

(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

In this chapter:

(1) Advisory panel

The term “advisory panel” means the Advisory Panel on Pacific Hake/Whiting established by the Agreement.

(2) Agreement

The term “Agreement” means the Agreement between the Government of the United States and the Government of Canada on Pacific Hake/Whiting, signed at Seattle, Washington, on November 21, 2003.

(3) Catch

The term “catch” means all fishery removals from the offshore whiting resource, including landings, discards, and bycatch in other fisheries.

(4) Joint management committee

The term “joint management committee” means the joint management committee established by the Agreement.

(5) Joint technical committee

The term “joint technical committee” means the joint technical committee established by the Agreement.

(6) Offshore whiting resource

The term “offshore whiting resource” means the transboundary stock of *Merluccius productus* that is located in the offshore waters of the United States and Canada except in Puget Sound and the Strait of Georgia.

(7) Scientific review group

The term “scientific review group” means the scientific review group established by the Agreement.

(8) Secretary

The term “Secretary” means the Secretary of Commerce.

(9) United States Section

The term “United States Section” means the United States representatives on the joint management committee.

(Pub. L. 109-479, title VI, § 602, Jan. 12, 2007, 120 Stat. 3644.)

SHORT TITLE

Pub. L. 109-479, title VI, § 601, Jan. 12, 2007, 120 Stat. 3644, provided that: “This title [enacting this chapter] may be cited as the ‘Pacific Whiting Act of 2006’.”

§ 7002. United States representation on joint management committee**(a) Representatives****(1) In general**

The Secretary, in consultation with the Secretary of State, shall appoint 4 individuals to represent the United States as the United States Section on the joint management committee. In making the appointments, the Secretary shall select representatives from among individuals who are knowledgeable or experienced concerning the offshore whiting resource. Of these—

(A) 1 shall be an official of the National Oceanic and Atmospheric Administration;

(B) 1 shall be a member of the Pacific Fishery Management Council, appointed with

consideration given to any recommendation provided by that Council;

(C) 1 shall be appointed from a list submitted by the treaty Indian tribes with treaty fishing rights to the offshore whiting resource; and

(D) 1 shall be appointed from the commercial sector of the whiting fishing industry concerned with the offshore whiting resource.

(2) Term of office

Each representative appointed under paragraph (1) shall be appointed for a term not to exceed 4 years, except that, of the initial appointments, 2 representatives shall be appointed for terms of 2 years. Any 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. A representative may be appointed for a term of less than 4 years if such term is necessary to ensure that the term of office of not more than 2 representatives will expire in any single year. An individual appointed to serve as a representative is eligible for reappointment.

(3) Chair

Unless otherwise agreed by all of the 4 representatives, the chair shall rotate annually among the 4 members, with the order of rotation determined by lot at the first meeting.

(b) Alternate representatives

The Secretary, in consultation with the Secretary of State, may designate alternate representatives of the United States to serve on the joint management committee. An alternative representative may exercise, at any meeting of the committee, all the powers and duties of a representative in the absence of a duly designated representative for whatever reason.

(Pub. L. 109-479, title VI, § 603, Jan. 12, 2007, 120 Stat. 3645.)

§ 7003. United States representation on the scientific review group**(a) In general**

The Secretary, in consultation with the Secretary of State, shall appoint no more than 2 scientific experts to serve on the scientific review group. An individual shall not be eligible to serve on the scientific review group while serving on the joint technical committee.

(b) Term

An individual appointed under subsection (a) 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 a term of office of that individual’s predecessor shall be appointed to serve for the remainder of that term.

(c) Joint appointments

In addition to individuals appointed under subsection (a), the Secretary, jointly with the Government of Canada, may appoint to the scientific review group, from a list of names provided by the advisory panel—

(1) up to 2 independent members of the scientific review group; and