

GREAT LAKES FISHERY ACT OF 1956

[Chapter 358, Approved June 4, 1956, 70 Stat. 242]

[Amended through Public Law 107–228, Sept. 30, 2002]

AN ACT To give effect to the Convention on Great Lakes Fisheries signed at Washington September 10, 1954, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That [16 U.S.C. 931 note] this Act may be cited as the “Great Lakes Fishery Act of 1956.”

SEC. 2. [16 U.S.C. 931] As used in this Act, the term—

(a) “Convention” means the Convention on Great Lakes Fisheries between the United States of America and Canada signed at Washington September 10, 1954;

(b) “Commission” means the Great Lakes Fishery Commission provided for by article II of the convention;

(c) “United States Section” means the United States Commissioners on the Commission;

(d) “Great Lakes State” means any of the following States: Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, or Wisconsin;

(e) “Great Lakes” means any of the following bodies of water: Lake Ontario (including the Saint Lawrence River from Lake Ontario to the forty-fifth parallel of latitude), Lake Erie, Lake Huron (including Lake Saint Clair), Lake Michigan, or Lake Superior.

SEC. 3. [16 U.S.C. 932] (a)(1) The United States shall be represented on the Commission by 4 Commissioners who shall be appointed by the President and who may not receive compensation for service as Commissioners. Of the Commissioners—

(A) 1 shall be an official of the United States Government; and

(B) 3 shall be individuals who reside in different Great Lakes States and who are knowledgeable regarding the fisheries of the Great 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) 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, ex-

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

cept 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.

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

(2) Of the Commissioners first appointed under subsection (a)(1)(B) after the date of the enactment of this subsection, 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), the President shall appoint an individual to fill that vacancy for the remainder of the applicable term.

SEC. 4. [16 U.S.C. 933] (a) 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) 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) The members of the advisory committees 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) The members of the advisory committee for each lake shall be invited to attend all nonexecutive 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.

[Section 5 was repealed by section 203(a) of Public Law 92-471, 86 Stat. 787]

SEC. 6. [16 U.S.C. 935] 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 con-

struction, operation, or maintenance of any such project or works.

SEC. 7. [16 U.S.C. 936] 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 Act.

SEC. 8. [16 U.S.C. 937] The United States Section shall, for the purposes of these¹ provisions of title 28, U.S.C., Judiciary and Judicial Procedure, relating to claims against the United States and tort claims procedure, be deemed to be an agency of the United States.

SEC. 9. [16 U.S.C. 938] 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.

SEC. 10. [16 U.S.C. 939] 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.

SEC. 11. [16 U.S.C. 939a] 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.

SEC. 12. [16 U.S.C. 939b] Nothing in this Act 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 Act.

SEC. 13. [16 U.S.C. 939c] 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 Act.

SEC. 14. [16 U.S.C. 931 note] If any provision of this Act or the application of such provision to any circumstances 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.

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