

114TH CONGRESS
2D SESSION

H. R. 6452

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ensuring Access to
5 Pacific Fisheries Act”.

6 **TITLE I—NORTH PACIFIC**
7 **FISHERIES**

8 **Subtitle A—North Pacific Fisheries**
9 **Convention Implementation**

10 **SEC. 101. DEFINITIONS.**

11 In this subtitle:

12 (1) COMMISSION.—The term “Commission”
13 means the North Pacific Fisheries Commission es-
14 tablished in accordance with the North Pacific Fish-
15 eries Convention.

16 (2) COMMISSIONER.—The term “Commis-
17 sioner” means a United States Commissioner ap-
18 pointed under section 102(a).

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

24 (4) COUNCIL.—The term “Council” means the
25 North Pacific Fishery Management Council, the Pa-

1 cific Fishery Management Council, or the Western
2 Pacific Fishery Management Council established
3 under section 302 of the Magnuson-Stevens Fishery
4 Conservation and Management Act (16 U.S.C.
5 1852), as the context requires.

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

8 (A) with respect to the United States, the
9 zone established by Presidential Proclamation
10 Numbered 5030 of March 10, 1983 (16 U.S.C.
11 1453 note); and

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

16 (6) FISHERIES RESOURCES.—

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

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

1 (i) sedentary species insofar as they
2 are subject to the sovereign rights of coast-
3 al nations consistent with Article 77, para-
4 graph 4 of the 1982 Convention and indi-
5 cator species of vulnerable marine eco-
6 systems as listed in, or adopted pursuant
7 to, Article 13, paragraph 5 of the North
8 Pacific Fisheries Convention;

9 (ii) catadromous species;

10 (iii) marine mammals, marine reptiles,
11 or seabirds; or

12 (iv) other marine species already cov-
13 ered by preexisting international fisheries
14 management instruments within the area
15 of competence of such instruments.

16 (7) FISHING ACTIVITIES.—

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

19 (i) the actual or attempted searching
20 for, catching, taking, or harvesting of fish-
21 eries resources;

22 (ii) engaging in any activity that can
23 reasonably be expected to result in the lo-
24 cating, catching, taking, or harvesting of
25 fisheries resources for any purpose;

1 (iii) the processing of fisheries re-
2 sources at sea;

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

5 (v) any operation at sea in direct sup-
6 port of, or in preparation for, any activity
7 described in clauses (i) through (iv), in-
8 cluding transshipment.

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

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

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

24 (10) NORTH PACIFIC FISHERIES CONVEN-
25 TION.—The term “North Pacific Fisheries Conven-

1 tion” means the Convention on the Conservation and
2 Management of the High Seas Fisheries Resources
3 in the North Pacific Ocean (including any annexes,
4 amendments, or protocols that are in force, or have
5 come into force) for the United States, which was
6 adopted at Tokyo on February 24, 2012.

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

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

10 (B) any corporation, partnership, associa-
11 tion, or other entity, whether or not organized
12 or existing under the laws of any State; or

13 (C) any Federal, State, local, tribal, or for-
14 eign government or any entity of such govern-
15 ment.

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

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

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

6 (15) TRANSSHIPMENT.—The term “trans-
 7 shipment” means the unloading of any fisheries re-
 8 sources taken in the Convention Area from one fish-
 9 ing vessel to another fishing vessel either at sea or
 10 in port.

11 (16) 1982 CONVENTION.—The term “1982
 12 Convention” means the United Nations Convention
 13 on the Law of the Sea of 10 December 1982.

14 **SEC. 102. UNITED STATES PARTICIPATION IN THE NORTH**
 15 **PACIFIC FISHERIES CONVENTION.**

16 (a) UNITED STATES COMMISSIONERS.—

17 (1) NUMBER OF COMMISSIONERS.—The United
 18 States shall be represented on the Commission by
 19 five United States Commissioners.

20 (2) SELECTION OF COMMISSIONERS.—The
 21 Commissioners shall be as follows:

22 (A) APPOINTMENT BY THE PRESIDENT.—

23 (i) IN GENERAL.—Two of the Com-
 24 missioners shall be appointed by the Presi-

1 dent and shall be an officer or employee
2 of—

3 (I) the Department of Commerce;

4 (II) the Department of State; or

5 (III) the Coast Guard.

6 (ii) SELECTION CRITERIA.—In making
7 each appointment under clause (i), the
8 President shall select a Commissioner from
9 among individuals who are knowledgeable
10 or experienced concerning fisheries re-
11 sources in the North Pacific Ocean.

12 (B) NORTH PACIFIC FISHERY MANAGE-
13 MENT COUNCIL.—One Commissioner shall be
14 the chairman of the North Pacific Fishery Man-
15 agement Council or a designee of such chair-
16 man.

17 (C) PACIFIC FISHERY MANAGEMENT COUN-
18 CIL.—One Commissioner shall be the chairman
19 of the Pacific Fishery Management Council or
20 a designee of such chairperson.

21 (D) WESTERN PACIFIC FISHERY MANAGE-
22 MENT COUNCIL.—One Commissioner shall be
23 the chairman of the Western Pacific Fishery
24 Management Council or a designee of such
25 chairperson.

1 (b) ALTERNATE COMMISSIONERS.—In the event of a
2 vacancy in a position as a Commissioner appointed under
3 subsection (a), the Secretary of State, in consultation with
4 the Secretary, may designate from time to time and for
5 periods of time considered appropriate an alternate Com-
6 missioner to the Commission. An alternate Commissioner
7 may exercise all powers and duties of a Commissioner in
8 the absence of a Commissioner appointed under subsection
9 (a), and shall serve the remainder of the term of the ab-
10 sent Commissioner for which designated.

11 (c) ADMINISTRATIVE MATTERS.—

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

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

1 (3) TRAVEL EXPENSES.—

2 (A) IN GENERAL.—The Secretary of State
3 shall pay the necessary travel expenses of a
4 Commissioner or an alternate Commissioner in
5 accordance with the Federal Travel Regulations
6 and sections 5701, 5702, 5704 through 5708,
7 and 5731 of title 5, United States Code.

8 (B) REIMBURSEMENT.—The Secretary
9 may reimburse the Secretary of State for
10 amounts expended by the Secretary of State
11 under this paragraph.

12 (d) ADVISORY COMMITTEE.—

13 (1) ESTABLISHMENT OF PERMANENT ADVISORY
14 COMMITTEE.—

15 (A) MEMBERSHIP.—There is established
16 an advisory committee which shall be composed
17 of 11 members appointed by the Secretary as
18 follows:

19 (i) A member engaging in commercial
20 fishing activities in the management area
21 of the North Pacific Fishery Management
22 Council.

23 (ii) A member engaging in commercial
24 fishing activities in the management area

1 of the Pacific Fishery Management Coun-
2 cil.

3 (iii) A member engaging in commer-
4 cial fishing activities in the management
5 area of the Western Pacific Fishery Man-
6 agement Council.

7 (iv) Three members from the indige-
8 nous population of the North Pacific, in-
9 cluding an Alaska Native, Native Hawai-
10 ian, or a native-born inhabitant of any
11 State of the United States in the Pacific,
12 and an individual from a Pacific Coast
13 tribe.

14 (v) A member that is a marine fish-
15 eries scientist that is a resident of a State
16 the adjacent exclusive economic zone for
17 which is bounded by the Convention Area.

18 (vi) A member nominated by the Gov-
19 ernor of the State of Alaska.

20 (vii) A member nominated by the Gov-
21 ernor of the State of Hawaii.

22 (viii) A member nominated by the
23 Governor of the State of Washington.

24 (ix) A member nominated by the Gov-
25 ernor of the State of California.

1 (B) TERMS AND PRIVILEGES.—Each mem-
2 ber of the Advisory Committee shall serve for a
3 term of 2 years and shall be eligible for re-
4 appointment for not more than 3 consecutive
5 terms. The Commissioners shall notify the Ad-
6 visory Committee in advance of each meeting of
7 the Commissioners. The Advisory Committee
8 shall attend each meeting and shall examine
9 and be heard on all proposed programs, inves-
10 tigations, reports, recommendations, and regu-
11 lations of the Commissioners.

12 (C) PROCEDURES.—

13 (i) IN GENERAL.—The Advisory Com-
14 mittee shall determine its organization and
15 prescribe its practices and procedures for
16 carrying out its functions under this sub-
17 title, the North Pacific Fisheries Conven-
18 tion, and the Magnuson-Stevens Fishery
19 Conservation and Management Act (16
20 U.S.C. 1801 et seq.).

21 (ii) PUBLIC AVAILABILITY OF PROCE-
22 DURES.—The Advisory Committee shall
23 publish and make available to the public a
24 statement of its organization, practices,
25 and procedures.

1 (iii) QUORUM.—A majority of the
2 members of the Advisory Committee shall
3 constitute a quorum to conduct business.

4 (iv) PUBLIC MEETINGS.—Meetings of
5 the Advisory Committee, except when in
6 executive session, shall be open to the pub-
7 lic. Prior notice of each non-executive
8 meeting shall be made public in a timely
9 fashion. The Advisory Committee shall not
10 be subject to the Federal Advisory Com-
11 mittee Act (5 U.S.C. App.).

12 (v) COST SAVINGS.—In order to re-
13 duce the cost of Advisory Committee meet-
14 ings, the Advisory Committee shall, to the
15 extent practicable, utilize teleconferences
16 and webinars for that purpose.

17 (D) PROVISION OF INFORMATION.—The
18 Secretary and the Secretary of State shall fur-
19 nish the Advisory Committee with relevant in-
20 formation concerning fisheries resources and
21 international fishery agreements.

22 (2) ADMINISTRATIVE MATTERS.—

23 (A) SUPPORT SERVICES.—The Secretary
24 shall provide to the Advisory Committee in a
25 timely manner such administrative and tech-

1 nical support services as are necessary to func-
2 tion effectively.

3 (B) COMPENSATION; STATUS.—An indi-
4 vidual appointed to serve as a member of the
5 Advisory Committee—

6 (i) shall serve without pay; and

7 (ii) shall not be considered a Federal
8 employee, except for the purposes of injury
9 compensation or tort claims liability as
10 provided in chapter 81 of title 5, United
11 States Code, and chapter 171 of title 28,
12 United States Code.

13 (C) TRAVEL EXPENSES.—

14 (i) IN GENERAL.—The Secretary of
15 State may pay the necessary travel ex-
16 penses of members of the Advisory Com-
17 mittee in carrying out the duties of the Ad-
18 visory Committee in accordance with the
19 Federal Travel Regulations and sections
20 5701, 5702, 5704 through 5708, and 5731
21 of title 5, United States Code.

22 (ii) REIMBURSEMENT.—The Secretary
23 may reimburse the Secretary of State for
24 amounts expended by the Secretary of
25 State under this subparagraph.

1 **SEC. 103. AUTHORITY AND RESPONSIBILITY OF THE SEC-**
2 **RETARY OF STATE.**

3 The Secretary of State may—

4 (1) receive and transmit, on behalf of the
5 United States, reports, requests, recommendations,
6 proposals, decisions, and other communications of
7 and to the Commission;

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

11 (3) with the concurrence of the Secretary, and
12 in accordance with the Convention, object to the de-
13 cisions of the Commission; and

14 (4) request and utilize on a reimbursed or non-
15 reimbursed basis the assistance, services, personnel,
16 equipment, and facilities of other Federal depart-
17 ments and agencies, foreign governments or agen-
18 cies, or international intergovernmental organiza-
19 tions, in the conduct of scientific research and other
20 programs under this subtitle.

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

22 (a) **PROMULGATION OF REGULATIONS.—**

23 (1) **AUTHORITY.**—The Secretary, in consulta-
24 tion with the Secretary of State and, with respect to
25 enforcement measures, the Secretary of the depart-
26 ment in which the Coast Guard is operating, may

1 promulgate such regulations as may be necessary to
2 carry out the United States international obligations
3 under the North Pacific Fisheries Convention and
4 this subtitle, including recommendations and deci-
5 sions adopted by the Commission.

6 (2) REGULATIONS OF STRADDLING STOCKS.—

7 In the implementation of a measure adopted by the
8 Commission that would govern a straddling stock
9 under the authority of a Council, any regulation pro-
10 mulgated by the Secretary to implement such meas-
11 ure within the exclusive economic zone shall be ap-
12 proved by such Council.

13 (b) RULE OF CONSTRUCTION.—Regulations promul-
14 gated under subsection (a) shall be applicable only to a
15 person or a fishing vessel that is or has engaged in fishing
16 activities, or fisheries resources covered by the North Pa-
17 cific Fisheries Convention under this subtitle.

18 (c) ADDITIONAL AUTHORITY.—The Secretary may
19 conduct, and may request and utilize on a reimbursed or
20 nonreimbursed basis the assistance, services, personnel,
21 equipment, and facilities of other Federal departments
22 and agencies in—

23 (1) scientific, research, and other programs
24 under this subtitle;

1 (2) fishing operations and biological experi-
2 ments for purposes of scientific investigation or
3 other purposes necessary to implement the North
4 Pacific Fisheries Convention;

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

12 (4) the issuance of permits to owners and oper-
13 ators of United States vessels to engage in fishing
14 activities in the Convention Area seaward of the ex-
15 clusive economic zone of the United States, under
16 such terms and conditions as the Secretary may pre-
17 scribe, including the period of time that a permit is
18 valid; and

19 (5) if recommended by the United States Com-
20 missioners, the assessment and collection of fees, not
21 to exceed 3 percent of the ex-vessel value of fisheries
22 resources harvested by vessels of the United States
23 in fisheries conducted in the Convention Area, to re-
24 cover the actual costs to the United States to carry

1 out the functions of the Secretary under this sub-
2 title.

3 (d) CONSISTENCY WITH OTHER LAWS.—The Sec-
4 retary shall ensure the consistency, to the extent prac-
5 ticable, of fishery management programs administered
6 under this subtitle, the Magnuson-Stevens Fishery Con-
7 servation and Management Act (16 U.S.C. 1801 et seq.),
8 the Tuna Conventions Act of 1950 (16 U.S.C. 951 et
9 seq.), the South Pacific Tuna Act of 1988 (16 U.S.C. 973
10 et seq.), section 401 of Public Law 108–219 (16 U.S.C.
11 1821 note) (relating to Pacific albacore tuna), the West-
12 ern and Central Pacific Fisheries Convention Implementa-
13 tion Act (16 U.S.C. 6901 et seq.), the National Oceanic
14 and Atmospheric Administration Authorization Act of
15 1992 (Public Law 102–567) and the amendments made
16 by that Act, and Public Law 100–629 (102 Stat. 3286).

17 (e) JUDICIAL REVIEW OF REGULATIONS.—

18 (1) IN GENERAL.—Regulations promulgated by
19 the Secretary under this subtitle shall be subject to
20 judicial review to the extent authorized by, and in
21 accordance with, chapter 7 of title 5, United States
22 Code, if a petition for such review is filed not later
23 than 30 days after the date on which the regulations
24 are promulgated.

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

9 (3) COPIES OF ADMINISTRATIVE RECORD.—A
10 response of the Secretary under paragraph (2) shall
11 include a copy of the administrative record for the
12 regulations that are the subject of the petition.

13 (4) EXPEDITED HEARINGS.—Upon a motion by
14 the person who files a petition under this subsection,
15 the appropriate court shall assign the matter for
16 hearing at the earliest possible date.

17 **SEC. 105. ENFORCEMENT.**

18 (a) IN GENERAL.—The Secretary and the Secretary
19 of the department in which the Coast Guard is oper-
20 ating—

21 (1) shall administer and enforce this subtitle
22 and any regulations issued under this subtitle; and

23 (2) may request and utilize on a reimbursed or
24 nonreimbursed basis the assistance, services, per-
25 sonnel, equipment, and facilities of other Federal de-

1 partments and agencies in the administration and
2 enforcement of this subtitle.

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

21 (c) JURISDICTION OF THE COURTS.—

22 (1) IN GENERAL.—Subject to paragraphs (2)
23 and (3), the district courts of the United States
24 shall have jurisdiction over any case or controversy

1 arising under this subtitle, and any such court may
2 at any time—

3 (A) enter restraining orders or prohibi-
4 tions;

5 (B) issue warrants, process in rem, or
6 other process;

7 (C) prescribe and accept satisfactory bonds
8 or other security; and

9 (D) take such other actions as are in the
10 interest of justice.

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

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

19 (B) in the case of the Northern Mariana
20 Islands, the appropriate court is the United
21 States District Court for the District of the
22 Northern Mariana Islands.

23 (3) CONSTRUCTION.—Each violation shall be a
24 separate offense and the offense is deemed to have
25 been committed not only in the district where the

1 violation first occurred, but also in any other district
2 authorized by law. Any offense not committed in any
3 district is subject to the venue provisions of section
4 3238 of title 18, United States Code.

5 (d) CONFIDENTIALITY.—

6 (1) IN GENERAL.—Any information submitted
7 to the Secretary in compliance with any requirement
8 under this subtitle, and information submitted under
9 any requirement of this subtitle that may be nec-
10 essary to implement the Convention, including infor-
11 mation submitted before the date of the enactment
12 of this Act, shall be confidential and may not be dis-
13 closed, except—

14 (A) to a Federal employee who is respon-
15 sible for administering, implementing, or en-
16 forcing this subtitle;

17 (B) to the Commission, in accordance with
18 requirements in the North Pacific Fisheries
19 Convention and decisions of the Commission,
20 and, insofar as possible, in accordance with an
21 agreement with the Commission that prevents
22 public disclosure of the identity or business of
23 any person;

24 (C) to State, Council, or marine fisheries
25 commission employees pursuant to an agree-

1 ment with the Secretary that prevents public
2 disclosure of the identity or business of any per-
3 son;

4 (D) when required by court order; or

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

12 (2) USE OF INFORMATION.—

13 (A) IN GENERAL.—Except as provided in
14 subparagraph (B), the Secretary shall promul-
15 gate regulations regarding the procedures the
16 Secretary considers necessary to preserve the
17 confidentiality of information submitted under
18 this subtitle.

19 (B) EXCEPTION.—The Secretary may re-
20 lease or make public information submitted
21 under this subtitle if the information is in any
22 aggregate or summary form that does not di-
23 rectly or indirectly disclose the identity or busi-
24 ness of any person.

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

6 **SEC. 106. PROHIBITED ACTS.**

7 It is unlawful for any person—

8 (1) to violate this subtitle or any regulation or
9 permit issued under this subtitle;

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

14 (3) to refuse to permit any officer authorized to
15 enforce this subtitle to board a fishing vessel subject
16 to such person's control for the purposes of con-
17 ducting any search, investigation, or inspection in
18 connection with the enforcement of this subtitle or
19 any regulation, permit, or the North Pacific Fish-
20 eries Convention;

21 (4) to assault, resist, oppose, impede, intimi-
22 date, or interfere with any such authorized officer in
23 the conduct of any search, investigation, or inspec-
24 tion in connection with the enforcement of this sub-

1 title or any regulation, permit, or the North Pacific
2 Fisheries Convention;

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

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

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

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

23 (9) to assault, resist, oppose, impede, intimi-
24 date, sexually harass, bribe, or interfere with any ob-
25 server on a vessel under this subtitle, or any data

1 collector employed by or under contract to any per-
2 son to carry out responsibilities under this subtitle;

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

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

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

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

21 (14) to make or submit any false record, ac-
22 count, or label for, or any false identification of, any
23 fisheries resources that have been, or are intended to
24 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 subtitle.

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 subtitle, or in

1 the laws of any State, prevents the Secretary or the Com-
2 mission 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 subtitle shall be construed to diminish or to in-
10 crease the jurisdiction of any State in the territorial sea
11 of the 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 **SEC. 110. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated out of funds
 7 made available to the Secretary and the Secretary of State
 8 \$300,000 for each of fiscal years 2017 through 2021 to
 9 carry out this subtitle and to pay the United States con-
 10 tribution to the Commission under Article 12 of the North
 11 Pacific Fisheries Convention.

12 **Subtitle B—Miscellaneous**

13 **SEC. 121. FUNDING FOR TRAVEL EXPENSES.**

14 (a) NORTH PACIFIC BERING SEA FISHERIES ADVI-
 15 SORY BODY.—Section 5 of the Act entitled “An Act to
 16 approve the governing international fishery agreement be-
 17 tween the United States and the Union of Soviet Socialist
 18 Republics, and for other purposes”, approved November
 19 7, 1988 (Public Law 100–629; 16 U.S.C. 1823 note), is
 20 amended by adding at the end the following:

21 “(e) TRAVEL EXPENSES.—

22 “(1) IN GENERAL.—The Secretary of State may
 23 pay the necessary travel expenses of the members of
 24 the advisory body established pursuant to this sec-
 25 tion in carrying out their service as such members

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

4 “(2) REIMBURSEMENT.—The Secretary of
5 Commerce may reimburse the Secretary of State for
6 amounts expended by the Secretary of State under
7 this subsection.”.

8 (b) NORTH PACIFIC ANADROMOUS FISH COMMIS-
9 SION.—

10 (1) UNITED STATES COMMISSIONERS.—Section
11 804 of the North Pacific Anadromous Stocks Act of
12 1992 (16 U.S.C. 5003) is amended by adding at the
13 end the following:

14 “(e) TRAVEL EXPENSES.—

15 “(1) IN GENERAL.—The Secretary may pay the
16 necessary travel expenses of the United States Com-
17 missioners and Alternate United States Commis-
18 sioners in carrying out the duties of the Commission
19 in accordance with the Federal Travel Regulations
20 and sections 5701, 5702, 5704 through 5708, and
21 5731 of title 5, United States Code.

22 “(2) REIMBURSEMENT.—The Secretary of
23 Commerce may reimburse the Secretary for amounts
24 expended by the Secretary under this subpara-
25 graph.”.

1 (2) ADVISORY PANEL.—Section 805 of the
 2 North Pacific Anadromous Stocks Act of 1992 (16
 3 U.S.C. 5004) is amended by striking subsection (e)
 4 and inserting the following:

5 “(e) COMPENSATION.—The members of the Advisory
 6 Panel shall receive no compensation for their service as
 7 such members.

8 “(f) TRAVEL EXPENSES.—

9 “(1) IN GENERAL.—The Secretary may pay the
 10 necessary travel expenses of the members of the Ad-
 11 visory Panel in carrying out their service as such
 12 members in accordance with the Federal Travel Reg-
 13 ulations and sections 5701, 5702, 5704 through
 14 5708, and 5731 of title 5, United States Code.

15 “(2) REIMBURSEMENT.—The Secretary of
 16 Commerce may reimburse the Secretary for amounts
 17 expended by the Secretary under this subpara-
 18 graph.”.

19 **SEC. 122. NATIONAL SEA GRANT COLLEGE PROGRAM REAU-**
 20 **THORIZATION ACT OF 1998.**

21 Section 10 of the National Sea Grant College Pro-
 22 gram Reauthorization Act of 1998 (15 U.S.C. 1541) is
 23 amended by striking “the United States Coast Guard”
 24 each place it appears and inserting “another Federal
 25 agency”.

1 **TITLE II—IMPLEMENTATION OF**
2 **THE CONVENTION ON THE**
3 **CONSERVATION AND MAN-**
4 **AGEMENT OF HIGH SEAS**
5 **FISHERY RESOURCES IN THE**
6 **SOUTH PACIFIC OCEAN**

7 **SEC. 201. DEFINITIONS.**

8 In this title:

9 (1) 1982 CONVENTION.—The term “1982 Con-
10 vention” means the United Nations Convention on
11 the Law of the Sea of 10 December 1982.

12 (2) COMMISSION.—The term “Commission”
13 means the Commission of the South Pacific Regional
14 Fisheries Management Organization established in
15 accordance with the South Pacific Fishery Resources
16 Convention.

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

22 (4) COUNCIL.—The term “Council” means the
23 Western Pacific Regional Fishery Management
24 Council.

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

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

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

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

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

20 (B) highly migratory species listed in
21 Annex I of the 1982 Convention;

22 (C) anadromous and catadromous species;
23 and

24 (D) marine mammals, marine reptiles and
25 sea birds.

1 (7) FISHING.—The term “fishing”—

2 (A) except as provided in subparagraph

3 (B), means—

4 (i) the actual or attempted searching
5 for, catching, taking, or harvesting of fish-
6 ery resources;

7 (ii) engaging in any activity that can
8 reasonably be expected to result in the lo-
9 cating, catching, taking or harvesting of
10 fishery resources for any purpose;

11 (iii) transshipment and any operation
12 at sea, in support of, or in preparation for,
13 any activity described in this subpara-
14 graph; and

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

18 (B) does not include any operation related
19 to emergencies involving the health and safety
20 of crew members or the safety of a fishing ves-
21 sel.

22 (8) FISHING VESSEL.—The term “fishing ves-
23 sel” means any vessel used or intended to be used
24 for fishing, including any fish processing vessel sup-

1 port ship, carrier vessel, or any other vessel directly
2 engaged in fishing operations.

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

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

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

23 (12) STATE.—The term “State” means each of
24 the several States of the United States, the District
25 of Columbia, the Commonwealth of the Northern

1 Mariana Islands, American Samoa, Guam, and any
2 other commonwealth, territory, or possession of the
3 United States.

4 **SEC. 202. APPOINTMENT OR DESIGNATION OF UNITED**
5 **STATES COMMISSIONERS.**

6 (a) APPOINTMENT.—

7 (1) IN GENERAL.—The United States shall be
8 represented on the Commission by not more than 3
9 Commissioners. In making each appointment, the
10 President shall select a Commissioner from among
11 individuals who are knowledgeable or experienced
12 concerning fishery resources in the South Pacific
13 Ocean.

14 (2) REPRESENTATION.—At least 1 of the Com-
15 missioners shall be—

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

18 (i) the Department of Commerce;

19 (ii) the Department of State; or

20 (iii) the Coast Guard; and

21 (B) the chairperson or designee of the
22 Council.

23 (b) ALTERNATE COMMISSIONERS.—The Secretary of
24 State, in consultation with the Secretary, may designate
25 from time to time and for periods of time considered ap-

1 appropriate an alternate Commissioner to the Commission.
2 An alternate Commissioner may exercise all powers and
3 duties of a Commissioner in the absence of a Commis-
4 sioner appointed under subsection (a).

5 (c) ADMINISTRATIVE MATTERS.—

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

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

20 (3) TRAVEL EXPENSES.—

21 (A) IN GENERAL.—The Secretary of State
22 shall pay the necessary travel expenses of a
23 Commissioner or an alternate Commissioner in
24 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 (d) ADVISORY COMMITTEE.—

8 (1) ESTABLISHMENT OF PERMANENT ADVISORY
9 COMMITTEE.—

10 (A) MEMBERSHIP.—There is established
11 an advisory committee which shall be composed
12 of 7 members appointed by the Secretary as fol-
13 lows:

14 (i) A member engaging in commercial
15 fishing in the management area of the
16 Council.

17 (ii) Two members from the indigenous
18 population of the Pacific, including a Na-
19 tive Hawaiian and a native-born inhabitant
20 of any State in the Pacific.

21 (iii) A member that is a marine fish-
22 eries scientist and a member of the Coun-
23 cil's Scientific and Statistical Committee.

1 (iv) A member representing a non-
2 governmental organization active in fishery
3 issues in the Pacific.

4 (v) A member nominated by the Gov-
5 ernor of the State of Hawaii.

6 (vi) A member designated by the
7 Council.

8 (B) TERMS AND PRIVILEGES.—Each mem-
9 ber of the Advisory Committee shall serve for a
10 term of 2 years and shall be eligible for re-
11 appointment for not more than 3 consecutive
12 terms. The Commissioners shall notify the Ad-
13 visory Committee in advance of each meeting of
14 the Commissioners. The Advisory Committee
15 may attend each meeting and may examine and
16 be heard on all proposed programs, investiga-
17 tions, reports, recommendations, and regula-
18 tions of the Commissioners.

19 (C) PROCEDURES.—

20 (i) IN GENERAL.—The Advisory Com-
21 mittee shall determine its organization and
22 prescribe its practices and procedures for
23 carrying out its functions under this title,
24 the South Pacific Fisheries Convention,
25 and the Magnuson-Stevens Fishery Con-

1 servation and Management Act (16 U.S.C.
2 1801 et seq.).

3 (ii) PUBLIC AVAILABILITY OF PROCE-
4 DURES.—The Advisory Committee shall
5 publish and make available to the public a
6 statement of its organization, practices,
7 and procedures.

8 (iii) QUORUM.—A majority of the
9 members of the Advisory Committee shall
10 constitute a quorum to conduct business.

11 (iv) PUBLIC MEETINGS.—Meetings of
12 the Advisory Committee, except when in
13 executive session, shall be open to the pub-
14 lic. Prior notice of each non-executive
15 meeting shall be made public in a timely
16 fashion. The Advisory Committee shall not
17 be subject to the Federal Advisory Com-
18 mittee Act (5 U.S.C. App.).

19 (v) COST SAVINGS.—In order to re-
20 duce the cost of Advisory Committee meet-
21 ings, the Advisory Committee shall, to the
22 extent practicable, utilize teleconferences
23 and webinars for that purpose.

24 (D) PROVISION OF INFORMATION.—The
25 Secretary and the Secretary of State shall fur-

1 nish the Advisory Committee with relevant in-
2 formation concerning fishery resources and
3 international fishery agreements.

4 (2) ADMINISTRATIVE MATTERS.—

5 (A) SUPPORT SERVICES.—The Secretary
6 shall provide to the Advisory Committee in a
7 timely manner such administrative and tech-
8 nical support services as are necessary to func-
9 tion effectively.

10 (B) COMPENSATION; STATUS; EX-
11 PENSES.—An individual appointed to serve as a
12 member of the Advisory Committee—

13 (i) shall serve without pay; and

14 (ii) shall not be considered a Federal
15 employee, except for the purposes of injury
16 compensation or tort claims liability as
17 provided in chapter 81 of title 5, United
18 States Code, and chapter 171 of title 28,
19 United States Code.

20 **SEC. 203. AUTHORITY AND RESPONSIBILITY OF THE SEC-**
21 **RETARY OF STATE.**

22 The Secretary of State may—

23 (1) receive and transmit, on behalf of the
24 United States, reports, requests, recommendations,

1 proposals, decisions, and other communications of
2 and to the Commission;

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

6 (3) with the concurrence of the Secretary, and
7 in accordance with the South Pacific Fishery Re-
8 sources Convention, object to decisions of the Com-
9 mission.

10 **SEC. 204. RESPONSIBILITY OF THE SECRETARY AND RULE-**
11 **MAKING AUTHORITY.**

12 (a) RESPONSIBILITIES.—The Secretary may—

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

16 (2) issue permits to vessels subject to the juris-
17 diction of the United States, and to owners and op-
18 erators of such vessels, to fish in the Convention
19 Area, under such terms and conditions as the Sec-
20 retary may prescribe; and

21 (3) if recommended by the United States Com-
22 missioners, assess and collect fees, not to exceed 3
23 percent of the ex-vessel value of fisheries resources
24 harvested by vessels of the United States in fisheries
25 conducted in the Convention Area, to recover the ac-

1 tual costs to the United States to carry out the func-
2 tions of the Secretary under this title.

3 (b) PROMULGATION OF REGULATIONS.—

4 (1) IN GENERAL.—The Secretary, in consulta-
5 tion with the Secretary of State and the Secretary
6 of the department in which the Coast Guard is oper-
7 ating, may promulgate such regulations as may be
8 necessary and appropriate to carry out the inter-
9 national obligations of the United States under the
10 South Pacific Fishery Resources Convention and
11 this title, including decisions adopted by the Com-
12 mission.

13 (2) APPLICABILITY.—Regulations promulgated
14 under this subsection shall be applicable only to a
15 person or fishing vessel that is or has engaged in
16 fishing, and fishery resources covered by the Con-
17 vention on the Conservation and Management of
18 High Seas Fishery Resources in the South Pacific
19 Ocean under this title.

20 (c) CONSISTENCY WITH OTHER LAWS.—The Sec-
21 retary shall ensure the consistency, to the extent prac-
22 ticable, of fishery management programs administered
23 under this title, the Magnuson-Stevens Fishery Conserva-
24 tion and Management Act (16 U.S.C. 1801 et seq.), the
25 Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.),

1 the South Pacific Tuna Act of 1988 (16 U.S.C. 973 et
2 seq.), section 401 of Public Law 108–219 (16 U.S.C. 1821
3 note) (relating to Pacific albacore tuna), the Western and
4 Central Pacific Fisheries Convention Implementation Act
5 (16 U.S.C. 6901 et seq.), the National Oceanic and At-
6 mospheric Administration Authorization Act of 1992
7 (Public Law 102–567) and the amendments made by that
8 Act, and Public Law 100–629 (102 Stat. 3286).

9 (d) JUDICIAL REVIEW OF REGULATIONS.—

10 (1) IN GENERAL.—Regulations promulgated by
11 the Secretary under this title shall be subject to ju-
12 dicial review to the extent authorized by, and in ac-
13 cordance with, chapter 7 of title 5, United States
14 Code, if a petition for such review is filed not later
15 than 30 days after the date on which the regulations
16 are promulgated or the action is published in the
17 Federal Register, as applicable.

18 (2) RESPONSES.—Notwithstanding any other
19 provision of law, the Secretary shall file a response
20 to any petition filed in accordance with paragraph
21 (1) not later than 30 days after the date the Sec-
22 retary is served with that petition, except that the
23 appropriate court may extend the period for filing
24 such a response upon a showing by the Secretary of
25 good cause for that extension.

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

5 (4) EXPEDITED HEARINGS.—Upon a motion by
6 the person who files a petition under this subsection,
7 the appropriate court shall assign the matter for
8 hearing at the earliest possible date.

9 **SEC. 205. ENFORCEMENT.**

10 (a) RESPONSIBILITY.—This title, and any regulations
11 or permits issued under this title, shall be enforced by the
12 Secretary and the Secretary of the department in which
13 the Coast Guard is operating. Such Secretaries shall, and
14 the head of any Federal or State agency that has entered
15 into an agreement with either such Secretary under this
16 section may (if the agreement so provides), authorize offi-
17 cers to enforce this title or any regulation promulgated
18 under this title. Any officer so authorized may enforce this
19 title in the same manner, by the same means, and with
20 the same jurisdiction, powers, and duties as though sec-
21 tion 311 of the Magnuson-Stevens Fishery Conservation
22 and Management Act (16 U.S.C. 1861) were incorporated
23 into and made a part of this title.

24 (b) ADMINISTRATION AND ENFORCEMENT.—The
25 Secretary and the Secretary of the department in which

1 the Coast Guard is operating shall prevent any person
2 from violating this title in the same manner, by the same
3 means, and with the same jurisdiction, powers, and duties
4 as though sections 308 through 311 of the Magnuson-Ste-
5 vens Fishery Conservation and Management Act (16
6 U.S.C. 1858 through 1861) were incorporated into and
7 made a part of this title. Any person that violates this
8 title shall be subject to the penalties, and entitled to the
9 privileges and immunities, provided in the Magnuson-Ste-
10 vens Fishery Conservation and Management Act (16
11 U.S.C. 1801 et seq.) in the same manner and by the same
12 means as though sections 308 through 311 of that Act
13 (16 U.S.C. 1858 through 1861) were incorporated into
14 and made a part of this title.

15 (c) DISTRICT COURT JURISDICTION.—

16 (1) IN GENERAL.—The district courts of the
17 United States shall have jurisdiction over any ac-
18 tions arising under this section.

19 (2) HAWAII AND PACIFIC INSULAR AREAS.—
20 Notwithstanding subsection (b), for the purpose of
21 this section, for Hawaii or any possession of the
22 United States in the Pacific Ocean, the appropriate
23 court is the United States District Court for the
24 District of Hawaii, except that—

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

4 (B) in the case of the Northern Mariana
5 Islands, the appropriate court is the United
6 States District Court for the District of the
7 Northern Mariana Islands.

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

15 **SEC. 206. PROHIBITED ACTS.**

16 It is unlawful for any person—

17 (1) to violate any provision of this title or of
18 any regulation promulgated or permit issued under
19 this title;

20 (2) to use any fishing vessel to engage in fish-
21 ing without a valid permit or after the revocation, or
22 during the period of suspension, of an applicable
23 permit pursuant to this title;

24 (3) to refuse to permit any officer authorized to
25 enforce this title to board a fishing vessel subject to

1 such person's control for the purposes of conducting
2 any investigation or inspection in connection with
3 the enforcement of this title;

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

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

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

18 (7) to interfere with, delay, or prevent, by any
19 means, the apprehension or arrest of another person,
20 knowing that such other person has committed any
21 act prohibited by this title;

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

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

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

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

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

19 (13) to make or submit any false record, ac-
20 count, or label for, or any false identification of, any
21 fishery resources that have been or are intended to
22 be imported, exported, transported, sold, offered for
23 sale, purchased, or received in interstate or foreign
24 commerce; or

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

6 **SEC. 207. COOPERATION IN CARRYING OUT THE CONVEN-**
7 **TION.**

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

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

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

1 laws or regulations of any State, prevents the Secretary
2 or the Commission 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 South Pacific Fishery Resources 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. 208. TERRITORIAL PARTICIPATION.**

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

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

19 Masters of commercial fishing vessels of countries
20 fishing under the management authority of the South Pa-
21 cific Fisheries Convention that do not carry vessel moni-
22 toring systems capable of communicating with United
23 States enforcement authorities shall, before or as soon as
24 reasonably possible after, entering and transiting the ex-
25 clusive 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 **SEC. 210. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—There is authorized to be appro-
7 priated out of funds made available to the Secretary and
8 the Secretary of State \$300,000 for each of fiscal years
9 2017 through 2021 to carry out this title and to pay the
10 United States contribution to the Commission under Arti-
11 cle 15 of the South Pacific Fisheries Convention.

12 (b) INTERNATIONAL COOPERATION AND ASSIST-
13 ANCE.—

14 (1) IN GENERAL.—Subject to the limits of
15 available appropriations and consistent with applica-
16 ble law, the Secretary or the Secretary of State may
17 provide appropriate assistance, including grants, to
18 developing nations and international organizations of
19 which such nations are members to assist those na-
20 tions in meeting their obligations under the South
21 Pacific Fisheries Convention.

22 (2) TRANSFER OF FUNDS.—Subject to the lim-
23 its of available appropriations and consistent with
24 other applicable law, the Secretary and the Secretary
25 of State are authorized to transfer funds to any for-

5 **TITLE III—WESTERN AND CEN-**
6 **TRAL PACIFIC FISHERIES**
7 **COMMISSION**

8 SEC. 301. RECOMMENDATIONS FOR AGENDA OF ANNUAL
9 MEETINGS OF WESTERN AND CENTRAL PA-
10 CIFIC FISHERIES COMMISSION.

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

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

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

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

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

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

7 (2) by redesignating section 511 (16 U.S.C.
8 6910) as section 512, and inserting after section
9 510 the following:

10 **“SEC. 511. UNITED STATES CONSERVATION, MANAGEMENT,**
11 **AND ENFORCEMENT OBJECTIVES.**

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

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

17 “(2) to maximize the opportunities for fishing
18 vessels of the United States to harvest fish stocks on
19 the high seas in the Convention area, recognizing
20 that such harvests may be restricted if the Commis-
21 sion, based on the best available scientific informa-
22 tion provided by the Scientific Committee, deter-
23 mines it is necessary to achieve the conservation ob-
24 jective set forth in Article 2 of the Convention;

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

6 “(4) to ensure that conservation and manage-
 7 ment measures take into consideration traditional
 8 fishing patterns of fishing vessels of the United
 9 States and the operating requirements of the fish-
 10 eries covered by the Western and Central Pacific
 11 Convention.”.

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

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

“Sec. 512. Authorization of appropriations.”.

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

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

22 (a) APPLICATION OF ACT.—Section 606(b) of the
 23 High Seas Driftnet Fishing Moratorium Protection Act
 24 (16 U.S.C. 1826g(b)) is amended—

1 (1) in paragraph (7), by striking “and” at the
2 end;

3 (2) in paragraph (8), by striking the period at
4 the end and inserting “; and”; and

5 (3) by adding at the end the following:

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

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

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

17 (d) IDENTIFICATION OF NATIONS.—Section
18 610(a)(2)(A) of the High Seas Driftnet Fishing Morato-
19 rium Protection Act (16 U.S.C. 1826k) is amended by
20 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

rights consistent with Article 77 of the
1982 Convention; or

“(ii) insofar as they are managed
under other international treaties, anad-
romous and catadromous stocks and highly
migratory species listed in Annex I of the
1982 Convention.

“(9) FISHING ACTIVITIES.—

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

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

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

“(ii) any activity that can reasonably
be expected to result in locating, catching,
taking, or harvesting of fishery resources
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. AUTHORIZATION OF APPROPRIATIONS.**

20 Section 211 (16 U.S.C. 5610) is amended—

21 (1) by striking “including use for payment as
22 the United States contribution to the Organization
23 as provided in Article XVI of the Convention” and
24 inserting “including to pay the United States con-

1 tribution to the Organization as provided in Article
2 IX of the Convention”; and

3 (2) by striking “2012” and inserting “2021”.

4 **SEC. 510. QUOTA ALLOCATION PRACTICE.**

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

6 **TITLE VI—MISCELLANEOUS**

7 **SEC. 601. REPEAL OF NOAA OCEANS AND HUMAN HEALTH**

8 **INITIATIVE REPORT.**

9 Section 904 of the Oceans and Human Health Act
10 (33 U.S.C. 3103) is amended—

11 (1) in subsection (a), by striking “(a) IN GEN-
12 ERAL.—” and indenting appropriately; and

13 (2) by striking subsection (b).

 Passed the House of Representatives December 8,
2016.

Attest:

Clerk.

114TH CONGRESS
2^D Session

H. R. 6452

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.