

(Pub. L. 94-70, §8, Aug. 5, 1975, 89 Stat. 391; Pub. L. 114-81, title I, §107(3), (4), Nov. 5, 2015, 129 Stat. 658.)

#### **Editorial Notes**

##### AMENDMENTS

2015—Subsec. (a). Pub. L. 114-81, §107(3), added subsec. (a) and struck out former subsec. (a) which related to particular powers of persons authorized to enforce the provisions of this chapter and the regulations issued thereunder.

Subsec. (b). Pub. L. 114-81, §107(4), substituted “enforcement activities with respect to this chapter that are otherwise authorized by law” for “the enforcement activities specified in subsection (a) of this section” in two places.

Subsec. (c). Pub. L. 114-81, §107(3)(A), struck out subsec. (c) which related to bonds or stipulations.

#### **§971g. Cooperation in carrying out Convention**

##### **(a) Federal and State agencies; private institutions and organizations**

The United States Commissioners, through the Secretary of State and with the concurrence of the agency, institution, or organization concerned, may arrange for the cooperation of agencies of the United States Government, and of State and private institutions and organizations in carrying out the provisions of article IV of the Convention.

##### **(b) Scientific and other programs; facilities and personnel**

All agencies of the Federal Government are authorized, upon the request of the Commission, to cooperate in the conduct of scientific and other programs, and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the Convention.

##### **(c) Fishing operations and biological experiments**

None of the prohibitions deriving from this chapter, or contained in the laws or regulations of any State, shall prevent the Commission from conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation, or shall prevent the Commission from discharging any other duties prescribed by the Convention.

##### **(d) State jurisdiction; preemption by Federal regulations**

(1) Except as provided in paragraph (2) of this subsection, nothing in this chapter shall be construed so as to diminish or to increase the jurisdiction of any State in the territorial sea of the United States.

(2) In the event a State does not request a formal hearing and after notice by the Secretary, the regulations promulgated pursuant to this chapter to implement recommendations of the Commission shall apply within the boundaries of any State bordering on any Convention area if the Secretary determines that any such State—

(A) has not, within a reasonable period of time after the promulgation of regulations pursuant to this chapter, enacted laws or promulgated regulations which implement any such recommendation of the Commission within the boundaries of such State; or

(B) has enacted laws or promulgated regulations which (i) are less restrictive than the regulations promulgated pursuant to this chapter, or (ii) are not effectively enforced.

If a State requests the opportunity for an agency hearing on the record, the Secretary shall not apply regulations promulgated pursuant to this chapter within that State's boundaries unless the hearing record supports a determination under paragraph (A) or (B). Such regulations shall apply until the Secretary determines that the State is effectively enforcing within its boundaries measures which are not less restrictive than such regulations.

##### **(e) Continuing review of State laws and regulations**

To insure that the purposes of subsection (d) are carried out, the Secretary shall undertake a continuing review of the laws and regulations of all States to which subsection (d) applies or may apply and the extent to which such laws and regulations are enforced.

(Pub. L. 94-70, §9, Aug. 5, 1975, 89 Stat. 392.)

#### **Executive Documents**

##### 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.

#### **§971h. Authorization of appropriations**

##### **(a) In general**

There are authorized to be appropriated to the Secretary to carry out this chapter, including use for payment of the United States share of the joint expenses of the Commission as provided in Article X of the Convention—

- (1) \$5,770,000 for each of fiscal years 2007 and 2008;
- (2) \$6,058,000 for each of fiscal years 2009 and 2010; and
- (3) \$6,361,000 for each of fiscal years 2011 and 2013.

##### **(b) Allocation**

Of the amounts made available under subsection (a) for each fiscal year—

- (1) \$160,000 are authorized for the advisory committee established under section 971b of this title and the species working groups established under section 971b-1 of this title; and

(2) \$7,500,000 are authorized for research activities under this chapter and section 971i of this title, of which \$3,000,000 shall be for the cooperative research program under section 971i(b)(2)(H) of this title.<sup>1</sup>

(Pub. L. 94-70, §10, Aug. 5, 1975, 89 Stat. 393; Pub. L. 95-33, §1, May 26, 1977, 91 Stat. 173; Pub. L. 96-339, §1(2), Sept. 4, 1980, 94 Stat. 1069; Pub. L. 98-44, title I, §101, July 12, 1983, 97 Stat. 216; Pub. L. 99-659, title IV, §404, Nov. 14, 1986, 100 Stat. 3737; Pub. L. 101-627, title II, §208, Nov. 28, 1990, 104 Stat. 4462; Pub. L. 104-43, title III, §307, Nov. 3, 1995, 109 Stat. 386; Pub. L. 105-384, title II, §202(a), Nov. 13, 1998, 112 Stat. 3452; Pub. L. 107-372, title III, §304, Dec. 19, 2002, 116 Stat. 3095;

<sup>1</sup> See References in Text note below.