

~~SEC. 104. OFFSET OF IMPLEMENTATION COST.~~~~Section 308(a) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(a)) is amended by striking “2012.” and inserting “2010, and \$2,500,000 for each of fiscal years 2011 and 2012.”.~~**TITLE II—INTERNATIONAL FISHERIES  
AGREEMENT**International  
Fisheries  
Agreement  
Clarification Act.**SEC. 201. SHORT TITLE.**

This title may be cited as the “International Fisheries Agreement Clarification Act”.

16 USC 1854  
note.**SEC. 202. INTERNATIONAL FISHERY AGREEMENT.**

Consistent with the intent of provisions of the Magnuson-Stevens Fishery and Conservation and Management Act relating to international agreements, the Secretary of Commerce and the New England Fishery Management Council may, for the purpose of rebuilding those portions of fish stocks covered by the United States-Canada Transboundary Resource Sharing Understanding on the date of enactment of this Act—

16 USC 1854  
note.

(1) take into account the Understanding and decisions made under that Understanding in the application of section 304(e)(4)(A)(i) of the Act (16 U.S.C. 1854(e)(4)(A)(i));

(2) consider decisions made under that Understanding as “management measures under an international agreement” that “dictate otherwise” for purposes of section 304(e)(4)(A)(ii) of the Act (16 U.S.C. 1854(e)(4)(A)(ii)); and

(3) establish catch levels for those portions of fish stocks within their respective geographic areas covered by the Understanding on the date of enactment of this Act that exceed the catch levels otherwise required under the Northeast Multi-species Fishery Management Plan if—

(A) overfishing is ended immediately;

(B) the fishing mortality level ensures rebuilding within a time period for rebuilding specified taking into account the Understanding pursuant to paragraphs (1) and (2) of this subsection; and

(C) such catch levels are consistent with that Understanding.

**SEC. 203. APPLICATION WITH OTHER LAWS.**

Nothing in this title shall be construed to amend the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) or to limit or otherwise alter the authority of the Secretary of Commerce under that Act concerning other species.

16 USC 1854  
note.**SEC. 204. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as provided in subsection (b), section 202 shall apply with respect to fishing years beginning after April 30, 2010.

16 USC 1854  
note.

(b) SPECIAL RULE.—Section 202(3)(B) shall only apply with respect to fishing years beginning after April 30, 2012.

Applicability.

**~~TITLE III—MISCELLANEOUS~~****~~SEC. 301. TECHNICAL CORRECTIONS TO THE WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION IMPLEMENTATION ACT.~~**

~~Section 503 of the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6902) is amended~~

~~(1) by striking “Management Council and” in subsection (a) and inserting “Management Council, and one of whom shall be the chairman or a member of”;~~

~~(2) by striking subsection (c)(1) and inserting the following:~~

~~“(1) EMPLOYMENT STATUS. Individuals serving as such Commissioners, other than officers or employees of the United States Government, 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, United States Code, and chapter 171 of title 28, United States Code.”; and~~

~~(3) by striking subsection (d)(2)(B)(ii) and inserting the following:~~

~~“(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, United States Code, and chapter 171 of title 28, United States Code.”.~~

**~~SEC. 302. PACIFIC WHITING ACT OF 2006.~~**

~~(a) SCIENTIFIC EXPERTS. Section 605(a)(1) of the Pacific Whiting Act of 2006 (16 U.S.C. 7004(a)(1)) is amended by striking “at least 6 but not more than 12” inserting “no more than 2”.~~

~~(b) EMPLOYMENT STATUS. Section 609(a) of the Pacific Whiting Act of 2006 (16 U.S.C. 7008(a)) is amended to read as follows:~~

~~“(a) EMPLOYMENT STATUS. Individuals appointed under section 603, 604, 605, or 606 of this title, other than officers or employees of the United States Government, shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.”.~~

**~~SEC. 303. REPLACEMENT VESSEL.~~**

~~Notwithstanding any other provision of law, the Secretary of Commerce may promulgate regulations that allow for the replacement or rebuilding of a vessel qualified under subsections (a)(7) and (g)(1)(A) of section 219 of the Department of Commerce and~~

~~Related Agencies Appropriations Act, 2005 (Public Law 108-447;  
188 Stat. 886-891).~~

Approved January 4, 2011.

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LEGISLATIVE HISTORY—H.R. 81 (S. 850):

SENATE REPORTS: No. 111-124 (Commerce, Science and Transportation) accompanying S. 850.

CONGRESSIONAL RECORD:

Vol. 155 (2009): Mar. 2, considered and passed House.

Vol. 156 (2010): Dec. 20, considered and passed Senate, amended.  
Dec. 21, House concurred in Senate amendment.

