

- Sec.
3632. United States Section.
 (a) Commissioners.
 (b) Alternate Commissioners.
 (c) Southern Panel.
 (d) Northern Panel.
 (e) Fraser River Panel.
 (f) Transboundary Panel.
 (g) Panel appointments.
 (h) Voting requirements.
 (i) Consultation.
3633. Authority and responsibility.
 (a) Secretary of State.
 (b) States and treaty Indian tribes.
 (c) Secretary of Commerce.
3634. Interagency cooperation.
 (a) States, United States agencies, treaty Indian tribes, private institutions and organizations.
 (b) United States agencies; facilities and personnel.
3635. Preemption.
3636. Rulemaking.
 (a) Promulgation of regulations by Secretary of Commerce.
 (b) Additions to fishery regimes and Fraser River Panel regulations.
 (c) Judicial review.
3637. Prohibited acts and penalties.
 (a) Unlawful acts.
 (b) Civil penalty.
 (c) Criminal penalty.
 (d) Forfeiture.
 (e) Enforcement authority.
 (f) Jurisdiction.
3638. General standard.
3639. Advisory committee.
 (a) Appointment; membership.
 (b) Functions.
 (c) Compensation.
 (d) Meetings.
3640. Administrative matters.
 (a) Compensation of Commissioners and Alternate Commissioners.
 (b) Compensation of Panel Members and Alternate Panel Members.
 (c) Travel; other expenses.
 (d) Individuals not considered Federal employees.
3641. Authorization of appropriations.
3642. Disposition of property of International Pacific Salmon Fisheries Commission.
3643. Savings provision.
3644. Restriction on spending authority.
3645. Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund and Southern Boundary Restoration and Enhancement Fund.
 (a) Northern Fund and Southern Fund.
 (b) Pacific Salmon Treaty implementation.
 (c) Omitted.
 (d) Authorization of appropriations.

§ 3631. Definitions

As used in this chapter, unless the context otherwise requires, the term—

- (a) “Commission” means the Pacific Salmon Commission established by the Treaty;
- (b) “enhancement” means manmade improvements to natural habitats, or the application of artificial fish culture technology, that will lead to the increase of salmon stocks;
- (c) “Magnuson Act” means the Act entitled “the Magnuson-Stevens Fishery Conservation and Management Act,” as approved April 13, 1976, and as later amended (16 U.S.C. section 1801 et seq.);

(d) “Panel” means any of the Panels established by the Treaty;

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

(f) “salmon” means any anadromous species of the family Salmonidae and genus *Oncorhynchus*, commonly known as Pacific salmon, including but not limited to:

Popular names	Scientific name
Chinook or King Salmon	<i>Oncorhynchus tshawytscha</i>
Coho or Silver Salmon	<i>Oncorhynchus kisutch</i>
Pink or Humpback Salmon	<i>Oncorhynchus gorbuscha</i>
Chum or Dog Salmon	<i>Oncorhynchus keta</i>
Sockeye or Red Salmon	<i>Oncorhynchus nerka</i>

and shall also include Steelhead (*Salmo gairdneri*);

(g) “Secretary” means the Secretary of Commerce;

(h) “Treaty” means the Treaty between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985;

(i) “treaty Indian tribe” means any of the federally recognized Indian tribes of the Columbia River basin, Washington coast or Puget Sound areas having reserved fishing rights to salmon stocks subject to the Treaty under treaties with the United States Government; and

(j) “United States Section” means the four United States Commissioners appointed by the President pursuant to this chapter.

(Pub. L. 99–5, § 2, Mar. 15, 1985, 99 Stat. 7; Pub. L. 102–251, title III, § 306(a), Mar. 9, 1992, 106 Stat. 66; Pub. L. 104–208, div. A, title I, § 101(a) [title II, § 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009–41.)

AMENDMENT OF SECTION

Pub. L. 102–251, title III, §§ 306(a), 308, Mar. 9, 1992, 106 Stat. 66, provided that, effective on the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States, with authority to prescribe implementing regulations effective Mar. 9, 1992, but with no such regulation to be effective until the date on which the Agreement enters into force for the United States, this section is amended by redesignating subsections (h) to (j) as (i) to (k), respectively, and by inserting after subsection (g) the following new subsection:

(h) “Special areas” means the areas referred to as eastern special areas in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990; in particular, the term refers to those areas east of the maritime boundary, as defined in that Agreement, that lie within 200 nautical miles of the baselines from which the breadth of the territorial sea of Russia is

measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured.

REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (c), 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

1996—Subsec. (c). Pub. L. 104-208 substituted “Magnuson-Stevens Fishery” for “Magnuson Fishery”.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 101(a) [title II, §211(b)] of div. A of Pub. L. 104-208 provided that the amendment made by that section is effective 15 days after Oct. 11, 1996.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-251 effective on date on which Agreement between United States and Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for United States, with authority to prescribe implementing regulations effective Mar. 9, 1992, but with no such regulation to be effective until date on which Agreement enters into force for United States, see section 308 of Pub. L. 102-251, set out as a note under section 773 of this title.

SHORT TITLE

Section 1 of Pub. L. 99-5 provided: “That this Act [enacting this chapter and repealing sections 776 to 776f of this title and provisions set out as notes under section 776 of this title] may be cited as the ‘Pacific Salmon Treaty Act of 1985’.”

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

§ 3632. United States Section

(a) Commissioners

The United States shall be represented on the Commission by four United States Commissioners who are knowledgeable or experienced concerning Pacific salmon, to be appointed by and serve at the pleasure of the President. Of these, one shall be an official of the United States Government who shall be a nonvoting member of the United States Section; one shall be a resident of the State of Alaska and shall be appointed from a list of at least six qualified individuals nominated by the Governor of that State; one shall be a resident of the States¹ of Oregon,² or Washington and shall be appointed from a list of at least six qualified individuals nominated by the Governors of those States; and one shall be appointed from a list of at least six qualified individuals nominated by the treaty Indian tribes of the States of Idaho, Oregon or Washington. Two of the initial appointments shall be for two-year terms; all other appointments shall be for four-year terms. Each Commissioner is eligible for reappointment. Any individual appointed to fill a vacancy occurring prior to the expiration of any term of office

shall be appointed for the remainder of that term. Unless otherwise agreed, the chairmanship of the United States Section shall rotate annually among all four members with the order of rotation determined by lot at the first meeting.

(b) Alternate Commissioners

The Secretary of State, in consultation with the Secretary and the Secretary of the Interior, shall designate an Alternate Commissioner for each Commissioner from the respective lists referred to in subsection (a) of this section, and may designate an Alternate Commissioner for the Federal Commissioner. In the absence of a Commissioner, the Alternate Commissioner may exercise all functions of such Commissioner at any meeting of the Commission or of the United States Section. Alternate Commissioners are eligible for reappointment and may attend all meetings of the United States Section.

(c) Southern Panel

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

- (1) one shall be an official of the United States Government, with salmon fishery management responsibility and expertise;
- (2) one shall be an official of the State of Oregon, with salmon fishery management responsibility and expertise;
- (3) one shall be an official of the State of Washington, with salmon fishery management responsibility and expertise;
- (4) two shall be appointed from a list submitted by the treaty Indian tribes of individuals with salmon fishery management responsibility and expertise; and
- (5) one shall be appointed from the commercial or recreational sector who is knowledgeable and experienced in the salmon fisheries for which the southern Panel is responsible.

(d) Northern Panel

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

- (1) one shall be an official of the United States Government, with salmon fishery management responsibility and expertise;
- (2) one shall be an official of the State of Alaska, with salmon fishery management responsibility and expertise; and
- (3) four shall be individuals knowledgeable and experienced in the salmon fisheries for which the northern Panel is responsible.

(e) Fraser River Panel

The United States shall be represented on the Fraser River Panel by four Panel members, of whom—

- (1) one shall be an official of the United States Government, with salmon fishery management responsibility and expertise;
- (2) one shall be an official of the State of Washington, with salmon fishery management responsibility and expertise;
- (3) one shall be appointed from a list submitted by the treaty Indian tribes of individuals with salmon fishery management responsibility and expertise for the fisheries for which the Fraser River Panel is responsible; and

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

² So in original. The comma probably should not appear.