

114TH CONGRESS
2^D SESSION

H. R. 4576

AN ACT

To implement the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean, to implement the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ensuring Access to
3 Pacific Fisheries Act”.

4 **TITLE I—NORTH PACIFIC FISH-**
5 **ERIES CONVENTION IMPLE-**
6 **MENTATION**

7 **SEC. 101. DEFINITIONS.**

8 In this title:

9 (1) **COMMISSION.**—The term “Commission”
10 means the North Pacific Fisheries Commission es-
11 tablished in accordance with the North Pacific Fish-
12 eries Convention.

13 (2) **COMMISSIONER.**—The term “Commis-
14 sioner” means a United States Commissioner ap-
15 pointed under section 102(a).

16 (3) **CONVENTION AREA.**—The term “Conven-
17 tion Area” means the area to which the Convention
18 on the Conservation and Management of High Seas
19 Fisheries Resources in the North Pacific Ocean ap-
20 plies under Article 4 of such Convention.

21 (4) **COUNCIL.**—The term “Council” means the
22 North Pacific Fishery Management Council, the Pa-
23 cific Fishery Management Council, or the Western
24 Pacific Fishery Management Council established
25 under section 302 of the Magnuson-Stevens Fishery

1 Conservation and Management Act (16 U.S.C.
2 1852), as the context requires.

3 (5) EXCLUSIVE ECONOMIC ZONE.—The term
4 “exclusive economic zone” means—

5 (A) with respect to the United States, the
6 zone established by Presidential Proclamation
7 Numbered 5030 of March 10, 1983 (16 U.S.C.
8 1453 note); and

9 (B) with respect to a foreign country, a
10 designated zone similar to the zone referred to
11 in subparagraph (A) for that country, con-
12 sistent with international law.

13 (6) FISHERIES RESOURCES.—

14 (A) IN GENERAL.—Except as provided in
15 subparagraph (B), the term “fisheries re-
16 sources” means all fish, mollusks, crustaceans,
17 and other marine species caught by a fishing
18 vessel within the Convention Area, as well as
19 any products thereof.

20 (B) EXCLUSIONS.—The term “fisheries re-
21 sources” does not include—

22 (i) sedentary species insofar as they
23 are subject to the sovereign rights of coast-
24 al nations consistent with Article 77, para-
25 graph 4 of the 1982 Convention and indi-

1 cator species of vulnerable marine eco-
2 systems as listed in, or adopted pursuant
3 to, Article 13, paragraph 5 of the North
4 Pacific Fisheries Convention;

5 (ii) catadromous species;

6 (iii) marine mammals, marine reptiles,
7 or seabirds; or

8 (iv) other marine species already cov-
9 ered by preexisting international fisheries
10 management instruments within the area
11 of competence of such instruments.

12 (7) FISHING ACTIVITIES.—

13 (A) IN GENERAL.—The term “fishing ac-
14 tivities” means—

15 (i) the actual or attempted searching
16 for, catching, taking, or harvesting of fish-
17 eries resources;

18 (ii) engaging in any activity that can
19 reasonably be expected to result in the lo-
20 cating, catching, taking, or harvesting of
21 fisheries resources for any purpose;

22 (iii) the processing of fisheries re-
23 sources at sea;

24 (iv) the transshipment of fisheries re-
25 sources at sea or in port; or

1 (v) any operation at sea in direct sup-
2 port of, or in preparation for, any activity
3 described in clauses (i) through (iv), in-
4 cluding transshipment.

5 (B) EXCLUSIONS.—The term “fishing ac-
6 tivities” does not include any operation related
7 to an emergency involving the health or safety
8 of a crew member or the safety of a fishing ves-
9 sel.

10 (8) FISHING VESSEL.—The term “fishing ves-
11 sel” means any vessel used or intended for use for
12 the purpose of engaging in fishing activities, includ-
13 ing a processing vessel, a support ship, a carrier ves-
14 sel, or any other vessel directly engaged in such fish-
15 ing activities.

16 (9) HIGH SEAS.—The term “high seas” does
17 not include an area that is within the exclusive eco-
18 nomic zone of the United States or of any other
19 country.

20 (10) NORTH PACIFIC FISHERIES CONVEN-
21 TION.—The term “North Pacific Fisheries Conven-
22 tion” means the Convention on the Conservation and
23 Management of the High Seas Fisheries Resources
24 in the North Pacific Ocean (including any annexes,
25 amendments, or protocols that are in force, or have

1 come into force) for the United States, which was
2 adopted at Tokyo on February 24, 2012.

3 (11) PERSON.—The term “person” means—

4 (A) any individual, whether or not a citizen
5 or national of the United States;

6 (B) any corporation, partnership, associa-
7 tion, or other entity, whether or not organized
8 or existing under the laws of any State; or

9 (C) any Federal, State, local, tribal, or for-
10 eign government or any entity of such govern-
11 ment.

12 (12) SECRETARY.—Except as otherwise specifi-
13 cally provided, the term “Secretary” means the Sec-
14 retary of Commerce.

15 (13) STATE.—The term “State” means each of
16 the several States of the United States, the District
17 of Columbia, the Commonwealth of the Northern
18 Mariana Islands, American Samoa, Guam, and any
19 other commonwealth, territory, or possession of the
20 United States.

21 (14) STRADDLING STOCK.—The term “strad-
22 dling stock” means a stock of fisheries resources
23 that migrates between, or occurs in, the economic
24 exclusion zone of one or more parties to the Conven-
25 tion and the Convention Area.

1 (15) **TRANSSHIPMENT.**—The term “trans-
2 shipment” means the unloading of any fisheries re-
3 sources taken in the Convention Area from one fish-
4 ing vessel to another fishing vessel either at sea or
5 in port.

6 (16) **1982 CONVENTION.**—The term “1982
7 Convention” means the United Nations Convention
8 on the Law of the Sea of 10 December 1982.

9 **SEC. 102. UNITED STATES PARTICIPATION IN THE NORTH**
10 **PACIFIC FISHERIES CONVENTION.**

11 (a) **UNITED STATES COMMISSIONERS.**—

12 (1) **NUMBER OF COMMISSIONERS.**—The United
13 States shall be represented on the Commission by
14 five United States Commissioners.

15 (2) **SELECTION OF COMMISSIONERS.**—The
16 Commissioners shall be as follows:

17 (A) **APPOINTMENT BY THE PRESIDENT.**—

18 (i) **IN GENERAL.**—Two of the Com-
19 missioners shall be appointed by the Presi-
20 dent and shall be an officer or employee
21 of—

22 (I) the Department of Commerce;

23 (II) the Department of State; or

24 (III) the Coast Guard.

1 (ii) SELECTION CRITERIA.—In making
2 each appointment under clause (i), the
3 President shall select a Commissioner from
4 among individuals who are knowledgeable
5 or experienced concerning fisheries re-
6 sources in the North Pacific Ocean.

7 (B) NORTH PACIFIC FISHERY MANAGE-
8 MENT COUNCIL.—One Commissioner shall be
9 the chairman of the North Pacific Fishery Man-
10 agement Council or a designee of such chair-
11 man.

12 (C) PACIFIC FISHERY MANAGEMENT COUN-
13 CIL.—One Commissioner shall be the chairman
14 of the Pacific Fishery Management Council or
15 a designee of such chairperson.

16 (D) WESTERN PACIFIC FISHERY MANAGE-
17 MENT COUNCIL.—One Commissioner shall be
18 the chairman of the Western Pacific Fishery
19 Management Council or a designee of such
20 chairperson.

21 (b) ALTERNATE COMMISSIONERS.—In the event of a
22 vacancy in a position as a Commissioner appointed under
23 subsection (a), the Secretary of State, in consultation with
24 the Secretary, may designate from time to time and for
25 periods of time considered appropriate an alternate Com-

1 missioner to the Commission. An alternate Commissioner
2 may exercise all powers and duties of a Commissioner in
3 the absence of a Commissioner appointed under subsection
4 (a), and shall serve the remainder of the term of the ab-
5 sent Commissioner for which designated.

6 (c) ADMINISTRATIVE MATTERS.—

7 (1) EMPLOYMENT STATUS.—An individual serv-
8 ing as a Commissioner, or an alternative Commis-
9 sioner, other than an officer or employee of the
10 United States Government, shall not be considered
11 a Federal employee, except for the purposes of in-
12 jury compensation or tort claims liability as provided
13 in chapter 81 of title 5, United States Code, and
14 chapter 171 of title 28, United States Code.

15 (2) COMPENSATION.—An individual serving as
16 a Commissioner or an alternate Commissioner, al-
17 though an officer of the United States while so serv-
18 ing, shall receive no compensation for the individ-
19 ual's services as such Commissioner or alternate
20 Commissioner.

21 (3) TRAVEL EXPENSES.—

22 (A) IN GENERAL.—The Secretary of State
23 shall pay the necessary travel expenses of a
24 Commissioner or an alternate Commissioner in
25 accordance with the Federal Travel Regulations

1 and sections 5701, 5702, 5704 through 5708,
2 and 5731 of title 5, United States Code.

3 (B) REIMBURSEMENT.—The Secretary
4 may reimburse the Secretary of State for
5 amounts expended by the Secretary of State
6 under this paragraph.

7 **SEC. 103. AUTHORITY AND RESPONSIBILITY OF THE SEC-**
8 **RETARY OF STATE.**

9 The Secretary of State may—

10 (1) receive and transmit, on behalf of the
11 United States, reports, requests, recommendations,
12 proposals, decisions, and other communications of
13 and to the Commission;

14 (2) in consultation with the Secretary, act
15 upon, or refer to another appropriate authority, any
16 communication received pursuant to paragraph (1);

17 (3) with the concurrence of the Secretary, and
18 in accordance with the Convention, object to the de-
19 cisions of the Commission; and

20 (4) request and utilize on a reimbursed or non-
21 reimbursed basis the assistance, services, personnel,
22 equipment, and facilities of other Federal depart-
23 ments and agencies, foreign governments or agen-
24 cies, or international intergovernmental organiza-

1 tions, in the conduct of scientific research and other
2 programs under this title.

3 **SEC. 104. AUTHORITY OF THE SECRETARY OF COMMERCE.**

4 (a) PROMULGATION OF REGULATIONS.—

5 (1) AUTHORITY.—The Secretary, in consulta-
6 tion with the Secretary of State and, with respect to
7 enforcement measures, the Secretary of the depart-
8 ment in which the Coast Guard is operating, may
9 promulgate such regulations as may be necessary to
10 carry out the United States international obligations
11 under the North Pacific Fisheries Convention and
12 this title, including recommendations and decisions
13 adopted by the Commission.

14 (2) REGULATIONS OF STRADDLING STOCKS.—

15 In the implementation of a measure adopted by the
16 Commission that would govern a straddling stock
17 under the authority of a Council, any regulation pro-
18 mulgated by the Secretary to implement such meas-
19 ure within the exclusive economic zone shall be ap-
20 proved by such Council.

21 (b) RULE OF CONSTRUCTION.—Regulations promul-
22 gated under subsection (a) shall be applicable only to a
23 person or a fishing vessel that is or has engaged in fishing
24 activities, or fisheries resources covered by the North Pa-
25 cific Fisheries Convention under this title.

1 (c) ADDITIONAL AUTHORITY.—The Secretary may
2 conduct, and may request and utilize on a reimbursed or
3 nonreimbursed basis the assistance, services, personnel,
4 equipment, and facilities of other Federal departments
5 and agencies in—

6 (1) scientific, research, and other programs
7 under this title;

8 (2) fishing operations and biological experi-
9 ments for purposes of scientific investigation or
10 other purposes necessary to implement the North
11 Pacific Fisheries Convention;

12 (3) the collection, utilization, and disclosure of
13 such information as may be necessary to implement
14 the North Pacific Fisheries Convention, subject to
15 sections 552 and 552a of title 5, United States
16 Code, and section 402(b) of the Magnuson-Stevens
17 Fishery Conservation and Management Act (16
18 U.S.C. 1881a(b));

19 (4) the issuance of permits to owners and oper-
20 ators of United States vessels to engage in fishing
21 activities in the Convention Area seaward of the ex-
22 clusive economic zone of the United States, under
23 such terms and conditions as the Secretary may pre-
24 scribe, including the period of time that a permit is
25 valid; and

1 (5) if recommended by the United States Com-
2 missioners, the assessment and collection of fees, not
3 to exceed 3 percent of the ex-vessel value of fisheries
4 resources harvested by vessels of the United States
5 in fisheries conducted in the Convention Area, to re-
6 cover the actual costs to the United States to carry
7 out the functions of the Secretary under this title.

8 (d) CONSISTENCY WITH OTHER LAWS.—The Sec-
9 retary shall ensure the consistency, to the extent prac-
10 ticable, of fishery management programs administered
11 under this title, the Magnuson-Stevens Fishery Conserva-
12 tion and Management Act (16 U.S.C. 1801 et seq.), the
13 Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.),
14 the South Pacific Tuna Act of 1988 (16 U.S.C. 973 et
15 seq.), section 401 of Public Law 108–219 (16 U.S.C. 1821
16 note) (relating to Pacific albacore tuna), the Western and
17 Central Pacific Fisheries Convention Implementation Act
18 (16 U.S.C. 6901 et seq.), the National Oceanic and At-
19 mospheric Administration Authorization Act of 1992
20 (Public Law 102–567) and the amendments made by that
21 Act, and Public Law 100–629 (102 Stat. 3286).

22 (e) JUDICIAL REVIEW OF REGULATIONS.—

23 (1) IN GENERAL.—Regulations promulgated by
24 the Secretary under this title shall be subject to ju-
25 dicial review to the extent authorized by, and in ac-

1 cordance with, chapter 7 of title 5, United States
2 Code, if a petition for such review is filed not later
3 than 30 days after the date on which the regulations
4 are promulgated.

5 (2) RESPONSES.—Notwithstanding any other
6 provision of law, the Secretary shall file a response
7 to any petition filed in accordance with paragraph
8 (1), not later than 30 days after the date the Sec-
9 retary is served with that petition, except that the
10 appropriate court may extend the period for filing
11 such a response upon a showing by the Secretary of
12 good cause for that extension.

13 (3) COPIES OF ADMINISTRATIVE RECORD.—A
14 response of the Secretary under paragraph (2) shall
15 include a copy of the administrative record for the
16 regulations that are the subject of the petition.

17 (4) EXPEDITED HEARINGS.—Upon a motion by
18 the person who files a petition under this subsection,
19 the appropriate court shall assign the matter for
20 hearing at the earliest possible date.

21 **SEC. 105. ENFORCEMENT.**

22 (a) IN GENERAL.—The Secretary and the Secretary
23 of the department in which the Coast Guard is oper-
24 ating—

1 (1) shall administer and enforce this title and
2 any regulations issued under this title; and

3 (2) may request and utilize on a reimbursed or
4 nonreimbursed basis the assistance, services, per-
5 sonnel, equipment, and facilities of other Federal de-
6 partments and agencies in the administration and
7 enforcement of this title.

8 (b) SECRETARIAL ACTIONS.—The Secretary and the
9 Secretary of the department in which the Coast Guard is
10 operating shall prevent any person from violating this title
11 with respect to fishing activities or the conservation of
12 fisheries resources in the Convention Area in the same
13 manner, by the same means, and with the same jurisdic-
14 tion, powers, and duties as though sections 308 through
15 311 of the Magnuson-Stevens Fishery Conservation and
16 Management Act (16 U.S.C. 1858, 1859, 1860, and 1861)
17 were incorporated into and made a part of this title. Any
18 person that violates this title is subject to the penalties
19 and entitled to the privileges and immunities provided in
20 the Magnuson-Stevens Fishery Conservation and Manage-
21 ment Act (16 U.S.C. 1801 et seq.) in the same manner,
22 by the same means, and with the same jurisdiction, power,
23 and duties as though sections 308 through 311 of that
24 Act (16 U.S.C. 1858, 1859, 1860, and 1861) were incor-
25 porated into and made a part of this title.

1 (c) JURISDICTION OF THE COURTS.—

2 (1) IN GENERAL.—Subject to paragraphs (2)
3 and (3), the district courts of the United States
4 shall have jurisdiction over any case or controversy
5 arising under this title, and any such court may at
6 any time—

7 (A) enter restraining orders or prohibi-
8 tions;

9 (B) issue warrants, process in rem, or
10 other process;

11 (C) prescribe and accept satisfactory bonds
12 or other security; and

13 (D) take such other actions as are in the
14 interest of justice.

15 (2) HAWAII AND PACIFIC INSULAR AREAS.—In
16 the case of Hawaii or any possession of the United
17 States in the Pacific Ocean, the appropriate court is
18 the United States District Court for the District of
19 Hawaii, except that—

20 (A) in the case of Guam and Wake Island,
21 the appropriate court is the United States Dis-
22 trict Court for the District of Guam; and

23 (B) in the case of the Northern Mariana
24 Islands, the appropriate court is the United

1 States District Court for the District of the
2 Northern Mariana Islands.

3 (3) CONSTRUCTION.—Each violation shall be a
4 separate offense and the offense is deemed to have
5 been committed not only in the district where the
6 violation first occurred, but also in any other district
7 authorized by law. Any offense not committed in any
8 district is subject to the venue provisions of section
9 3238 of title 18, United States Code.

10 (d) CONFIDENTIALITY.—

11 (1) IN GENERAL.—Any information submitted
12 to the Secretary in compliance with any requirement
13 under this title, and information submitted under
14 any requirement of this title that may be necessary
15 to implement the Convention, including information
16 submitted before the date of the enactment of this
17 Act, shall be confidential and may not be disclosed,
18 except—

19 (A) to a Federal employee who is respon-
20 sible for administering, implementing, or en-
21 forcing this title;

22 (B) to the Commission, in accordance with
23 requirements in the North Pacific Fisheries
24 Convention and decisions of the Commission,
25 and, insofar as possible, in accordance with an

1 agreement with the Commission that prevents
2 public disclosure of the identity or business of
3 any person;

4 (C) to State, Council, or marine fisheries
5 commission employees pursuant to an agree-
6 ment with the Secretary that prevents public
7 disclosure of the identity or business of any per-
8 son;

9 (D) when required by court order; or

10 (E) when the Secretary has obtained writ-
11 ten authorization from the person submitting
12 such information to release such information to
13 another person for a reason not otherwise pro-
14 vided for in this paragraph, and such release
15 does not violate other requirements of this title.

16 (2) USE OF INFORMATION.—

17 (A) IN GENERAL.—Except as provided in
18 subparagraph (B), the Secretary shall promul-
19 gate regulations regarding the procedures the
20 Secretary considers necessary to preserve the
21 confidentiality of information submitted under
22 this title.

23 (B) EXCEPTION.—The Secretary may re-
24 lease or make public information submitted
25 under this title if the information is in any ag-

1 gregate or summary form that does not directly
2 or indirectly disclose the identity or business of
3 any person.

4 (3) **RULE OF CONSTRUCTION.**—Nothing in this
5 subsection shall be interpreted or construed to pre-
6 vent the use for conservation and management pur-
7 poses by the Secretary of any information submitted
8 under this title.

9 **SEC. 106. PROHIBITED ACTS.**

10 It is unlawful for any person—

11 (1) to violate this title or any regulation or per-
12 mit issued under this title;

13 (2) to use any fishing vessel to engage in fish-
14 ing activities without, or after the revocation or dur-
15 ing the period of suspension of, an applicable permit
16 issued pursuant to this title;

17 (3) to refuse to permit any officer authorized to
18 enforce this title to board a fishing vessel subject to
19 such person's control for the purposes of conducting
20 any search, investigation, or inspection in connection
21 with the enforcement of this title or any regulation,
22 permit, or the North Pacific Fisheries Convention;

23 (4) to assault, resist, oppose, impede, intimi-
24 date, or interfere with any such authorized officer in
25 the conduct of any search, investigation, or inspec-

1 tion in connection with the enforcement of this title
2 or any regulation, permit, or the North Pacific Fish-
3 eries Convention;

4 (5) to resist a lawful arrest for any act prohib-
5 ited by this title or any regulation promulgated or
6 permit issued under this title;

7 (6) to ship, transport, offer for sale, sell, pur-
8 chase, import, export, or have custody, control, or
9 possession of, any fisheries resources taken or re-
10 tained in violation of this title or any regulation or
11 permit referred to in paragraph (1) or (2);

12 (7) to interfere with, delay, or prevent, by any
13 means, the apprehension or arrest of another person,
14 knowing that such other person has committed any
15 act prohibited by this section;

16 (8) to submit to the Secretary false information
17 (including false information regarding the capacity
18 and extent to which a United States fish processor,
19 on an annual basis, will process a portion of the op-
20 timum yield of a fishery that will be harvested by
21 fishing vessels of the United States), regarding any
22 matter that the Secretary is considering in the
23 course of carrying out this title;

24 (9) to assault, resist, oppose, impede, intimi-
25 date, sexually harass, bribe, or interfere with any ob-

1 server on a vessel under this title, or any data col-
2 lector employed by or under contract to any person
3 to carry out responsibilities under this title;

4 (10) to engage in fishing activities in violation
5 of any regulation adopted pursuant to this title;

6 (11) to fail to make, keep, or furnish any catch
7 returns, statistical records, or other reports required
8 by regulations adopted pursuant to this title to be
9 made, kept, or furnished;

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

13 (13) to import, in violation of any regulation
14 adopted pursuant to this title, any fisheries re-
15 sources in any form of those species subject to regu-
16 lation pursuant to a recommendation, resolution, or
17 decision of the Commission, or any fisheries re-
18 sources in any form not under regulation but under
19 investigation by the Commission, during the period
20 such fisheries resources have been denied entry in
21 accordance with this title;

22 (14) to make or submit any false record, ac-
23 count, or label for, or any false identification of, any
24 fisheries resources that have been, or are intended to
25 be imported, exported, transported, sold, offered for

1 sale, purchased, or received in interstate or foreign
2 commerce; or

3 (15) to refuse to authorize and accept boarding
4 by a duly authorized inspector pursuant to proce-
5 dures adopted by the Commission for the boarding
6 and inspection of fishing vessels in the Convention
7 Area.

8 **SEC. 107. COOPERATION IN CARRYING OUT CONVENTION.**

9 (a) **FEDERAL AND STATE AGENCIES; PRIVATE INSTI-**
10 **TUTIONS AND ORGANIZATIONS.**—The Secretary may co-
11 operate with any Federal agency, any public or private in-
12 stitution or organization within the United States or
13 abroad, and, through the Secretary of State, a duly au-
14 thorized official of the government of any party to the
15 North Pacific Fisheries Convention, in carrying out re-
16 sponsibilities under this title.

17 (b) **SCIENTIFIC AND OTHER PROGRAMS; FACILITIES**
18 **AND PERSONNEL.**—Each Federal agency may, upon the
19 request of the Secretary, cooperate in the conduct of sci-
20 entific and other programs and furnish facilities and per-
21 sonnel for the purpose of assisting the Commission in car-
22 rying out its duties under the North Pacific Fisheries Con-
23 vention.

24 (c) **SANCTIONED FISHING OPERATIONS AND BIO-**
25 **LOGICAL EXPERIMENTS.**—Nothing in this title, or in the

1 laws of any State, prevents the Secretary or the Commis-
2 sion from—

3 (1) conducting or authorizing the conduct of
4 fishing operations and biological experiments at any
5 time for purposes of scientific investigation; or

6 (2) discharging any other duties prescribed by
7 the North Pacific Fisheries Convention.

8 (d) STATE JURISDICTION NOT AFFECTED.—Nothing
9 in this title shall be construed to diminish or to increase
10 the jurisdiction of any State in the territorial sea of the
11 United States.

12 **SEC. 108. TERRITORIAL PARTICIPATION.**

13 The Secretary of State shall ensure participation in
14 the Commission and its subsidiary bodies by the Common-
15 wealth of the Northern Mariana Islands, American
16 Samoa, and Guam to the extent allowed under United
17 States law.

18 **SEC. 109. EXCLUSIVE ECONOMIC ZONE NOTIFICATION.**

19 Masters of commercial fishing vessels of countries
20 fishing under the management authority of the North Pa-
21 cific Fisheries Convention that do not carry vessel moni-
22 toring systems capable of communicating with United
23 States enforcement authorities shall, prior to or as soon
24 as reasonably possible after, entering and transiting the
25 exclusive economic zone bounded by the Convention Area,

1 ensure that all fishing gear on board the vessel is stowed
2 below deck or otherwise removed from the place it is nor-
3 mally used for fishing activities and placed where it is not
4 readily available for fishing activities.

5 **TITLE II—IMPLEMENTATION OF**
6 **THE CONVENTION ON THE**
7 **CONSERVATION AND MAN-**
8 **AGEMENT OF HIGH SEAS**
9 **FISHERY RESOURCES IN THE**
10 **SOUTH PACIFIC OCEAN**

11 **SEC. 201. DEFINITIONS.**

12 In this title:

13 (1) 1982 CONVENTION.—The term “1982 Con-
14 vention” means the United Nations Convention on
15 the Law of the Sea of 10 December 1982.

16 (2) COMMISSION.—The term “Commission”
17 means the Commission of the South Pacific Regional
18 Fisheries Management Organization established in
19 accordance with the South Pacific Fishery Resources
20 Convention.

21 (3) CONVENTION AREA.—The term “Conven-
22 tion Area” means the area to which the Convention
23 on the Conservation and Management of High Seas
24 Fishery Resources in the South Pacific Ocean ap-
25 plies under Article 5 of such Convention.

1 (4) COUNCIL.—The term “Council” means the
2 Western Pacific Regional Fishery Management
3 Council.

4 (5) EXCLUSIVE ECONOMIC ZONE.—The term
5 “exclusive economic zone” means—

6 (A) with respect to the United States, the
7 zone established by Presidential Proclamation
8 Numbered 5030 of March 10, 1983 (16 U.S.C.
9 1453 note); and

10 (B) with respect to a foreign country, a
11 designated zone similar to the zone referred to
12 in subparagraph (A) for that country, con-
13 sistent with international law.

14 (6) FISHERY RESOURCES.—The term “fishery
15 resources” means all fish, mollusks, crustaceans,
16 and other marine species, and any products thereof,
17 caught by a fishing vessel within the Convention
18 Area, but excluding—

19 (A) sedentary species insofar as they are
20 subject to the national jurisdiction of coastal
21 States pursuant to Article 77 paragraph 4 of
22 the 1982 Convention;

23 (B) highly migratory species listed in
24 Annex I of the 1982 Convention;

1 (C) anadromous and catadromous species;
2 and

3 (D) marine mammals, marine reptiles and
4 sea birds.

5 (7) FISHING.—The term “fishing”—

6 (A) except as provided in subparagraph

7 (B), means—

8 (i) the actual or attempted searching
9 for, catching, taking, or harvesting of fish-
10 ery resources;

11 (ii) engaging in any activity that can
12 reasonably be expected to result in the lo-
13 cating, catching, taking or harvesting of
14 fishery resources for any purpose;

15 (iii) transshipment and any operation
16 at sea, in support of, or in preparation for,
17 any activity described in this subpara-
18 graph; and

19 (iv) the use of any vessel, vehicle, air-
20 craft, or hovercraft in relation to any activ-
21 ity described in this subparagraph; and

22 (B) does not include any operation related
23 to emergencies involving the health and safety
24 of crew members or the safety of a fishing ves-
25 sel.

1 (8) FISHING VESSEL.—The term “fishing ves-
2 sel” means any vessel used or intended to be used
3 for fishing, including any fish processing vessel sup-
4 port ship, carrier vessel, or any other vessel directly
5 engaged in fishing operations.

6 (9) PERSON.—The term “person” means any
7 individual (whether or not a citizen or national of
8 the United States); any corporation, partnership, as-
9 sociation, or other entity (whether or not organized
10 or existing under the laws of any State); and any
11 Federal, State, local, or foreign government or any
12 entity of any such government.

13 (10) SECRETARY.—The term “Secretary”
14 means the Secretary of Commerce.

15 (11) SOUTH PACIFIC FISHERY RESOURCES CON-
16 VENTION.—The term “South Pacific Fishery Re-
17 sources Convention” means the Convention on the
18 Conservation and Management of the High Seas
19 Fishery Resources in the South Pacific Ocean (in-
20 cluding any annexes, amendments, or protocols that
21 are in force, or have come into force, for the United
22 States), which was adopted at Auckland, New Zea-
23 land, on November 14, 2009, by the International
24 Consultations on the Proposed South Pacific Re-
25 gional Fisheries Management Organization.

1 (12) STATE.—The term “State” means each of
 2 the several States of the United States, the District
 3 of Columbia, the Commonwealth of the Northern
 4 Mariana Islands, American Samoa, Guam, and any
 5 other commonwealth, territory, or possession of the
 6 United States.

7 **SEC. 202. APPOINTMENT OR DESIGNATION OF UNITED**
 8 **STATES COMMISSIONERS.**

9 (a) APPOINTMENT.—

10 (1) IN GENERAL.—The United States shall be
 11 represented on the Commission by not more than
 12 three Commissioners. In making each appointment,
 13 the President shall select a Commissioner from
 14 among individuals who are knowledgeable or experi-
 15 enced concerning fishery resources in the South Pa-
 16 cific Ocean.

17 (2) REPRESENTATION.—At least one of the
 18 Commissioners shall be—

19 (A) serving at the pleasure of the Presi-
 20 dent, an officer or employee of—

21 (i) the Department of Commerce;

22 (ii) the Department of State; or

23 (iii) the Coast Guard; and

24 (B) the chairperson or designee of the
 25 Council.

1 (b) ALTERNATE COMMISSIONERS.—The Secretary of
2 State, in consultation with the Secretary, may designate
3 from time to time and for periods of time considered ap-
4 propriate an alternate Commissioner to the Commission.
5 An alternate Commissioner may exercise all powers and
6 duties of a Commissioner in the absence of a Commis-
7 sioner appointed under subsection (a).

8 (c) ADMINISTRATIVE MATTERS.—

9 (1) EMPLOYMENT STATUS.—An individual serv-
10 ing as a Commissioner, or as an alternate Commis-
11 sioner, other than an officer or employee of the
12 United States Government, shall not be considered
13 a Federal employee, except for the purposes of in-
14 jury compensation or tort claims liability as provided
15 in chapter 81 of title 5, United States Code, and
16 chapter 171 of title 28, United States Code.

17 (2) COMPENSATION.—An individual serving as
18 a Commissioner or an alternate Commissioner, al-
19 though an officer of the United States while so serv-
20 ing, shall receive no compensation for the individ-
21 ual's services as such Commissioner or alternate
22 Commissioner.

23 (3) TRAVEL EXPENSES.—

24 (A) IN GENERAL.—The Secretary of State
25 shall pay the necessary travel expenses of a

1 Commissioner or an alternate Commissioner in
2 accordance with the Federal Travel Regulations
3 and sections 5701, 5702, 5704 through 5708,
4 and 5731 of title 5, United States Code.

5 (B) REIMBURSEMENT.—The Secretary
6 may reimburse the Secretary of State for
7 amounts expended by the Secretary of State
8 under this paragraph.

9 **SEC. 203. AUTHORITY AND RESPONSIBILITY OF THE SEC-**
10 **RETARY OF STATE.**

11 The Secretary of State may—

12 (1) receive and transmit, on behalf of the
13 United States, reports, requests, recommendations,
14 proposals, decisions, and other communications of
15 and to the Commission;

16 (2) in consultation with the Secretary, act
17 upon, or refer to other appropriate authority, any
18 communication pursuant to paragraph (1); and

19 (3) with the concurrence of the Secretary, and
20 in accordance with the South Pacific Fishery Re-
21 sources Convention, object to decisions of the Com-
22 mission.

23 **SEC. 204. RESPONSIBILITY OF THE SECRETARY AND RULE-**
24 **MAKING AUTHORITY.**

25 (a) RESPONSIBILITIES.—The Secretary may—

1 (1) administer this title and any regulations
2 issued under this title, except to the extent otherwise
3 provided for in this title;

4 (2) issue permits to vessels subject to the juris-
5 diction of the United States, and to owners and op-
6 erators of such vessels, to fish in the Convention
7 Area, under such terms and conditions as the Sec-
8 retary may prescribe; and

9 (3) if recommended by the United States Com-
10 missioners, assess and collect fees, not to exceed 3
11 percent of the ex-vessel value of fisheries resources
12 harvested by vessels of the United States in fisheries
13 conducted in the Convention Area, to recover the ac-
14 tual costs to the United States to carry out the func-
15 tions of the Secretary under this title.

16 (b) PROMULGATION OF REGULATIONS.—

17 (1) IN GENERAL.—The Secretary, in consulta-
18 tion with the Secretary of State and the Secretary
19 of the department in which the Coast Guard is oper-
20 ating, may promulgate such regulations as may be
21 necessary and appropriate to carry out the inter-
22 national obligations of the United States under the
23 South Pacific Fishery Resources Convention and
24 this title, including decisions adopted by the Com-
25 mission.

1 (2) APPLICABILITY.—Regulations promulgated
2 under this subsection shall be applicable only to a
3 person or fishing vessel that is or has engaged in
4 fishing, and fishery resources covered by the Con-
5 vention on the Conservation and Management of
6 High Seas Fishery Resources in the South Pacific
7 Ocean under this title.

8 (c) CONSISTENCY WITH OTHER LAWS.—The Sec-
9 retary shall ensure the consistency, to the extent prac-
10 ticable, of fishery management programs administered
11 under this title, the Magnuson-Stevens Fishery Conserva-
12 tion and Management Act (16 U.S.C. 1801 et seq.), the
13 Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.),
14 the South Pacific Tuna Act of 1988 (16 U.S.C. 973 et
15 seq.), section 401 of Public Law 108–219 (16 U.S.C. 1821
16 note) (relating to Pacific albacore tuna), the Western and
17 Central Pacific Fisheries Convention Implementation Act
18 (16 U.S.C. 6901 et seq.), the National Oceanic and At-
19 mospheric Administration Authorization Act of 1992
20 (Public Law 102–567) and the amendments made by that
21 Act, and Public Law 100–629 (102 Stat. 3286).

22 (d) JUDICIAL REVIEW OF REGULATIONS.—

23 (1) IN GENERAL.—Regulations promulgated by
24 the Secretary under this title shall be subject to ju-
25 dicial review to the extent authorized by, and in ac-

1 cordance with, chapter 7 of title 5, United States
2 Code, if a petition for such review is filed not later
3 than 30 days after the date on which the regulations
4 are promulgated or the action is published in the
5 Federal Register, as applicable.

6 (2) RESPONSES.—Notwithstanding any other
7 provision of law, the Secretary shall file a response
8 to any petition filed in accordance with paragraph
9 (1) not later than 30 days after the date the Sec-
10 retary is served with that petition, except that the
11 appropriate court may extend the period for filing
12 such a response upon a showing by the Secretary of
13 good cause for that extension.

14 (3) COPIES OF ADMINISTRATIVE RECORD.—A
15 response of the Secretary under paragraph (2) shall
16 include a copy of the administrative record for the
17 regulations that are the subject of the petition.

18 (4) EXPEDITED HEARINGS.—Upon a motion by
19 the person who files a petition under this subsection,
20 the appropriate court shall assign the matter for
21 hearing at the earliest possible date.

22 **SEC. 205. ENFORCEMENT.**

23 (a) RESPONSIBILITY.—This title, and any regulations
24 or permits issued under this title, shall be enforced by the
25 Secretary and the Secretary of the department in which

1 the Coast Guard is operating. Such Secretaries shall, and
2 the head of any Federal or State agency that has entered
3 into an agreement with either such Secretary under this
4 section may (if the agreement so provides), authorize offi-
5 cers to enforce this title or any regulation promulgated
6 under this title. Any officer so authorized may enforce this
7 title in the same manner, by the same means, and with
8 the same jurisdiction, powers, and duties as though sec-
9 tion 311 of the Magnuson-Stevens Fishery Conservation
10 and Management Act (16 U.S.C. 1861) were incorporated
11 into and made a part of this title.

12 (b) ADMINISTRATION AND ENFORCEMENT.—The
13 Secretary shall prevent any person from violating this title
14 in the same manner, by the same means, and with the
15 same jurisdiction, powers, and duties as though sections
16 308 through 311 of the Magnuson-Stevens Fishery Con-
17 servation and Management Act (16 U.S.C. 1858 through
18 1861) were incorporated into and made a part of this title.
19 Any person that violates this title shall be subject to the
20 penalties, and entitled to the privileges and immunities,
21 provided in the Magnuson-Stevens Fishery Conservation
22 and Management Act (16 U.S.C. 1801 et seq.) in the same
23 manner and by the same means as though sections 308
24 through 311 of that Act (16 U.S.C. 1858 through 1861)
25 were incorporated into and made a part of this title.

1 (c) DISTRICT COURT JURISDICTION.—The district
2 courts of the United States shall have jurisdiction over any
3 actions arising under this section. Notwithstanding sub-
4 section (b), for the purpose of this section, for Hawaii or
5 any possession of the United States in the Pacific Ocean,
6 the appropriate court is the United States District Court
7 for the District of Hawaii, except that in the case of Guam
8 and Wake Island, the appropriate court is the United
9 States District Court for the District of Guam, and except
10 that in the case of the Northern Mariana Islands, the ap-
11 propriate court is the United States District Court for the
12 District of the Northern Mariana Islands. Each violation
13 shall be a separate offense and the offense is deemed to
14 have been committed not only in the district where the
15 violation first occurred, but also in any other district as
16 authorized by law. Any offenses not committed in any dis-
17 trict are subject to the venue provisions of section 3238
18 of title 18, United States Code.

19 **SEC. 206. PROHIBITED ACTS.**

20 It is unlawful for any person—

21 (1) to violate any provision of this title or of
22 any regulation promulgated or permit issued under
23 this title;

24 (2) to use any fishing vessel to engage in fish-
25 ing without a valid permit or after the revocation, or

1 during the period of suspension, of an applicable
2 permit pursuant to this title;

3 (3) to refuse to permit any officer authorized to
4 enforce this title to board a fishing vessel subject to
5 such person's control for the purposes of conducting
6 any investigation or inspection in connection with
7 the enforcement of this title;

8 (4) to assault, resist, oppose, impede, intimi-
9 date, or interfere with any such authorized officer in
10 the conduct of any search, investigation, or inspec-
11 tion in connection with the enforcement of this title
12 or any regulation promulgated or permit issued
13 under this title;

14 (5) to resist a lawful arrest for any act prohib-
15 ited by this title or any regulation promulgated or
16 permit issued under this title;

17 (6) to ship, transport, offer for sale, sell, pur-
18 chase, import, export, or have custody, control, or
19 possession of, any fishery resources taken or re-
20 tained in violation of this title or any regulation or
21 permit referred to in paragraph (1) or (2);

22 (7) to interfere with, delay, or prevent, by any
23 means, the apprehension or arrest of another person,
24 knowing that such other person has committed any
25 act prohibited by this title;

1 (8) to submit to the Secretary false informa-
2 tion, regarding any matter that the Secretary is con-
3 sidering in the course of carrying out this title;

4 (9) to assault, resist, oppose, impede, intimi-
5 date, sexually harass, bribe, or interfere with any ob-
6 server on a vessel pursuant to the requirements of
7 this title, or any data collector employed by the Na-
8 tional Oceanic and Atmospheric Administration or
9 under contract to any person to carry out respon-
10 sibilities under this title;

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

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

18 (12) to import, in violation of any regulation
19 promulgated under this title, any fishery resources
20 in any form of those species subject to regulation
21 pursuant to a decision of the Commission;

22 (13) to make or submit any false record, ac-
23 count, or label for, or any false identification of, any
24 fishery resources that have been or are intended to
25 be imported, exported, transported, sold, offered for

1 sale, purchased, or received in interstate or foreign
2 commerce; or

3 (14) to refuse to authorize and accept boarding
4 by a duly authorized inspector pursuant to proce-
5 dures adopted by the Commission for the boarding
6 and inspection of fishing vessels in the Convention
7 Area.

8 **SEC. 207. COOPERATION IN CARRYING OUT THE CONVEN-**
9 **TION.**

10 (a) **FEDERAL AND STATE AGENCIES; PRIVATE INSTI-**
11 **TUTIONS AND ORGANIZATIONS.**—The Secretary may co-
12 operate with agencies of the United States Government,
13 any public or private institutions or organizations within
14 the United States or abroad, and, through the Secretary
15 of State, the duly authorized officials of the government
16 of any party to the South Pacific Fishery Resources Con-
17 vention, in carrying out responsibilities under this title.

18 (b) **SCIENTIFIC AND OTHER PROGRAMS; FACILITIES**
19 **AND PERSONNEL.**—All Federal agencies may, upon the
20 request of the Secretary, cooperate in the conduct of sci-
21 entific and other programs and to furnish facilities and
22 personnel for the purpose of assisting the Commission in
23 carrying out its duties under the South Pacific Fishery
24 Resources Convention.

1 (c) SANCTIONED FISHING OPERATIONS AND BIO-
2 LOGICAL EXPERIMENTS.—Nothing in this title, or in the
3 laws or regulations of any State, prevents the Secretary
4 or the Commission from—

5 (1) conducting or authorizing the conduct of
6 fishing operations and biological experiments at any
7 time for purposes of scientific investigation; or

8 (2) discharging any other duties prescribed by
9 the South Pacific Fishery Resources Convention.

10 (d) STATE JURISDICTION NOT AFFECTED.—Nothing
11 in this title shall be construed to diminish or to increase
12 the jurisdiction of any State in the territorial sea of the
13 United States.

14 **SEC. 208. TERRITORIAL PARTICIPATION.**

15 The Secretary of State shall ensure participation in
16 the Commission and its subsidiary bodies by American
17 Samoa, Guam, and the Commonwealth of the Northern
18 Mariana Islands to the extent allowed under United States
19 law.

20 **SEC. 209. EXCLUSIVE ECONOMIC ZONE NOTIFICATION.**

21 Masters of commercial fishing vessels of countries
22 fishing under the management authority of the South Pa-
23 cific Fisheries Convention that do not carry vessel moni-
24 toring systems capable of communicating with United
25 States enforcement authorities shall, before or as soon as

1 reasonably possible after, entering and transiting the ex-
2 clusive economic zone bounded by the Convention Area,
3 ensure that all fishing gear on board the vessel is stowed
4 below deck or otherwise removed from the place it is nor-
5 mally used for fishing activities and placed where it is not
6 readily available for fishing activities.

7 **TITLE III—WESTERN AND CEN-**
8 **TRAL PACIFIC FISHERIES**
9 **COMMISSION**

10 **SEC. 301. RECOMMENDATIONS FOR AGENDA OF ANNUAL**
11 **MEETINGS OF WESTERN AND CENTRAL PA-**
12 **CIFIC FISHERIES COMMISSION.**

13 (a) IN GENERAL.—The Western and Central Pacific
14 Fisheries Convention Implementation Act is amended—

15 (1) in section 503 (16 U.S.C. 6902)—

16 (A) in subsection (a), by inserting “and
17 commercial fishing” after “fish stocks”; and

18 (B) in subsection (d)(1), by adding at the
19 end the following:

20 “(E) AGENDA RECOMMENDATIONS.—No
21 later than 30 days before each annual meeting
22 of the Commission, the Advisory Committee
23 shall transmit to the United States Commis-
24 sioners recommendations relating to the agenda
25 of the annual meeting. The recommendations

1 must be agreed to by a majority of the Advisory
2 Committee members. The United States Com-
3 missioners shall consider such recommenda-
4 tions, along with additional views transmitted
5 by Advisory Committee members, in the formu-
6 lation of the United States position for the
7 Commission meeting and during the negotia-
8 tions at that meeting.”; and

9 (2) by redesignating section 511 (16 U.S.C.
10 6910) as section 512, and inserting after section
11 510 the following:

12 **“SEC. 511. UNITED STATES CONSERVATION, MANAGEMENT,**
13 **AND ENFORCEMENT OBJECTIVES.**

14 “The Secretary, in consultation with the Secretary of
15 State, in the course of negotiations, shall seek to—

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

19 “(2) maximize the opportunities for fishing ves-
20 sels of the United States to harvest fish stocks on
21 the high seas in the Convention area, recognizing
22 that such harvests may be restricted if the Commis-
23 sion, based on the best available scientific informa-
24 tion provided by the Scientific Committee, deter-

1 mines it is necessary to achieve the conservation ob-
 2 jective set forth in Article 2 of the Convention;

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

8 “(4) ensure that conservation and management
 9 measures take into consideration traditional fishing
 10 patterns of fishing vessels of the United States and
 11 the operating requirements of the fisheries covered
 12 by the Western and Central Pacific Convention.”.

13 (b) CONFORMING AMENDMENT.—Section 1(b) of the
 14 Magnuson-Stevens Fishery Conservation and Manage-
 15 ment Reauthorization Act of 2006 is amended in the table
 16 of contents by striking the item relating to section 511
 17 (121 Stat. 3576) and inserting the following:

“Sec. 511. United States conservation, management, and enforcement objec-
 tives.

“Sec. 512. Authorization of appropriations.”.

18 **TITLE IV—ILLEGAL, UNREGU-**
 19 **LATED, AND UNREPORTED**
 20 **FISHING**

21 **SEC. 401. AMENDMENTS TO THE HIGH SEAS DRIFTNET**
 22 **FISHING MORATORIUM PROTECTION ACT.**

23 (a) APPLICATION OF ACT.—Section 606(b) of the
 24 High Seas Driftnet Fishing Moratorium Protection Act

1 (16 U.S.C. 1826g(b)) is amended by striking “and” at
2 the end of paragraph (7), striking the period at the end
3 of paragraph (8) and inserting “; and”, and by adding
4 at the end the following:

5 “(9) the Ensuring Access to Pacific Fisheries
6 Act.”.

7 (b) BIENNIAL REPORTS.—Section 607 of the High
8 Seas Driftnet Fishing Moratorium Protection Act (16
9 U.S.C. 1826h) is amended by inserting “on June 1 of that
10 year” after “every 2 years thereafter,”.

11 (c) IDENTIFICATION OF VESSELS.—Section 609(a) of
12 the High Seas Driftnet Fishing Moratorium Protection
13 Act (16 U.S.C. 1826j(a)) is amended by striking “fishing
14 vessels of that nation are engaged, or have” and inserting
15 “any fishing vessel of that nation is engaged, or has”.

16 (d) IDENTIFICATION OF NATIONS.—Section
17 610(a)(2)(A) of the High Seas Driftnet Fishing Morato-
18 rium Protection Act (16 U.S.C. 1826k) is amended by
19 striking “calendar year” and inserting “3 years”.

1 **TITLE V—NORTHWEST ATLAN-**
2 **TIC FISHERIES CONVENTION**
3 **AMENDMENTS ACT**

4 **SEC. 501. SHORT TITLE; REFERENCES TO THE NORTHWEST**
5 **ATLANTIC FISHERIES CONVENTION ACT OF**
6 **1995.**

7 (a) **SHORT TITLE.**—This title may be cited as the
8 “Northwest Atlantic Fisheries Convention Amendments
9 Act”.

10 (b) **REFERENCES TO THE NORTHWEST ATLANTIC**
11 **FISHERIES CONVENTION ACT OF 1995.**—Except as other-
12 wise expressly provided, whenever in this title an amend-
13 ment or repeal is expressed in terms of an amendment
14 to, or repeal of, a section or other provision, the reference
15 shall be considered to be made to a section or other provi-
16 sion of the Northwest Atlantic Fisheries Convention Act
17 of 1995 (16 U.S.C. 5601 et seq.).

18 **SEC. 502. REPRESENTATION OF THE UNITED STATES**
19 **UNDER CONVENTION.**

20 Section 202 (16 U.S.C. 5601) is amended—

21 (1) in subsection (a)(1), by striking “General
22 Council and the Fisheries”;

23 (2) in subsection (b)(1), by striking “at a meet-
24 ing of the General Council or the Fisheries Commis-
25 sion”;

1 (3) in subsection (b)(2), by striking “, at any
2 meeting of the General Council or the Fisheries
3 Commission for which the Alternate Commissioner is
4 designated”;

5 (4) in subsection (d)(1), by striking “at a meet-
6 ing of the Scientific Council”;

7 (5) in subsection (d)(2), by striking “, at any
8 meeting of the Scientific Council for which the Alter-
9 nate Representative is designated”; and

10 (6) in subsection (f)(1)(A), by striking “Magnu-
11 son Act” and inserting “Magnuson-Stevens Fishery
12 Conservation and Management Act”.

13 **SEC. 503. REQUESTS FOR SCIENTIFIC ADVICE.**

14 Section 203 (16 U.S.C. 5602) is amended—

15 (1) in subsection (a)—

16 (A) by striking “The Representatives may”
17 and inserting “A Representative may”;

18 (B) by striking “described in subsection
19 (b)(1) or (2)” and inserting “described in para-
20 graph (1) or (2) of subsection (b)”;

21 (C) by striking “the Representatives have”
22 and inserting “the Representative has”;

23 (2) by striking “VII(1)” each place it appears
24 and inserting “VII(10)(b)”;

1 (3) in subsection (b)(2), by striking “VIII(2)”
2 and inserting “VII(11)”.

3 **SEC. 504. AUTHORITIES OF SECRETARY OF STATE WITH RE-**
4 **SPECT TO CONVENTION.**

5 Section 204 (16 U.S.C. 5603) is amended by striking
6 “Fisheries Commission” each place it appears and insert-
7 ing “Commission consistent with the procedures detailed
8 in Articles XIV and XV of the Convention”.

9 **SEC. 505. INTERAGENCY COOPERATION.**

10 Section 205(a) (16 U.S.C. 5604(a)) is amended to
11 read as follows:

12 “(a) AUTHORITIES OF THE SECRETARY.—In car-
13 rying out the provisions of the Convention and this title,
14 the Secretary may arrange for cooperation with—

15 “(1) any department, agency, or instrumen-
16 tality of the United States;

17 “(2) a State;

18 “(3) a Council; or

19 “(4) a private institution or an organization.”.

20 **SEC. 506. PROHIBITED ACTS AND PENALTIES.**

21 Section 207(a)(5) (16 U.S.C. 5606(a)(5)) is amended
22 by striking “fish” and inserting “fishery resources”.

23 **SEC. 507. CONSULTATIVE COMMITTEE.**

24 Section 208 (16 U.S.C. 5607) is amended—

1 (1) in subsection (b)(2), by striking “two” and
2 inserting “2”; and

3 (2) in subsection (c), by striking “General
4 Council or the Fisheries” each place it appears.

5 **SEC. 508. DEFINITIONS.**

6 Section 210 (16 U.S.C. 5609) is amended to read as
7 follows:

8 **“SEC. 210. DEFINITIONS.**

9 “In this title:

10 “(1) 1982 CONVENTION.—The term ‘1982 Con-
11 vention’ means the United Nations Convention on
12 the Law of the Sea of 10 December 1982.

13 “(2) AUTHORIZED ENFORCEMENT OFFICER.—
14 The term ‘authorized enforcement officer’ means a
15 person authorized to enforce this title, any regula-
16 tion issued under this title, or any measure that is
17 legally binding on the United States under the Con-
18 vention.

19 “(3) COMMISSION.—The term ‘Commission’
20 means the body provided for by Articles V, VI, XIII,
21 XIV, and XV of the Convention.

22 “(4) COMMISSIONER.—The term ‘Commis-
23 sioner’ means a United States Commissioner to the
24 Northwest Atlantic Fisheries Organization appointed
25 under section 202.

1 “(5) CONVENTION.—The term ‘Convention’
2 means the Convention on Future Multilateral Co-
3 operation in the Northwest Atlantic Fisheries, done
4 at Ottawa on October 24, 1978, and as amended on
5 September 28, 2007.

6 “(6) CONVENTION AREA.—The term ‘Conven-
7 tion Area’ means the waters of the Northwest Atlan-
8 tic Ocean north of 35°00’ N and west of a line ex-
9 tending due north from 35°00’ N and 42°00’ W to
10 59°00’ N, thence due west to 44°00’ W, and thence
11 due north to the coast of Greenland, and the waters
12 of the Gulf of St. Lawrence, Davis Strait and Baffin
13 Bay south of 78°10’ N.

14 “(7) COUNCIL.—The term ‘Council’ means the
15 New England Fishery Management Council or the
16 Mid-Atlantic Fishery Management Council.

17 “(8) FISHERY RESOURCES.—

18 “(A) IN GENERAL.—The term ‘fishery re-
19 sources’ means all fish, mollusks, and crusta-
20 ceans, including any products thereof, within
21 the Convention Area.

22 “(B) EXCLUSIONS.—The term ‘fishery re-
23 sources’ does not include—

24 “(i) sedentary species over which
25 coastal States may exercise sovereign

1 rights consistent with Article 77 of the
2 1982 Convention; or

3 “(ii) in so far as they are managed
4 under other international treaties, anad-
5 romous and catadromous stocks and highly
6 migratory species listed in Annex I of the
7 1982 Convention.

8 “(9) FISHING ACTIVITIES.—

9 “(A) IN GENERAL.—The term ‘fishing ac-
10 tivities’ means harvesting or processing fishery
11 resources, or transshipping of fishery resources
12 or products derived from fishery resources, or
13 any other activity in preparation for, in support
14 of, or related to the harvesting of fishery re-
15 sources.

16 “(B) INCLUSIONS.—The term ‘fishing ac-
17 tivities’ includes—

18 “(i) the actual or attempted searching
19 for or catching or taking of fishery re-
20 sources;

21 “(ii) any activity that can reasonably
22 be expected to result in locating, catching,
23 taking, or harvesting of fishery resources
24 for any purpose; and

1 “(iii) any operation at sea in support
2 of, or in preparation for, any activity de-
3 scribed in this paragraph.

4 “(C) EXCLUSIONS.—The term ‘fishing ac-
5 tivities’ does not include any operation related
6 to emergencies involving the health and safety
7 of crew members or the safety of a vessel.

8 “(10) FISHING VESSEL.—

9 “(A) IN GENERAL.—The term ‘fishing ves-
10 sel’ means a vessel that is or has been engaged
11 in fishing activities.

12 “(B) INCLUSIONS.—The term ‘fishing ves-
13 sel’ includes a fish processing vessel or a vessel
14 engaged in transshipment or any other activity
15 in preparation for or related to fishing activi-
16 ties, or in experimental or exploratory fishing
17 activities.

18 “(11) ORGANIZATION.—The term ‘Organiza-
19 tion’ means the Northwest Atlantic Fisheries Orga-
20 nization provided for by Article V of the Convention.

21 “(12) PERSON.—The term ‘person’ means any
22 individual (whether or not a citizen or national of
23 the United States), and any corporation, partner-
24 ship, association, or other entity (whether or not or-
25 ganized or existing under the laws of any State).

1 “(13) REPRESENTATIVE.—The term ‘Rep-
2 representative’ means a United States Representative to
3 the Northwest Atlantic Fisheries Scientific Council
4 appointed under section 202.

5 “(14) SCIENTIFIC COUNCIL.—The term ‘Sci-
6 entific Council’ means the Scientific Council pro-
7 vided for by Articles V, VI, and VII of the Conven-
8 tion.

9 “(15) SECRETARY.—The term ‘Secretary’
10 means the Secretary of Commerce.

11 “(16) STATE.—The term ‘State’ means each of
12 the several States of the United States, the District
13 of Columbia, and any other commonwealth, terri-
14 tory, or possession of the United States.

15 “(17) TRANSSHIPMENT.—The term ‘trans-
16 shipment’ means the unloading of all or any of the
17 fishery resources on board a fishing vessel to an-
18 other fishing vessel either at sea or in port.”.

19 **SEC. 509. QUOTA ALLOCATION PRACTICE.**

20 Section 213 (16 U.S.C. 5612) is repealed.

 Passed the House of Representatives September 12,
2016.

 Attest:

Clerk.

114TH CONGRESS
2^D SESSION

H. R. 4576

AN ACT

To implement the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean, to implement the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, and for other purposes.