 - (g) Applicability of other laws.
 - 971f. Enforcement.
 - (a) Particular powers.
 - (b) International enforcement.
 - (c) Bonds or stipulations.
 - 971g. Cooperation in carrying out Convention.
 - (a) Federal and State agencies; private institutions and organizations.
 - (b) Scientific and other programs; facilities and personnel.
 - (c) Fishing operations and biological experiments.
 - (d) State jurisdiction; preemption by Federal regulations.
 - (e) Continuing review of State laws and regulations.
 - 971h. Authorization of appropriations.
 - (a) In general.
 - (b) Allocation.
 - 971i. Research on Atlantic highly migratory species.
 - (a) Omitted.
 - (b) Highly migratory species research and monitoring.
 - 971j. Annual report.
 - 971k. Savings clause.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 971i, 1854, 3377 of this title.

§ 971. Definitions

For the purpose of this chapter—

(1) The term “Convention” means the International Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro May 14, 1966, including any amendments or protocols which are or become effective for the United States.

(2) The term “Commission” means the International Commission for the Conservation of Atlantic Tunas provided for in article III of the Convention.

(3) The term “conservation recommendation” means any recommendation of the Com-

mission made pursuant to Article VIII of the Convention and acted upon favorably by the Secretary of State under section 971c(a) of this title.

(4) The term “Council” means the Council established within the International Commission for the Conservation of Atlantic Tunas pursuant to article V of the Convention.

(5) The term “exclusive economic zone” means an exclusive economic zone as defined in section 1802 of this title.

(6) The term “fishing” means the catching, taking, or fishing for or the attempted catching, taking, or fishing for any species of fish covered by the Convention, or any activities in support thereof.

(7) The term “fishing vessel” means any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities.

(8) The term “Panel” means any panel established by the Commission pursuant to article VI of the Convention.

(9) The term “person” means every individual, partnership, corporation, and association subject to the jurisdiction of the United States.

(10) The term “Secretary” means the Secretary of Commerce.

(11) The term “State” includes each of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(Pub. L. 94-70, § 2, Aug. 5, 1975, 89 Stat. 385; Pub. L. 94-265, title IV, § 405(a), Apr. 13, 1976, 90 Stat. 361; Pub. L. 95-33, § 2, May 26, 1977, 91 Stat. 173; Pub. L. 104-43, title III, § 303(1), (2), Nov. 3, 1995, 109 Stat. 384; Pub. L. 105-384, title II, § 202(b)(1)(A), (F), Nov. 13, 1998, 112 Stat. 3452, 3453.)

AMENDMENTS

1998—Pars. (4), (5). Pub. L. 105-384 renumbered par. (4) defining “exclusive economic zone” as par. (5) and made technical amendment to reference in original act which appears in text as reference to section 1802 of this title.

1995—Par. (3). Pub. L. 104-43, § 303(1), added par. (3). Former par. (3) redesignated (4).

Par. (4). Pub. L. 104-43, § 303(2), added par. (4) defining “exclusive economic zone”. Former par. (4) redesignated (5).

Pub. L. 104-43, § 303(1), redesignated par. (3) defining “Council” as (4).

Par. (5). Pub. L. 104-43, § 303(2), struck out par. (5) which read as follows: “The term ‘fisheries zone’ means the waters included within a zone contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal State, and the outer boundary is a line drawn in such a manner that each point on it is two hundred nautical miles from the baseline from which the territorial sea is measured; or similar zones established by other parties to the Convention to the extent that such zones are recognized by the United States.”

Pub. L. 104-43, § 303(1), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Pars. (6) to (11). Pub. L. 104-43, § 303(1), redesignated pars. (5) to (10) as (6) to (11), respectively.

1977—Par. (4). Pub. L. 95-33 struck out the comma between “zone” and “contiguous”, substituted “two hundred” for “200”, and substituted a semicolon for a comma after “is measured”.

1976—Par. (4). Pub. L. 94-265, which directed the substitution of “the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal state, and the outer boundary is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured,” for “the fisheries zone established pursuant to the Act of October 14, 1966 (80 Stat. 908; 16 U.S.C. 1091-1094)”, was executed by making the substitution for “the entire zone established by the United States under the Act of October 14, 1966 (80 Stat. 908; 16 U.S.C. 1091-1094)”, to reflect the probable intent of Congress.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 405(b) of Pub. L. 94-265 provided that the amendment made by section 405(a) of Pub. L. 94-265 to this section was to take effect Mar. 1, 1977, prior to the general amendment of title IV of Pub. L. 94-265 by Pub. L. 104-297.

SHORT TITLE OF 1995 AMENDMENT

Section 301 of title III of Pub. L. 104-43 provided that: “This title [enacting sections 971j and 971k of this title, amending this section and sections 971b, 971c to 971e, 971h, and 971i of this title, and enacting provisions set out as a note under section 971c of this title] may be cited as the ‘Atlantic Tunas Convention Authorization Act of 1995’.”

SHORT TITLE

Section 1 of Pub. L. 94-70 provided: “That this Act [enacting this chapter and provisions set out below] may be cited as the ‘Atlantic Tunas Convention Act of 1975’.”

SEPARABILITY

Pub. L. 94-70, §13, formerly §11, Aug. 5, 1975, 89 Stat. 394; renumbered §13, Pub. L. 105-384, title II, §202(b)(1)(D), Nov. 13, 1998, 112 Stat. 3452, provided that: “If any provision of this Act [this chapter] or the application of such provision to any circumstance or persons shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other circumstances or persons shall not be affected thereby.”

§ 971a. Commissioners

(a) Appointment and number; selection of Chairman; rules of procedure; term

(1) The United States shall be represented by not more than three Commissioners who shall serve as delegates of the United States on the Commission, and who may serve on the Council and Panels of the Commission as provided for in the Convention. Such Commissioners shall be appointed by and serve at the pleasure of the President. Not more than one such Commissioner shall be a salaried employee of any State or political subdivision thereof, or the Federal Government. 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. The Commissioners shall be entitled to select a Chairman and to adopt such rules of procedure as they find necessary.

(2) Of the Commissioners appointed under paragraph (1) who are not governmental employees—

(A) one shall be appointed from among individuals with knowledge and experience regard-

ing commercial fishing in the Atlantic Ocean, Gulf of Mexico, or Caribbean Sea; and

(B) one shall be appointed from among individuals with knowledge and experience regarding recreational fishing in the Atlantic Ocean, Gulf of Mexico, or Caribbean Sea.

(3)(A) The term of a Commissioner shall be three years.

(B) An individual appointed in accordance with paragraph (2) shall not be eligible to serve more than two consecutive terms as a Commissioner.

(b) Alternate Commissioners

The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time deemed appropriate Alternate United States Commissioners to the Commission. Any Alternate United States Commissioner may exercise at any meeting of the Commission, Council, any Panel, or the advisory committee established pursuant to section 971b of this title, all powers and duties of a United States Commissioner in the absence of any Commissioner appointed pursuant to subsection (a) of this section for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of United States Commissioners appointed pursuant to subsection (a) of this section who will not be present at such meeting.

(c) Compensation

The United States Commissioners or Alternate Commissioners, although officers of the United States while so serving, shall receive no compensation for their services as such Commissioners or Alternate Commissioners.

(d) Travel expenses

(1) The Secretary of State shall pay the necessary travel expenses of United States Commissioners, Alternate United States Commissioners, and authorized advisors in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5.

(2) The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.

(Pub. L. 94-70, §3, Aug. 5, 1975, 89 Stat. 385; Pub. L. 101-627, title II, §§201(a), 203, Nov. 28, 1990, 104 Stat. 4459, 4460; Pub. L. 106-562, title III, §303, Dec. 23, 2000, 114 Stat. 2806.)

AMENDMENTS

2000—Subsec. (a)(1). Pub. L. 106-562 inserted before last sentence “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.”

1990—Subsec. (a). Pub. L. 101-627, §201(a), designated existing provisions as par. (1) and added pars. (2) and (3).

Subsec. (d). Pub. L. 101-627, §203, added subsec. (d).

LIMITATIONS ON APPOINTMENTS OF COMMISSIONERS; APPLICATION TO CURRENT COMMISSIONERS

Section 201(b) of title II of Pub. L. 101-627 provided that:

“(1) Paragraph (2) of section 3(a) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971a(a)), as