

114TH CONGRESS  
2D SESSION

# H. R. 4576

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 2016

Received

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## 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:

KAREN L. HAAS,

*Clerk.*