

ATLANTIC SALMON CONVENTION ACT OF 1982

[Title III of Public Law 97–389, Approved Dec. 29, 1982, 96 Stat. 1951]

[Amended through Public Law 98–44, July 12, 1983]

AN ACT To amend the Commercial Fisheries Research and Development Act of 1964.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE III—NORTH ATLANTIC SALMON TREATY

SEC. 301. [16 U.S.C. 3601 note] This title may be cited as the “Atlantic Salmon Convention Act of 1982”.

SEC. 302. [16 U.S.C. 3601] As used in this title, the term—

(1) “Act of 1976” means the Act entitled “An Act to provide for the conservation and management of the fisheries, and for other purposes”, approved April 13, 1976¹ (16 U.S.C. 1801 et seq.);

(2) “Commission” means any of the Commissions of the Organization that are established by the Convention;

(3) “Commissioner” means a United States Commissioner appointed under section 403 of this title;

(4) “Convention” means the Convention for the Conservation of Salmon in the North Atlantic Ocean, signed at Reykjavik, Iceland, on March 2, 1982;

(5) “Council” means the Council established by the Convention;

(6) “fishing” has the same meaning as such term has in section 3(10) of the Act of 1976¹ (16 U.S.C. 1802(10));

(7) “Organization” means the North Atlantic Salmon Conservation Organization established under the Convention;

(8) “person” has the same meaning as such term has in section 3(19) of the Act of 1976¹ (16 U.S.C. 1802(19)); and

(9) “salmon” means all species of salmon which migrate in or into the waters of the Atlantic Ocean north of 36 degrees north latitude.

SEC. 303. [16 U.S.C. 3602] (a) The United States shall be represented on the Council and Commissions by three United States Commissioners to be appointed by the President to serve at his pleasure. Of such Commissioners, one shall be an official of the

¹For short title of such Act as the “Magnuson-Stevens Fishery Conservation and Management Act”, see the first section of such Act (16 U.S.C. 1801 note).

¹See footnote to section 302(1).

United States Government, and two shall be individuals (not officials of the United States Government) who are knowledgeable or experienced concerning the conservation and management of salmon of United States origin.

(b) The Secretary of State, in consultation with the Secretary of Commerce and the Secretary of the Interior, may designate alternate United States Commissioners. In the absence of a Commissioner appointed under subsection (a) of this section, an alternate Commissioner may exercise at any meeting of the Organization, the Council, or any Commission all functions of such Commissioner.

(c) Individuals who serve as Commissioners and alternate Commissioners shall not receive any compensation for such service. Such individuals 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, United States Code, and chapter 171 of title 28, United States Code.

(d) In carrying out their functions under the Convention, the Commissioners may consult with the appropriate Regional Fishery Management Councils established by section 302 of the Act of 1976¹ (16 U.S.C. 1852), and may consult with such other interested parties as they consider appropriate. The Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.) shall not apply to consultations described in this subsection.

SEC. 304. [16 U.S.C. 3603] (a) The Secretary of State may—

(1) receive, on behalf of the United States, reports, requests, recommendations, proposals, and other communications of the Organization and its subsidiary organs;

(2) with the concurrence of the Secretary of Commerce and the Secretary of the Interior, approve, object to, or withdraw objections to regulatory measures proposed in accordance with the Convention; and

(3) act upon, or refer to other appropriate authority, any communication referred to in paragraph (1) of this subsection other than a proposed regulatory measure.

(b) If the concurrence required under subsection (a)(2) of this section has not been obtained by the Secretary of State—

(1) regarding the approval of, or the objection to, a proposed regulatory measure within forty-five days after the measure was received on behalf of the United States; or

(2) regarding the withdrawal of an objection of the United States to a proposed regulatory measure within forty-five days after such withdrawal is proposed by the Secretary of State;

the Secretary of State shall submit the matter in disagreement, together with a statement of the opposing positions, to the President for timely disposition.

SEC. 305. [16 U.S.C. 3604] (a) The Secretary of Commerce, in cooperation with the Secretary of the Interior and the Secretary of the department in which the Coast Guard is operating, shall promulgate such regulations pursuant to section 553 of title 5, United States Code, as may be necessary to carry out the purposes and objectives of the Convention and this title, and to implement regulatory measures that are binding on the United States under the

Convention. Any such regulation may be made applicable, as necessary, to all persons and all vessels subject to the jurisdiction of the United States, wherever located.

(b) The Secretary of Commerce, in cooperation with the Secretary of the Interior, shall prepare all statements, reports, and notifications required by Articles 14 and 15 of the Convention and submit such documents to the Secretary of State for transmission to the Organization.

SEC. 306. [16 U.S.C. 3605] (a) In carrying out the provisions of the Convention, the Secretary of Commerce, in consultation with the Secretary of the Interior, may arrange for the cooperation of agencies of the United States and the States, and of private institutions and organizations.

(b) Appropriate agencies of the United States may cooperate in the conduct of scientific and other programs, and may furnish facilities and personnel for the purposes of assisting the Organization in carrying out its duties under the Convention. Such agencies may accept reimbursement from the Organization for providing such services, facilities, and personnel.

SEC. 307. [16 U.S.C. 3606] (a) It is unlawful for any person, or any vessel, subject to the jurisdiction of the United States—

(1) to conduct directed fishing for salmon in waters seaward of twelve miles from the baselines from which the breadths of territorial seas are measured, in waters of the Atlantic Ocean north of 36 degrees north latitude; or

(2) to violate any provision of the Convention or this title, or of any regulation promulgated under this title.

(b) Any person who commits any act that is unlawful under subsection (a) of this section shall—

(1) be liable to the United States for a civil penalty under section 308 of the Act of 1976¹ (16 U.S.C. 1858) to the same extent as if such act were an act prohibited under section 307 of the Act of 1976 (16 U.S.C. 1857); and

(2) be guilty of an offense under section 309 of the Act of 1976¹ (16 U.S.C. 1859) to the same extent as if such act were an act prohibited by section 307(1) (D), (E), (F), or (H) of the Act of 1976¹ (16 U.S.C. 1857(1) (D), (E), (F), or (H)).

(c) Any vessel used, and any fish (or the fair market value thereof) taken or retained in any manner, in connection with or as the result of the commission of an act which is unlawful under subsection (a) of this section shall be subject to civil forfeiture under section 310 of the Act of 1976¹ (16 U.S.C. 1860) to the same extent as if such vessel was used in, or such fish was taken or retained in connection with or as the result of, the commission of an act prohibited by section 307 of the Act of 1976¹ (16 U.S.C. 1857).

SEC. 308. [16 U.S.C. 3607] The Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating shall enforce the provisions of this title and any regulation issued under this title. For purposes of such enforcement, such provisions and regulations shall be considered to be provisions of the Act of 1976¹ to which section 311 (a), (b), (c), and (d) of the Act of 1976¹ (16 U.S.C. 1861 (a), (b), (c), and (d), respectively) apply.

¹ See footnote to section 302(1).

SEC. 309. [16 U.S.C. 3608] There are 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 title, including—

(1) necessary travel expenses of the Commissioners and alternate Commissioners in accordance with the Federal Travel Regulation and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code; and

(2) the United States contribution to the Organization as provided in Article 16 of the Convention, not to exceed \$50,000 for fiscal year 1983, and not to exceed, for each succeeding fiscal year, the amount assessed by the Organization for the United States for such year.