

770, which is set out in the Appendix to Title 5, Government Organization and Employees.

#### AMENDMENTS

2011—Subsec. (a). Pub. L. 111-348, §301(1), substituted “Management Council, and one of whom shall be the chairman or a member of” for “Management Council and”.

Subsec. (c)(1). Pub. L. 111-348, §301(2), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: “Individuals 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, only for purposes of—

“(A) injury compensation under chapter 81 of title 5;

“(B) requirements concerning ethics, conflicts of interest, and corruption as provided under title 18; and

“(C) any other criminal or civil statute or regulation governing the conduct of Federal employees.”

Subsec. (d)(2)(B)(ii). Pub. L. 111-348, §301(3), added cl. (ii) and struck out former cl. (ii) which read as follows: “shall be considered Federal employees while performing service as members of an advisory committee only for purposes of—

“(I) injury compensation under chapter 81 of title 5;

“(II) requirements concerning ethics, conflicts-of-interest, and corruption, as provided by title 18; and

“(III) any other criminal or civil statute or regulation governing the conduct of Federal employees in their capacity as Federal employees.”

### § 6903. Authority and responsibility of the Secretary of State

The Secretary of State may—

(1) receive and transmit, on behalf of the United States, reports, requests, recommendations, proposals, decisions, and other communications of and to the Commission;

(2) in consultation with the Secretary approve, disapprove, object to, or withdraw objections to bylaws and rules, or amendments thereof, adopted by the WCPFC Commission, and, with the concurrence of the Secretary to approve or disapprove the general annual program of the WCPFC Commission with respect to conservation and management measures and other measures proposed or adopted in accordance with the WCPFC Convention; and

(3) act upon, or refer to other appropriate authority, any communication referred to in paragraph (1).

(Pub. L. 109-479, title V, §504, Jan. 12, 2007, 120 Stat. 3639.)

### § 6904. Rulemaking authority of the Secretary of Commerce

#### (a) Promulgation of regulations

The Secretary, in consultation with the Secretary of State and, with respect to enforcement measures, the Secretary of the Department in which the Coast Guard is operating, is authorized to promulgate such regulations as may be necessary to carry out the United States international obligations under the WCPFC Convention and this chapter, including recommendations and decisions adopted by the Commission. In cases where the Secretary has discretion in the implementation of one or more measures adopted by the Commission that would govern fisheries under the authority of a Regional Fish-

ery Management Council, the Secretary may, to the extent practicable within the implementation schedule of the WCPFC Convention and any recommendations and decisions adopted by the Commission, promulgate such regulations in accordance with the procedures established by the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

#### (b) Additions to fishery regimes and regulations

The Secretary may promulgate regulations applicable to all vessels and persons subject to the jurisdiction of the United States, including United States flag vessels wherever they may be operating, on such date as the Secretary shall prescribe.

(Pub. L. 109-479, title V, §505, Jan. 12, 2007, 120 Stat. 3639.)

#### 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.

### § 6905. Enforcement

#### (a) In general

The Secretary may—

(1) administer and enforce this chapter and any regulations issued under this chapter, except to the extent otherwise provided for in this Act;

(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—

(A) the administration and enforcement of this chapter; and

(B) the conduct of scientific, research, and other programs under this chapter;

(3) conduct fishing operations and biological experiments for purposes of scientific investigation or other purposes necessary to implement the WCPFC Convention;

(4) collect, utilize, and disclose such information as may be necessary to implement the WCPFC Convention, subject to sections 552 and 552a of title 5 and section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b));

(5) if recommended by the United States Commissioners or proposed by a Council with authority over the relevant fishery, assess and collect fees, not to exceed three percent of the ex-vessel value of fish harvested by vessels of the United States in fisheries managed pursuant to this chapter, to recover the actual costs to the United States of management and enforcement under this chapter, which shall be deposited as an offsetting collection in, and credited to, the account providing appropriations to carry out the functions of the Secretary under this chapter; and

(6) issue permits to owners and operators of United States vessels to fish in the convention area seaward of the United States Exclusive Economic Zone, under such terms and conditions as the Secretary may prescribe, and