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

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 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

(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 at least 6 but not more than 12 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.)

§ 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—

(1) subject to the Magnuson-Stevens Fishery Conservation and Management Act; and

(2) consistent with this chapter.

(b) Joint management committee recommendations

For any year in which both parties to the Agreement approve recommendations made by the joint management committee with respect to the catch level, the Secretary shall implement the approved recommendations. Any regulation promulgated by the Secretary to implement any such recommendation shall apply, as necessary, to all persons and all vessels subject to the jurisdiction of the United States wherever located.

(c) Years with no approved catch recommendations

If the parties to the Agreement do not approve the joint management committee's recommendation with respect to the catch level for any year, the Secretary shall establish the total allowable catch for Pacific whiting for the United States catch. In establishing the total allowable catch under this subsection, the Secretary shall—

(1) take into account any recommendations from the Pacific Fishery Management Council, the joint management committee, the joint technical committee, the scientific review group, and the advisory panel;

(2) base the total allowable catch on the best scientific information available;

(3) use the default harvest rate set out in paragraph 1 of Article III of the Agreement unless the Secretary determines that the scientific evidence demonstrates that a different rate is necessary to sustain the offshore whiting resource; and

(4) establish the United State's[1] share of the total allowable catch based on paragraph 2 of Article III of the Agreement and make any adjustments necessary under section 5 of Article II of the Agreement.

(Pub. L. 109–479, title VI, § 608, Jan. 12, 2007, 120 Stat. 3647.)

REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (a), 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.

§ 7008. Administrative matters

(a) Employment status

Individuals appointed under section 7002, 7003, 7004, or 7005 of this title who are 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—

(1) injury compensation under chapter 81 of title 5;

(2) requirements concerning ethics, conflicts of interest, and corruption as provided under title 18; and

(3) any other criminal or civil statute or regulation governing the conduct of Federal employees.

[1] So in original.

(b) Compensation

(1) In general

Except as provided in paragraph (2), an individual appointed under this chapter shall receive no compensation for the individual's service as a representative, alternate representative, scientific expert, or advisory panel member under this chapter.

(2) Scientific review group

Notwithstanding paragraph (1), the Secretary may employ and fix the compensation of an individual appointed under section 7003(a) of this title to serve as a scientific expert on the scientific review group who is not employed by the United States Government, a State government, or an Indian tribal government in accordance with section 3109 of title 5.

(c) Travel expenses

Except as provided in subsection (d), the Secretary shall pay the necessary travel expenses of individuals appointed under this chapter in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5.

(d) Joint appointees

With respect to the 2 independent members of the scientific review group and the 2 public advisors to the scientific review group jointly appointed under section 7003(c) of this title, and the 1 independent member to the joint technical committee jointly appointed under section 7004(b) of this title, the Secretary may pay up to 50 percent of—

(1) any compensation paid to such individuals; and

(2) the necessary travel expenses of such individuals.

(Pub. L. 109–479, title VI, § 609, Jan. 12, 2007, 120 Stat. 3647.)

§ 7009. Enforcement

(a) In general

The Secretary may—

(1) administer and enforce this chapter and any regulations issued under this chapter;

(2) request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in the administration and enforcement of this chapter; and

(3) collect, utilize, and disclose such information as may be necessary to implement the Agreement and this chapter, subject to sections 552 and 552a of title 5.

(b) Prohibited acts

It is unlawful for any person to violate any provision of this chapter or the regulations promulgated under this chapter.

(c) Actions by the Secretary

The Secretary shall prevent any person from violating this chapter in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16

U.S.C. 1857) were incorporated into and made a part of this chapter. Any person that violates any provision of this chapter is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act [16 U.S.C. 1801 et seq.] in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this chapter.

(d) Penalties

This chapter shall be enforced by the Secretary as if a violation of this chapter or of any regulation promulgated by the Secretary under this chapter were a violation of section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857).

(Pub. L. 109–479, title VI, § 610, Jan. 12, 2007, 120 Stat. 3648.)

REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (c), 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.

§ 7010. Authorization of appropriations

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the obligations of the United States under the Agreement and this chapter.

(Pub. L. 109–479, title VI, § 611, Jan. 12, 2007, 120 Stat. 3649.)

CHAPTER 90—SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION

Sec.
7101. Purposes.
7102. Definitions.

SUBCHAPTER I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

7111. Secure payments for States containing Federal land.
7112. Payments to States and counties.
7113. Transition payments to States.

SUBCHAPTER II—SPECIAL PROJECTS ON FEDERAL LAND

7121. Definitions.
7122. General limitation on use of project funds.
7123. Submission of project proposals.
7124. Evaluation and approval of projects by Secretary concerned.
7125. Resource advisory committees.
7126. Use of project funds.
7127. Availability of project funds.
7128. Termination of authority.

SUBCHAPTER III—COUNTY FUNDS

7141. Definitions.
7142. Use.
7143. Certification.
7144. Termination of authority.

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

7151. Regulations.
7152. Authorization of appropriations.
7153. Treatment of funds and revenues.

§ 7101. Purposes

The purposes of this chapter are—

(1) to stabilize and transition payments to counties to provide funding for schools and roads that supplements other available funds;

(2) to make additional investments in, and create additional employment opportunities through, projects that—

(A)(i) improve the maintenance of existing infrastructure;

(ii) implement stewardship objectives that enhance forest ecosystems; and

(iii) restore and improve land health and water quality;

(B) enjoy broad-based support; and

(C) have objectives that may include—

(i) road, trail, and infrastructure maintenance or obliteration;

(ii) soil productivity improvement;

(iii) improvements in forest ecosystem health;

(iv) watershed restoration and maintenance;

(v) the restoration, maintenance, and improvement of wildlife and fish habitat;

(vi) the control of noxious and exotic weeds; and

(vii) the reestablishment of native species; and

(3) to improve cooperative relationships among—

(A) the people that use and care for Federal land; and

(B) the agencies that manage the Federal land.

(Pub. L. 106–393, § 2, as added Pub. L. 110–343, div. C, title VI, § 601(a), Oct. 3, 2008, 122 Stat. 3893.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 106–393, Oct. 30, 2000, 114 Stat. 1607, known as the Secure Rural Schools and Community Self-Determination Act of 2000, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note below and Tables.

PRIOR PROVISIONS

A prior section 2 of Pub. L. 106–393 was set out in a note under section 500 of this title prior to repeal by Pub. L. 110–343, div. C, title VI, § 601(a), Oct. 3, 2008, 122 Stat. 3893.

SHORT TITLE

Pub. L. 106–393, § 1, as added by Pub. L. 110–343, div. C, title VI, § 601(a), Oct. 3, 2008, 122 Stat. 3893, provided that: ''This Act [enacting this chapter, amending section 191 of Title 30, Mineral Lands and Mining, and section 6903 of Title 31, Money and Finance, enacting provisions set out as notes under sections 181 and 191 of Title 30, and repealing provisions set out as notes under section 500 of this title and section 1181f of Title 43, Public Lands] may be cited as the 'Secure Rural Schools and Community Self-Determination Act of 2000'.''

§ 7102. Definitions

In this chapter:

(1) Adjusted share

The term ''adjusted share'' means the number equal to the quotient obtained by dividing—