

**(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) of this section are carried out, the Secretary shall undertake a continuing review of the laws and regulations of all States to which subsection (d) of this section 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.)

## 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; Pub. L. 109-479, title IV, §405(a), Jan. 12, 2007, 120 Stat. 3633.)

## REFERENCES IN TEXT

Section 971i(b)(2)(H) of this title, referred to in subsection (b)(2), was in the original "section 3(b)(2)(H) of that section" and was translated as reading "section 3(b)(2)(H) of that Act", meaning Pub. L. 96-339, to reflect the probable intent of Congress.

## AMENDMENTS

2007—Pub. L. 109-479 amended section generally, substituting provisions authorizing appropriations for fiscal years 2007 to 2013 for provisions authorizing appropriations for fiscal years 2003 to 2006.

2002—Pub. L. 107-372 amended section generally, substituting provisions authorizing appropriations for fiscal years 2003 to 2006 for provisions authorizing appropriations for fiscal years 1995 to 2001.

1998—Par. (4). Pub. L. 105-384 substituted "For each of fiscal years 1998, 1999, 2000, and 2001," for "For fiscal year 1998,".

1995—Pub. L. 104-43 amended section generally, substituting provisions authorizing appropriations for fiscal years 1995 to 1998 for provisions authorizing appropriations for fiscal years 1989 to 1993.

1990—Pub. L. 101-627 amended section generally, substituting provisions authorizing appropriations for fiscal years 1989 to 1993 for provisions authorizing appropriations for fiscal years 1986 to 1989 and striking out provisions relating to use of sums for travel expenses.

1986—Pub. L. 99-659 substituted authorization of appropriations for fiscal years 1986 through 1989 for former authorization of appropriations for fiscal year 1976, the period beginning July 1, 1976, and ending Sept. 30, 1976, and fiscal years 1977 through 1986.

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

1983—Pub. L. 98-44 authorized appropriations for fiscal years 1984 through 1986.

1980—Pub. L. 96-339 authorized appropriations for fiscal years 1981 through 1983.

1977—Pub. L. 95-33 authorized appropriations for fiscal years 1978 through 1980.

**§ 971i. Research on Atlantic highly migratory species**

**(a) Omitted**

**(b) Highly migratory species research and monitoring**

(1) Within 6 months after November 3, 1995, the Secretary of Commerce, in cooperation with the advisory committee established under section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) and in consultation with the United States Commissioners on the International Commission for the Conservation of Atlantic Tunas (referred to elsewhere in this section as the “Commission”) and the Secretary of State, shall develop and implement a comprehensive research and monitoring program to support the conservation and management of Atlantic bluefin tuna and other highly migratory species that shall—

(A) identify and define the range of stocks of highly migratory species in the Atlantic Ocean, including Atlantic bluefin tuna; and

(B) provide for appropriate participation by nations which are members of the Commission.

(2) The program shall provide for, but not be limited to—

(A) statistically designed cooperative tagging studies;

(B) genetic and biochemical stock analyses;

(C) population censuses carried out through aerial surveys of fishing grounds and known migration areas;

(D) adequate observer coverage and port sampling of commercial and recreational fishing activity;

(E) collection of comparable real-time data on commercial and recreational catches and landings through the use of permits, logbooks, landing reports for charter operations and fishing tournaments, and programs to provide reliable reporting of the catch by private anglers;

(F) studies of the life history parameters of Atlantic bluefin tuna and other highly migratory species;

(G) integration of data from all sources and the preparation of data bases to support management decisions;

(H) include a cooperative research program on Atlantic billfish based on the Southeast Fisheries Science Center Atlantic Billfish Research Plan of 2002; and

(I) other research as necessary.

(3) In developing a program under this section, the Secretary shall—

(A) ensure that personnel and resources of each regional research center shall have substantial participation in the stock assessments and monitoring of highly migratory species that occur in the region;

(B) provide for comparable monitoring of all United States fishermen to which the Atlantic

Tunas Convention Act of 1975 applies with respect to effort and species composition of catch and discards;

(C) consult with relevant Federal and State agencies, scientific and technical experts, commercial and recreational fishermen, and other interested persons, public and private, and shall publish a proposed plan in the Federal Register for the purpose of receiving public comment on the plan; and

(D) through the Secretary of State, encourage other member nations to adopt a similar program.

(Pub. L. 96-339, § 3, Sept. 4, 1980, 94 Stat. 1070; Pub. L. 104-43, title III, § 302(b), Nov. 3, 1995, 109 Stat. 382; Pub. L. 105-384, title II, § 202(b)(2), Nov. 13, 1998, 112 Stat. 3453; Pub. L. 109-479, title IV, § 405(b), Jan. 12, 2007, 120 Stat. 3633.)

REFERENCES IN TEXT

The Atlantic Tunas Convention Act of 1975, referred to in subsec. (b)(3)(B), is Pub. L. 94-70, Aug. 5, 1975, 89 Stat. 385, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 971 of this title and Tables.

CODIFICATION

Subsection (a), which required the Secretary of Commerce to prepare and submit to Congress a biennial report on the level of taking of bluefin tuna by United States fishermen in the Convention area as defined in Article I of the International Convention for the Conservation of Atlantic Tunas, the status of bluefin tuna stocks within the Convention area and the trends in their population level, and related information resulting from implementation of the observer program under section 1827 of this title, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 50 of House Document No. 103-7.

Section was not enacted as part of the Atlantic Tunas Convention Act of 1975 which comprises this chapter.

AMENDMENTS

2007—Subsec. (b)(2)(H), (I). Pub. L. 109-479 added subpar. (H) and redesignated former subpar. (H) as (I).

1998—Subsec. (b)(3)(B). Pub. L. 105-384 inserted “of 1975” after “Act”.

1995—Pub. L. 104-43 amended section catchline generally, designated existing provisions as subsec. (a), inserted heading, struck out last sentence which read as follows: “There are authorized to be appropriated such sums as may be necessary to carry out this section.”, and added subsec. (b).

**§ 971j. Annual report**

Not later than April 1, 1996, and annually thereafter, the Secretary shall prepare and transmit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report, that—

(1) details for the previous 10-year period the catches and exports to the United States of highly migratory species (including tunas, swordfish, marlin and sharks) from Nations fishing on Atlantic stocks of such species that are subject to management by the Commission;

(2) identifies those fishing Nations whose harvests are inconsistent with conservation