

strued so as to diminish or to increase the jurisdiction of any State in the territorial sea of the United States.

(2) In the event a State does not request a formal hearing and after notice by the Secretary, the regulations promulgated pursuant to this chapter to implement recommendations of the Commission shall apply within the boundaries of any State bordering on any Convention area if the Secretary determines that any such State—

(A) has not, within a reasonable period of time after the promulgation of regulations pursuant to this chapter, enacted laws or promulgated regulations which implement any such recommendation of the Commission within the boundaries of such State; or

(B) has enacted laws or promulgated regulations which (i) are less restrictive than the regulations promulgated pursuant to this chapter, or (ii) are not effectively enforced.

If a State requests the opportunity for an agency hearing on the record, the Secretary shall not apply regulations promulgated pursuant to this chapter within that State's boundaries unless the hearing record supports a determination under paragraph (A) or (B). Such regulations shall apply until the Secretary determines that the State is effectively enforcing within its boundaries measures which are not less restrictive than such regulations.

(e) Continuing review of State laws and regulations

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

(Pub. L. 94-70, §9, Aug. 5, 1975, 89 Stat. 392.)

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

§ 971h. Authorization of appropriations

(a) In general

There are authorized to be appropriated to the Secretary to carry out this chapter, including use for payment of the United States share of the joint expenses of the Commission as provided in Article X of the Convention—

- (1) \$5,770,000 for each of fiscal years 2007 and 2008;
- (2) \$6,058,000 for each of fiscal years 2009 and 2010; and
- (3) \$6,361,000 for each of fiscal years 2011 and 2013.

(b) Allocation

Of the amounts made available under subsection (a) for each fiscal year—

- (1) \$160,000 are authorized for the advisory committee established under section 971b of this title and the species working groups established under section 971b-1 of this title; and
- (2) \$7,500,000 are authorized for research activities under this chapter and section 971i of this title, of which \$3,000,000 shall be for the

cooperative research program under section 971i(b)(2)(H) of this title.¹

(Pub. L. 94-70, §10, Aug. 5, 1975, 89 Stat. 393; Pub. L. 95-33, §1, May 26, 1977, 91 Stat. 173; Pub. L. 96-339, §1(2), Sept. 4, 1980, 94 Stat. 1069; Pub. L. 98-44, title I, §101, July 12, 1983, 97 Stat. 216; Pub. L. 99-659, title IV, §404, Nov. 14, 1986, 100 Stat. 3737; Pub. L. 101-627, title II, §208, Nov. 28, 1990, 104 Stat. 4462; Pub. L. 104-43, title III, §307, Nov. 3, 1995, 109 Stat. 386; Pub. L. 105-384, title II, §202(a), Nov. 13, 1998, 112 Stat. 3452; Pub. L. 107-372, title III, §304, Dec. 19, 2002, 116 Stat. 3095; Pub. L. 109-479, title IV, §405(a), Jan. 12, 2007, 120 Stat. 3633.)

REFERENCES IN TEXT

Section 971i(b)(2)(H) of this title, referred to in subsec. (b)(2), was in the original "section 3(b)(2)(H) of that section" and was translated as reading "section 3(b)(2)(H) of that Act", meaning Pub. L. 96-339, to reflect the probable intent of Congress.

AMENDMENTS

2007—Pub. L. 109-479 amended section generally, substituting provisions authorizing appropriations for fiscal years 2007 to 2013 for provisions authorizing appropriations for fiscal years 2003 to 2006.

2002—Pub. L. 107-372 amended section generally, substituting provisions authorizing appropriations for fiscal years 2003 to 2006 for provisions authorizing appropriations for fiscal years 1995 to 2001.

1998—Par. (4). Pub. L. 105-384 substituted "For each of fiscal years 1998, 1999, 2000, and 2001," for "For fiscal year 1998,".

1995—Pub. L. 104-43 amended section generally, substituting provisions authorizing appropriations for fiscal years 1995 to 1998 for provisions authorizing appropriations for fiscal years 1989 to 1993.

1990—Pub. L. 101-627 amended section generally, substituting provisions authorizing appropriations for fiscal years 1989 to 1993 for provisions authorizing appropriations for fiscal years 1986 to 1989 and striking out provisions relating to use of sums for travel expenses.

1986—Pub. L. 99-659 substituted authorization of appropriations for fiscal years 1986 through 1989 for former authorization of appropriations for fiscal year 1976, the period beginning July 1, 1976, and ending Sept. 30, 1976, and fiscal years 1977 through 1986.

1983—Pub. L. 98-44 authorized appropriations for fiscal years 1984 through 1986.

1980—Pub. L. 96-339 authorized appropriations for fiscal years 1981 through 1983.

1977—Pub. L. 95-33 authorized appropriations for fiscal years 1978 through 1980.

§ 971i. Research on Atlantic highly migratory species

(a) Omitted

(b) Highly migratory species research and monitoring

(1) Within 6 months after November 3, 1995, the Secretary of Commerce, in cooperation with the advisory committee established under section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) and in consultation with the United States Commissioners on the International Commission for the Conservation of Atlantic Tunas (referred to elsewhere in this section as the "Commission") and the Secretary of State, shall develop and implement a comprehensive research and monitoring program to support the

¹ See References in Text note below.