§ 6908. Territorial participation

The Secretary of State shall ensure participation in the Commission and its subsidiary bodies by American Samoa, Guam, and the Northern Mariana Islands to the same extent provided to the territories of other nations.


§ 6909. Exclusive Economic Zone notification

Masters of commercial fishing vessels of nations fishing for species under the management authority of the Western and Central Pacific Fisheries Convention that do not carry vessel monitoring systems capable of communicating with United States enforcement authorities shall, prior to, or as soon as reasonably possible after, entering and transiting the Exclusive Economic Zone seaward of Hawaii and of the Commonwealths, territories, and possessions of the United States in the Pacific Ocean area—

1. notify the United States Coast Guard or the National Marine Fisheries Service Office of Law Enforcement in the appropriate region of the name, flag state, location, route, and destination of the vessel and of the circumstances under which it will enter United States waters;

2. ensure that all fishing gear on board the vessel is stowed below deck or otherwise removed from the place where it is normally used for fishing and placed where it is not readily available for fishing; and

3. where requested by an enforcement officer, proceed to a specified location so that a vessel inspection can be conducted.


§ 6910. Authorization of appropriations

There are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out this chapter and to pay the United States’ contribution to the Commission under section 5 of part III of the WCPFC Convention.


CHAPTER 89—PACIFIC WHITING

Sec. 7001. Definitions.

7002. United States representation on joint management committee.

7003. United States representation on the scientific review group.

7004. United States representation on joint technical committee.

7005. United States representation on advisory panel.

7006. Responsibilities of the Secretary.

7007. Rulemaking.

7008. Administrative matters.

7009. Enforcement.

7010. Authorization of appropriations.

§ 7001. Definitions

In this chapter:

(1) Advisory panel

The term “advisory panel” means the Advisory Panel on Pacific Hake/Whiting established by the Agreement.

(2) Agreement


(3) Catch

The term “catch” means all fishery removals from the offshore whiting resource, including landings, discards, and bycatch in other fisheries.

(4) Joint management committee

The term “joint management committee” means the joint management committee established by the Agreement.

(5) Joint technical committee

The term “joint technical committee” means the joint technical committee established by the Agreement.

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2So in original. Probably should be “than”.
3So in original. Probably should be followed by “to”.

§ 7003. United States representation on the scientific review group

(a) In general

The Secretary, in consultation with the Secretary of State, shall appoint no more than 2 scientific experts to serve on the scientific review group. An individual appointed to serve on the scientific review group while serving on the joint technical committee.

(b) Term

An individual appointed under subsection (a) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of a term of office of that individual’s predecessor shall be appointed to serve for the remainder of that term.

(c) Joint appointments

In addition to individuals appointed under subsection (a), the Secretary, jointly with the Government of Canada, may appoint to the scientific review group, from a list of names provided by the advisory panel—

(1) up to 2 independent members of the scientific review group; and
(2) 2 public advisors.

§ 7004. United States representation on joint technical committee

(a) Scientific experts

(1) In general

The Secretary, in consultation with the Secretary of State, shall appoint no more than 2 individuals to serve as scientific experts on the joint technical committee, at least 1 of whom shall be an official of the National Oceanic and Atmospheric Administration.

(2) Term of office

An individual appointed under paragraph (1) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual’s predecessor shall be appointed for the remainder of that term.
(b) Independent member
In addition to individuals appointed under subsection (a), the Secretary, jointly with the Government of Canada, shall appoint 1 independent member to the joint technical committee selected from a list of names provided by the advisory panel.


AMENDMENTS
2011—Subsec. (a)(1). Pub. L. 111–348 substituted “no more than 2” for “at least 6 but not more than 12”.

§ 7005. United States representation on advisory panel

(a) In general
(1) Appointment
The Secretary, in consultation with the Secretary of State, shall appoint at least 6 but not more than 12 individuals to serve as members of the advisory panel, selected from among individuals who are—
(A) knowledgeable or experienced in the harvesting, processing, marketing, management, conservation, or research of the offshore whiting resource; and
(B) not employees of the United States.

(2) Term of office
An individual appointed under paragraph (1) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual’s predecessor shall be appointed for the remainder of that term.


§ 7006. Responsibilities of the Secretary

(a) In general
The Secretary responsibility for carrying out the Agreement and this chapter, including the authority, to be exercised in consultation with the Secretary of State, to accept or reject, on behalf of the United States, recommendations made by the joint management committee.

(b) Regulations; cooperation with Canadian officials
In exercising responsibilities under this chapter, the Secretary—
(1) may promulgate such regulations as may be necessary to carry out the purposes and objectives of the Agreement and this chapter; and
(2) with the concurrence of the Secretary of State, may cooperate with officials of the Canadian Government duly authorized to carry out the Agreement.


§ 7007. Rulemaking

(a) Application with Magnuson-Stevens Act
The Secretary shall establish the United States catch level for Pacific whiting according to the standards and procedures of the Agreement and this chapter rather than under the standards and procedures of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), except to the extent necessary to address the rebuilding needs of other species. Except for establishing the catch level, all other aspects of Pacific whiting management shall be—
(1) subject to the Magnuson-Stevens Fishery Conservation and Management Act; and
(2) consistent with this chapter.

(b) Joint management committee recommendations
For any year in which both parties to the Agreement approve recommendations made by the joint management committee with respect to the catch level, the Secretary shall implement the approved recommendations. Any regulation promulgated by the Secretary to implement any such recommendation shall apply, as necessary, to all persons and all vessels subject to the jurisdiction of the United States wherever located.

(c) Years with no approved catch recommendations
If the parties to the Agreement do not approve the joint management committee’s recommendation with respect to the catch level for any year, the Secretary shall establish the total allowable catch for Pacific whiting for the United States catch. In establishing the total allowable catch under this subsection, the Secretary shall—
(1) take into account any recommendations from the Pacific Fishery Management Council, the joint management committee, the joint technical committee, the scientific review group, and the advisory panel;
(2) base the total allowable catch on the best scientific information available;
(3) use the default harvest rate set out in paragraph 1 of Article III of the Agreement unless the Secretary determines that the scientific evidence demonstrates that a different rate is necessary to sustain the offshore whiting resource; and
(4) establish the United State’s\(^1\) share of the total allowable catch based on paragraph 2 of Article III of the Agreement and make any adjustments necessary under section 5 of Article II of the Agreement.


REFERENCES IN TEXT
The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (a), is Pub. L. 94–265, Apr. 13, 1976, 90 Stat. 331, 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.

§ 7008. Administrative matters

(a) Employment status
Individuals appointed under section 7002, 7003, 7004, or 7005 of this title, other than officers or

\(^1\)So in original.
employees of the United States Government, 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) Compensation

(1) In general

Except as provided in paragraph (2), an individual appointed under this chapter shall receive no compensation for the individual’s service as a representative, alternate representative, scientific expert, or advisory panel member under this chapter.

(2) Scientific review group

Notwithstanding paragraph (1), the Secretary may employ and fix the compensation of an individual appointed under section 7003(a) of this title to serve as a scientific expert on the scientific review group who is not employed by the United States Government, a State government, or an Indian tribal government in accordance with section 3109 of title 5.

(c) Travel expenses

Except as provided in subsection (d), the Secretary shall pay the necessary travel expenses of individuals appointed under this chapter in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5.

(d) Joint appointees

With respect to the 2 independent members of the scientific review group and the 2 public advisors to the scientific review group jointly appointed under section 7003(c) of this title, and the 1 independent member to the joint technical committee jointly appointed under section 7004(b) of this title, the Secretary may pay up to 50 percent of—

(1) any compensation paid to such individuals; and

(2) the necessary travel expenses of such individuals.


AMENDMENTS

2011—Subsec. (a). Pub. L. 111–348 amended subsec. (a) generally. Prior to amendment, text read as follows: “Individuals appointed under section 7002, 7003, 7004, or 7005 of this title who are serving as such Commissioners, other than officers or employees of the United States Government, shall be considered to be Federal employees while performing such service, except for purposes of injury compensation under chapter 81 of title 5; (2) requirements concerning ethics, conflicts of interest, and corruption as provided under title 18; and (3) any other criminal or civil statute or regulation governing the conduct of Federal employees.”

§ 7009. Enforcement

(a) In general

The Secretary may—

(1) administer and enforce this chapter and any regulations issued under this chapter;

(2) request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in the administration and enforcement of this chapter; and

(3) collect, utilize, and disclose such information as may be necessary to implement the Agreement and this chapter, subject to sections 552 and 552a of title 5.

(b) Prohibited acts

It is unlawful for any person to violate any provision of this chapter or the regulations promulgated under this chapter.

(c) Actions by the Secretary

The Secretary shall prevent any person from violating this chapter in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) were incorporated into and made a part of this chapter. Any person that violates any provision of this chapter is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act [16 U.S.C. 1801 et seq.] in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this chapter.

(d) Penalties

This chapter shall be enforced by the Secretary as if a violation of this chapter or of any regulation promulgated by the Secretary under this chapter were a violation of section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857).


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, 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.

§ 7010. Authorization of appropriations

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the obligations of the United States under the Agreement and this chapter.


CHAPTER 90—SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION

Sec. 7101. Purposes.
7102. Definitions.

SUBCHAPTER I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

7112. Payments to States and counties.