

annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishery vessels of the United States), regarding any matter that the Secretary is considering in the course of carrying out this chapter;

(9) to forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer on a vessel under this chapter, or any data collector employed by the National Marine Fisheries Service or under contract to any person to carry out responsibilities under this chapter;

(10) to engage in fishing in violation of any regulation adopted pursuant to section 6905(a) of this title;

(11) to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of such regulations;

(12) to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this chapter to be made, kept, or furnished;

(13) to fail to stop a vessel upon being hailed and instructed to stop by a duly authorized official of the United States;

(14) to import, in violation of any regulation adopted pursuant to section 6905(a) of this title, any fish in any form of those species subject to regulation pursuant to a recommendation, resolution, or decision of the Commission, or any tuna in any form not under regulation but under investigation by the Commission, during the period such fish have been denied entry in accordance with the provisions of section 6905(a) of this title.

**(b) Entry certification**

In the case of any fish described in subsection (a) offered for entry into the United States, the Secretary of Commerce shall require proof satisfactory to the Secretary that such fish is not ineligible for such entry under the terms of section 6905(a) of this title.

(Pub. L. 109-479, title V, § 507, Jan. 12, 2007, 120 Stat. 3641; Pub. L. 114-81, title I, § 105(2), Nov. 5, 2015, 129 Stat. 657.)

AMENDMENTS

2015—Subsec. (a)(2). Pub. L. 114-81 substituted “suspension, of” for “suspension, on”.

**§ 6907. Cooperation in carrying out convention**

**(a) Federal and State agencies; private institutions and organizations**

The Secretary may cooperate with agencies of the United States government,<sup>1</sup> any public or private institutions or organizations within the United States or abroad, and, through the Secretary of State, the duly authorized officials of the government of any party to the WCPFC Convention, in carrying out responsibilities under this chapter.

**(b) Scientific and other programs; facilities and personnel**

All Federal agencies are authorized, upon the request of the Secretary, to cooperate in the

conduct of scientific and other programs and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the WCPFC Convention.

**(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 than<sup>2</sup> 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 pursuant<sup>3</sup> 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

<sup>1</sup> So in original. Probably should be capitalized.

<sup>2</sup> So in original. Probably should be “than”.

<sup>3</sup> So in original. Probably should be followed by “to”.

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.)

#### § 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.)

#### § 6909a. United States conservation, management, and enforcement objectives

The Secretary, in consultation with the Secretary of State, in the course of negotiations, shall seek—

(1) to minimize any disadvantage to United States fishermen in relation to other members of the Commission;

(2) to maximize the opportunities for fishing vessels of the United States to harvest fish stocks on the high seas in the Convention area, recognizing that such harvests may be restricted if the Commission, based on the best available scientific information provided by the Scientific Committee, determines it is necessary to achieve the conservation objective set forth in Article 2 of the Convention;

(3) to prevent any requirement for the transfer to other nations or foreign entities of the fishing capacity, fishing capacity rights, or fishing vessels of the United States or its territories, unless any such requirement is voluntary and market-based; and

(4) to ensure that conservation and management measures take into consideration tradi-

tional fishing patterns of fishing vessels of the United States and the operating requirements of the fisheries covered by the Western and Central Pacific Convention.

(Pub. L. 109-479, title V, § 511, as added Pub. L. 114-327, title III, § 301(a)(2), Dec. 16, 2016, 130 Stat. 1994.)

#### PRIOR PROVISIONS

A prior section 511 of Pub. L. 109-479 was renumbered section 512 and is classified to section 6910 of this title.

#### § 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, § 512, formerly § 511, Jan. 12, 2007, 120 Stat. 3644; renumbered § 512, Pub. L. 114-327, title III, § 301(a)(2), Dec. 16, 2016, 130 Stat. 1994.)

### CHAPTER 89—PACIFIC WHITING

Sec. 7001.	Definitions.
7002.	United States representation on joint management committee.
7003.	United States representation on the scientific review group.
7004.	United States representation on joint technical committee.
7005.	United States representation on advisory panel.
7006.	Responsibilities of the Secretary.
7007.	Rulemaking.
7008.	Administrative matters.
7009.	Enforcement.
7010.	Authorization of appropriations.

#### § 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