

ment, 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.

(Pub. L. 109-479, title VI, §606, Jan. 12, 2007, 120 Stat. 3646.)

**§ 7006. Responsibilities of the Secretary**

**(a) In general**

The Secretary is responsible 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.

(Pub. L. 109-479, title VI, §607, Jan. 12, 2007, 120 Stat. 3646.)

**§ 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<sup>1</sup> 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.

(Pub. L. 109-479, title VI, §608, Jan. 12, 2007, 120 Stat. 3647.)

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 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.

<sup>1</sup> So in original.