

**§ 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**

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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.)

**Statutory Notes and Related Subsidiaries****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
- (2) 2 public advisors.

(Pub. L. 109-479, title VI, §604, Jan. 12, 2007, 120 Stat. 3645.)

**§ 7004. United States representation on joint technical committee**

**(a) Scientific experts**

**(1) In general**

The Secretary, in consultation with the Secretary of State, shall appoint no more than 2 individuals to serve as scientific experts on the joint technical committee, at least 1 of whom shall be an official of the National Oceanic and Atmospheric Administration.

**(2) Term of office**

An individual appointed under paragraph (1) 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 the term of office of that individual's predecessor shall be appointed for the remainder of that term.

**(b) Independent member**

In addition to individuals appointed under subsection (a), the Secretary, jointly with the Government of Canada, shall appoint 1 independent member to the joint technical committee selected from a list of names provided by the advisory panel.

(Pub. L. 109-479, title VI, §605, Jan. 12, 2007, 120 Stat. 3646; Pub. L. 111-348, title III, §302(a), Jan. 4, 2011, 124 Stat. 3672.)

**Editorial Notes**

AMENDMENTS

2011—Subsec. (a)(1). Pub. L. 111-348 substituted “no more than 2” for “at least 6 but not more than 12”.

**§ 7005. United States representation on advisory panel**

**(a) In general**

**(1) Appointment**

The Secretary, in consultation with the Secretary of State, shall appoint at least 6 but not more than 12 individuals to serve as members of the advisory panel, selected from among individuals who are—

- (A) knowledgeable or experienced in the harvesting, processing, marketing, management, conservation, or research of the offshore whiting resource; and
- (B) not employees of the United States.

**(2) Term of office**

An individual appointed under paragraph (1) 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 the term of office of that individual's predecessor shall be appointed for the remainder of that term.

(Pub. L. 109-479, title VI, §606, Jan. 12, 2007, 120 Stat. 3646.)

**§ 7006. Responsibilities of the Secretary**

**(a) In general**

The Secretary is responsible for carrying out the Agreement and this chapter, including the authority, to be exercised in consultation with the Secretary of State, to accept or reject, on behalf of the United States, recommendations made by the joint management committee.

**(b) Regulations; cooperation with Canadian officials**

In exercising responsibilities under this chapter, the Secretary—

- (1) may promulgate such regulations as may be necessary to carry out the purposes and objectives of the Agreement and this chapter; and

- (2) with the concurrence of the Secretary of State, may cooperate with officials of the Canadian Government duly authorized to carry out the Agreement.

(Pub. L. 109-479, title VI, §607, Jan. 12, 2007, 120 Stat. 3646.)

**§ 7007. Rulemaking**

**(a) Application with Magnuson-Stevens Act**

The Secretary shall establish the United States catch level for Pacific whiting according to the standards and procedures of the Agreement and this chapter rather than under the standards and procedures of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), except to the extent necessary to address the rebuilding needs of other species. Except for establishing the catch level, all other aspects of Pacific whiting management shall be—