

(ii) shall not be considered Federal employees except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 171 of title 28.

(f)³ Memorandum of understanding

For highly migratory species in the Pacific, the Secretary, in coordination with the Secretary of State, shall develop a memorandum of understanding with the Western Pacific, Pacific, and North Pacific Fishery Management Councils, that clarifies the role of the relevant Council or Councils with respect to—

(1) participation in United States delegations to international fishery organizations in the Pacific Ocean, including government-to-government consultations;

(2) providing formal recommendations to the Secretary and the Secretary of State regarding necessary measures for both domestic and foreign vessels fishing for these species;

(3) coordinating positions with the United States delegation for presentation to the appropriate international fishery organization; and

(4) recommending those domestic fishing regulations that are consistent with the actions of the international fishery organization, for approval and implementation under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)

(Pub. L. 109-479, title V, § 503, Jan. 12, 2007, 120 Stat. 3636; Pub. L. 111-348, title III, § 301, Jan. 4, 2011, 124 Stat. 3672; Pub. L. 114-327, title III, § 301(a)(1), Dec. 16, 2016, 130 Stat. 1993.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (d)(1)(C), probably should have been “this title” in the original, meaning title V of Pub. L. 109-479 which enacted this chapter.

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsecs. (d)(1)(C) and (f)(4), 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.

The Federal Advisory Committee Act, referred to in subsec. (d)(1)(C), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2016—Subsec. (a). Pub. L. 114-327, § 301(a)(1)(A), inserted “and commercial fishing” after “fish stocks”.

Subsec. (d)(1)(E). Pub. L. 114-327, § 301(a)(1)(B), added subpar. (E).

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 Fishery 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.)

³ So in original. No subsec. (e) has been enacted.