

(c) Sanctioned fishing operations and biological experiments

Nothing in this chapter, or in the laws or regulations of any State, prevents the Secretary or the Commission from—

- (1) conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation; or
- (2) discharging any other duties prescribed by the WCPFC Convention.

(d) State jurisdiction not affected

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

(e) Application of regulations**(1) In general**

Regulations promulgated under section 6905(a) of this title shall apply within the boundaries of any State bordering on the Convention area if the Secretary has provided notice to such State, the State does not request an agency hearing, and the Secretary determines that the State—

- (A) has not, within a reasonable period of time after the promulgation of regulations pursuant to this chapter, enacted laws or promulgated regulations that implement the recommendations of the Commission within the boundaries of such State; or
- (B) has enacted laws or promulgated regulations that implement the recommendations of the commission within the boundaries of such State that—
 - (i) are less restrictive than² the regulations promulgated under section 6905(a) of this title; or
 - (ii) are not effectively enforced.

(2) Determination by Secretary

The regulations promulgated pursuant to section 6905(a) of this title shall apply until the Secretary determines that the State is effectively enforcing within its boundaries measures that are not less restrictive than the regulations promulgated under section 6905(a) of this title.

(3) Hearing

If a State requests a formal agency hearing, the Secretary shall not apply the regulations promulgated pursuant³ section 6905(a) of this title within that State's boundaries unless the hearing record supports a determination under paragraph (1)(A) or (B).

(f) Review of State laws and regulations

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

(Pub. L. 109–479, title V, § 508, Jan. 12, 2007, 120 Stat. 3642.)

²So in original. Probably should be “than”.

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

§ 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.

(Pub. L. 109–479, title V, § 509, Jan. 12, 2007, 120 Stat. 3643.)

§ 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.

(Pub. L. 109–479, title V, § 510, Jan. 12, 2007, 120 Stat. 3643.)

§ 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.

(Pub. L. 109–479, title V, § 511, Jan. 12, 2007, 120 Stat. 3644.)

CHAPTER 89—PACIFIC WHITING

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§ 7001. Definitions

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