

114TH CONGRESS
2D SESSION

S. 1335

AN ACT

To implement the Convention on the Conservation and Management of the High Seas Fisheries Resources in the North Pacific Ocean, as adopted at Tokyo on February 24, 2012, 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; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Ensuring Access to Fisheries Act”.

4 (b) TABLE OF CONTENTS.—The table of contents of
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NORTH PACIFIC FISHERIES

Subtitle A—North Pacific Fisheries Convention Implementation Act

Sec. 101. Short title.

Sec. 102. Definitions.

Sec. 103. United States participation in the North Pacific Fisheries Convention.

Sec. 104. Authority and responsibility of the Secretary of State.

Sec. 105. Authority of the Secretary of Commerce.

Sec. 106. Enforcement.

Sec. 107. Prohibited acts.

Sec. 108. Cooperation in carrying out Convention.

Sec. 109. Territorial participation.

Sec. 110. Exclusive economic zone notification.

Sec. 111. Authorization of appropriations.

Subtitle B—Miscellaneous

Sec. 121. Funding for travel expenses.

Sec. 122. National Sea Grant College Program Reauthorization Act of 1998.

**TITLE II—SOUTH PACIFIC FISHERIES CONVENTION
IMPLEMENTATION ACT**

Sec. 201. Short title.

Sec. 202. Definitions.

Sec. 203. Appointment of United States Commissioners.

Sec. 204. Authority and responsibility of the Secretary of State.

Sec. 205. Authority of the Secretary of Commerce.

Sec. 206. Enforcement.

Sec. 207. Prohibited acts.

Sec. 208. Cooperation in carrying out Convention.

Sec. 209. Territorial participation.

Sec. 210. Exclusive economic zone notification.

Sec. 211. Authorization of appropriations.

**TITLE III—NORTHWEST ATLANTIC FISHERIES CONVENTION
AMENDMENTS ACT**

Sec. 301. Short title; references to the Northwest Atlantic Fisheries Convention Act of 1995.

Sec. 302. Representation of the United States under Convention.

Sec. 303. Requests for scientific advice.

Sec. 304. Authorities of Secretary of State with respect to Convention.

Sec. 305. Interagency cooperation.
 Sec. 306. Prohibited acts and penalties.
 Sec. 307. Consultative committee.
 Sec. 308. Definitions.
 Sec. 309. Authorization of appropriations.
 Sec. 310. Quota allocation practice.

1 **TITLE I—NORTH PACIFIC**
 2 **FISHERIES**
 3 **Subtitle A—North Pacific Fisheries**
 4 **Convention Implementation Act**

5 **SEC. 101. SHORT TITLE.**

6 This subtitle may be cited as the “North Pacific Fish-
 7 eries Convention Implementation Act”.

8 **SEC. 102. DEFINITIONS.**

9 In this subtitle:

10 (1) **ADVISORY COMMITTEE.**—The term “Advi-
 11 sory Committee” means the advisory committee es-
 12 tablished under section 103.

13 (2) **COMMISSION.**—The term “Commission”
 14 means the North Pacific Fisheries Commission es-
 15 tablished pursuant to the North Pacific Fisheries
 16 Convention.

17 (3) **COMMISSIONER.**—The term “Commis-
 18 sioner” means a United States Commissioner ap-
 19 pointed under section 103.

20 (4) **CONVENTION AREA.**—The term “Conven-
 21 tion Area”—

(A) means the waters of the high seas areas of the North Pacific Ocean; and

(B) excludes—

(i) the high seas areas of the Bering Sea and other high seas areas that are surrounded by the exclusive economic zone of a single nation, which are bounded to the south by a continuous line beginning at the seaward limit of waters under the jurisdiction of the United States around the Commonwealth of the Northern Mariana Islands at 20 degrees North latitude, then proceeding East and connecting the coordinates: 20°00′00″N, 180°00′00″E/W; 10°00′00″N 180°00′00″E/W; 10°00′00″N, 140°00′00″W; 20°00′00″N, 140°00′00″W; and thence East to the seaward limit of waters under the fisheries jurisdiction of Mexico; and

(ii) the exclusive economic zone of the United States or of any other country.

(5) COUNCIL.—The term “Council” means the North Pacific Fishery Management Council, the Pacific Fishery Management Council, or the Western Pacific Fishery Management Council established

1 under section 302 of the Magnuson-Stevens Fishery
2 Conservation and Management Act (16 U.S.C.
3 1852).

4 (6) 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), the inner boundary of which, for
10 purposes of this subtitle, is a line coterminous
11 with the seaward boundary of each of the coast-
12 al States; and

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

16 (7) FISHERIES RESOURCES.—

17 (A) IN GENERAL.—The term “fisheries re-
18 sources” means all fish, mollusks, crustaceans,
19 and other marine species, including any prod-
20 ucts thereof, caught by a fishing vessel within
21 the Convention Area.

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

24 (i) sedentary species insofar as they
25 are subject to the sovereign rights of coast-

al nations consistent with Article 77, paragraph 4 of the 1982 Convention and indicator species of vulnerable marine ecosystems as listed in, or adopted pursuant to, Article 13, paragraph 5 of the North Pacific Fisheries Convention;

(ii) catadromous species;

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

(iv) other marine species already covered by pre-existing international fisheries management instruments within the area of competence of such instruments.

(8) FISHING ACTIVITIES.—

(A) IN GENERAL.—The term “fishing activities” means—

(i) the actual or attempted searching for, catching, taking, or harvesting of fisheries resources;

(ii) engaging in any activity that can reasonably be expected to result in the locating, catching, taking, or harvesting of fisheries resources for any purpose;

(iii) the processing of fisheries resources at sea;

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

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

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

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

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

22 (11) NORTH PACIFIC FISHERIES CONVEN-
 23 TION.—The term “North Pacific Fisheries Conven-
 24 tion” means the Convention on the Conservation and
 25 Management of the High Seas Fisheries Resources

1 in the North Pacific Ocean (including any annexes,
2 amendments, or protocols that are in force, or have
3 come into force) for the United States, which was
4 adopted at Tokyo on February 24, 2012.

5 (12) PERSON.—The term “person” means—

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

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

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

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

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

23 (15) STRADDLING STOCK.—The term “strad-
24 dling stock” means a stock of fisheries resources
25 which migrates between, or occurs in, the exclusive

1 economic zone of 1 or more parties to the Conven-
 2 tion and the Convention Area.

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

8 (17) 1982 CONVENTION.—The term “1982
 9 Convention” means the United Nations Convention
 10 on the Law of the Sea of 10 December 1982.

11 **SEC. 103. UNITED STATES PARTICIPATION IN THE NORTH**
 12 **PACIFIC FISHERIES CONVENTION.**

13 (a) UNITED STATES COMMISSIONERS.—

14 (1) NUMBER OF COMMISSIONERS.—The United
 15 States shall be represented on the Commission by 5
 16 United States Commissioners.

17 (2) SELECTION OF COMMISSIONERS.—The
 18 United States Commissioners shall be as follows:

19 (A) APPOINTMENT BY THE PRESIDENT.—

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

24 (I) the Department of Commerce;

25 (II) the Department of State; or

1 (III) the United States Coast
2 Guard.

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

9 (B) NORTH PACIFIC FISHERY MANAGE-
10 MENT COUNCIL.—One Commissioner shall be
11 the chairperson of the North Pacific Fishery
12 Management Council or a designee of such
13 chairperson.

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

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

23 (3) CHAIRPERSON.—The President shall des-
24 ignate 1 of the Commissioners appointed under

1 paragraph (2) to serve as chairperson of the United
2 States Commissioners.

3 (b) ALTERNATE COMMISSIONERS.—In the event of a
4 vacancy in a Commissioner appointed under subsection
5 (a), the Secretary of State, in consultation with the Sec-
6 retary, may designate from time to time and for periods
7 of time considered appropriate an alternate Commissioner
8 to the Commission. An alternate Commissioner may exer-
9 cise all powers and duties of a Commissioner in the ab-
10 sence of a Commissioner appointed under subsection (a),
11 and shall serve the remainder of the term of the absent
12 Commissioner for which designated.

13 (c) ADMINISTRATIVE MATTERS.—

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

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

1 ual's services as such Commissioner or alternate
2 Commissioner.

3 (3) TRAVEL EXPENSES.—

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

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

14 (d) ADVISORY COMMITTEE.—

15 (1) ESTABLISHMENT OF PERMANENT ADVISORY
16 COMMITTEE.—

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

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

1 (ii) A member engaging in commercial
2 fishing activities in the management area
3 of the Pacific Fishery Management Coun-
4 cil.

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

9 (iv) 3 members from the indigenous
10 population of the North Pacific, including
11 an Alaska Native, Native Hawaiian, or a
12 native-born inhabitant of any State of the
13 United States in the Pacific, and an indi-
14 vidual from a Pacific Coast tribe.

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

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

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

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

1 (ix) A member nominated by the Gov-
2 ernor of the State of California.

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

14 (C) PROCEDURES.—

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

23 (ii) PUBLIC AVAILABILITY OF PROCE-
24 DURES.—The Advisory Committee shall
25 publish and make available to the public a

1 statement of its organization, practices,
2 and procedures.

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

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

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

19 (2) ADMINISTRATIVE MATTERS.—

20 (A) SUPPORT SERVICES.—The Secretary
21 shall provide to the Advisory Committee in a
22 timely manner such administrative and tech-
23 nical support services as are necessary to func-
24 tion effectively.

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

4 (i) shall serve without pay; and

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

11 (C) TRAVEL EXPENSES.—

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

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

24 (e) UNITED STATES PARTICIPATION.—In instances
25 in which the United States is participating in any meeting

1 of the parties to the North Pacific Fisheries Convention,
2 the United States shall be represented by the Commis-
3 sioners and the Advisory Committee.

4 **SEC. 104. AUTHORITY AND RESPONSIBILITY OF THE SEC-**
5 **RETARY OF STATE.**

6 The Secretary of State may—

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

11 (2) in consultation with the Secretary, act
12 upon, or refer to other appropriate authority, any
13 communication under paragraph (1);

14 (3) with the concurrence of the Secretary, and
15 in accordance with the provisions of the Convention,
16 object to any decision of the Commission; and

17 (4) in the conduct of any program, including
18 scientific and research programs, under this subtitle,
19 request and utilize on a reimbursed or non-reim-
20 bursed basis the assistance, services, personnel,
21 equipment, and facilities of other Federal depart-
22 ments and agencies, foreign governments, foreign
23 agencies, or international intergovernmental organi-
24 zations.

1 **SEC. 105. AUTHORITY OF THE SECRETARY OF COMMERCE.**

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

3 (1) **AUTHORITY.**—The Secretary, in consulta-
4 tion with the Secretary of State and, with respect to
5 enforcement measures, the Secretary of the depart-
6 ment in which the Coast Guard is operating, is au-
7 thorized to promulgate such regulations as may be
8 necessary to carry out the United States inter-
9 national obligations under the North Pacific Fish-
10 eries Convention and this subtitle, including rec-
11 ommendations and decisions adopted by the Com-
12 mission.

13 (2) **REGULATIONS OF STRADDLING STOCKS.—**

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

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

25 (c) **ADDITIONAL AUTHORITY.**—The Secretary may
26 conduct, and may request and utilize on a reimbursed or

1 non-reimbursed basis the assistance, services, personnel,
2 equipment, and facilities of other Federal departments
3 and agencies in—

4 (1) scientific, research, and other programs
5 under this subtitle;

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

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

17 (4) if recommended by the Commissioners, the
18 assessment and collection of fees, not to exceed 3
19 percent of the ex-vessel value of fisheries resource
20 harvested by vessels of the United States in fisheries
21 conducted in the Convention Area, to recover the ac-
22 tual costs to the United States of management and
23 enforcement under this subtitle, which shall be de-
24 posited as an offsetting collection in, and credited to,
25 the account providing appropriations to carry out

1 the functions of the Secretary under this subtitle;
2 and

3 (5) the issuance of permits to owners and oper-
4 ators of United States vessels to engage in fishing
5 activities in the Convention Area seaward of the ex-
6 clusive economic zone of the United States, under
7 such terms and conditions as the Secretary may pre-
8 scribe, including the period of time that a permit is
9 valid.

10 (d) CONSISTENCY WITH OTHER LAWS.—The Sec-
11 retary shall ensure the consistency, to the extent prac-
12 ticable, of fishery management programs administered
13 under this subtitle, the Magnuson-Stevens Fishery Con-
14 servation and Management Act (16 U.S.C. 1801 et seq.),
15 the Tuna Conventions Act of 1950 (16 U.S.C. 951 et
16 seq.), the South Pacific Tuna Act of 1988 (16 U.S.C. 973
17 et seq.), section 401 of Public Law 108–219 (16 U.S.C.
18 1821 note) (relating to Pacific albacore tuna), the West-
19 ern and Central Pacific Fisheries Convention Implementa-
20 tion Act (16 U.S.C. 6901 et seq.), the National Oceanic
21 and Atmospheric Administration Authorization Act of
22 1992 (Public Law 102–567) and the amendments made
23 by that Act, and Public Law 100–629 (102 Stat. 3286).

24 (e) JUDICIAL REVIEW OF REGULATIONS.—

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

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

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

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

1 **SEC. 106. ENFORCEMENT.**

2 (a) IN GENERAL.—The Secretary and the Secretary
3 of the department in which the Coast Guard is oper-
4 ating—

5 (1) shall administer and enforce this subtitle
6 and any regulations issued under this subtitle; and

7 (2) may request and utilize on a reimbursed or
8 non-reimbursed basis the assistance, services, per-
9 sonnel, equipment, and facilities of other Federal de-
10 partments and agencies in the administration and
11 enforcement of this subtitle.

12 (b) SECRETARIAL ACTIONS.—Except as provided
13 under subsection (c), the Secretary and the Secretary of
14 the department in which the Coast Guard is operating
15 shall prevent any person from violating this subtitle in the
16 same manner, by the same means, and with the same ju-
17 risdiction, powers, and duties as though sections 308
18 through 311 of the Magnuson-Stevens Fishery Conserva-
19 tion and Management Act (16 U.S.C. 1858, 1859, 1860,
20 1861) were incorporated into and made a part of this sub-
21 title. Any person that violates any provision of this subtitle
22 is subject to the penalties and entitled to the privileges
23 and immunities provided in the Magnuson-Stevens Fish-
24 ery Conservation and Management Act (16 U.S.C. 1801
25 et seq.) in the same manner, by the same means, and with
26 the same jurisdiction, power, and duties as though sec-

1 tions 308 through 311 of that Act (16 U.S.C. 1858, 1859,
2 1860, and 1861) were incorporated into and made a part
3 of this subtitle.

4 (c) JURISDICTION OF THE COURTS.—

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

10 (A) enter restraining orders or prohibi-
11 tions;

12 (B) issue warrants, process in rem, or
13 other process;

14 (C) prescribe and accept satisfactory bonds
15 or other security; and

16 (D) take such other actions as are in the
17 interest of justice.

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

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

1 (B) in the case of the Northern Mariana
2 Islands, the appropriate court is the United
3 States District Court for the District of the
4 Northern Mariana Islands.

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

13 (d) CONFIDENTIALITY.—

14 (1) IN GENERAL.—Any information submitted
15 in compliance with a requirement under this subtitle
16 to the Secretary or to implement the Convention, in-
17 cluding information submitted on or before the date
18 of enactment of the Ensuring Access to Fisheries
19 Act, shall be confidential and may not be disclosed,
20 except—

21 (A) to a Federal employee who is respon-
22 sible for administering, implementing, or en-
23 forcing this subtitle;

24 (B) to the Commission, in accordance with
25 requirements in the North Pacific Fisheries

1 Convention and decisions of the Commission,
2 and, insofar as possible, in accordance with an
3 agreement with the Commission that prevents
4 public disclosure of the identity or business of
5 any person;

6 (C) to State, Council, or Marine Fisheries
7 Commission employees pursuant to an agree-
8 ment with the Secretary that prevents public
9 disclosure of the identity or business of any per-
10 son;

11 (D) when required by court order; or

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

19 (2) USE OF INFORMATION.—

20 (A) IN GENERAL.—Except as provided
21 under subparagraph (B), the Secretary shall
22 promulgate regulations regarding the proce-
23 dures the Secretary considers necessary to pre-
24 serve the confidentiality of information sub-
25 mitted under this subtitle.

1 (B) EXCEPTION.—The Secretary may re-
 2 lease or make public information submitted
 3 under this subtitle if the information is in any
 4 aggregate or summary form that does not di-
 5 rectly or indirectly disclose the identity or busi-
 6 ness of any person.

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

12 **SEC. 107. PROHIBITED ACTS.**

13 It is unlawful for any person—

14 (1) to violate any provision of this subtitle or
 15 any regulation or permit issued pursuant to this
 16 subtitle;

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

21 (3) to refuse to permit any officer authorized to
 22 enforce the provisions of this subtitle to board a
 23 fishing vessel subject to such person's control for the
 24 purposes of conducting any search, investigation, or
 25 inspection in connection with the enforcement of this

1 subtitle or any regulation, permit, or the North Pa-
2 cific Fisheries Convention;

3 (4) to assault, resist, oppose, impede, intimi-
4 date, or interfere with any such authorized officer in
5 the conduct of any search, investigation, or inspec-
6 tion in connection with the enforcement of this sub-
7 title or any regulation, permit, or the North Pacific
8 Fisheries Convention;

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

12 (6) to ship, transport, offer for sale, sell, pur-
13 chase, import, export, or have custody, control, or
14 possession of, any fisheries resources if the person
15 knew or should have known in the exercise of due
16 care that the fisheries resources were taken or re-
17 tained in violation of this subtitle or any regulation
18 or permit referred to in paragraph (1) or paragraph
19 (2);

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

24 (8) to submit to the Secretary false information
25 (including false information regarding the capacity

1 and extent to which a United States fish processor,
2 on an annual basis, will process a portion of the op-
3 timum yield of a fishery that will be harvested by
4 fishing vessels of the United States) regarding any
5 matter that the Secretary is considering in the
6 course of carrying out this subtitle if the person
7 knew or should have known in the exercise of due
8 care that the information was false;

9 (9) to assault, resist, oppose, impede, intimi-
10 date, sexually harass, bribe, or interfere with any ob-
11 server on a vessel under this subtitle, or any data
12 collector employed by or under contract to any per-
13 son to carry out responsibilities under this subtitle;

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

16 (11) to fail to make, keep, or furnish any catch
17 returns, statistical records, or other reports required
18 by regulations adopted pursuant to this subtitle to
19 be made, kept, or furnished;

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

23 (13) to import, in violation of any regulation
24 adopted pursuant to this subtitle, any fisheries re-
25 sources in any form of those species subject to regu-

1 lation pursuant to a recommendation, resolution, or
2 decision of the Commission, or any fisheries re-
3 sources in any form not under regulation but under
4 investigation by the Commission, during the period
5 such fisheries resources have been denied entry in
6 accordance with the provisions of this subtitle;

7 (14) to make or submit any false record, ac-
8 count, or label for, or any false identification of, any
9 fisheries resources which have been, or are intended
10 to be imported, exported, transported, sold, offered
11 for sale, purchased, or received in interstate or for-
12 eign commerce; or

13 (15) to refuse to authorize and accept boarding
14 by a duly authorized inspector pursuant to proce-
15 dures adopted by the Commission for the boarding
16 and inspection of fishing vessels in the Convention
17 Area.

18 **SEC. 108. COOPERATION IN CARRYING OUT CONVENTION.**

19 (a) **FEDERAL AND STATE AGENCIES; PRIVATE INSTI-**
20 **TUTIONS AND ORGANIZATIONS.**—The Secretary may co-
21 operate with departments and agencies of the United
22 States Government, any public or private institutions or
23 organizations within the United States or abroad, and,
24 through the Secretary of State, the duly authorized offi-
25 cials of the government of any party to the North Pacific

1 Fisheries Convention, in carrying out responsibilities
2 under this subtitle.

3 (b) SCIENTIFIC AND OTHER PROGRAMS; FACILITIES
4 AND PERSONNEL.—Each Federal department and agency
5 is authorized, upon the request of the Secretary, to cooper-
6 ate in the conduct of scientific and other programs and
7 to furnish facilities and personnel for the purpose of as-
8 sisting the Commission in carrying out its duties under
9 the North Pacific Fisheries Convention.

10 (c) SANCTIONED FISHING OPERATIONS AND BIO-
11 LOGICAL EXPERIMENTS.—Nothing in this subtitle, or in
12 the laws of any State, prevents the Secretary or the Com-
13 mission from—

14 (1) conducting or authorizing the conduct of
15 fishing operations and biological experiments at any
16 time for purposes of scientific investigation; or

17 (2) discharging any other duties prescribed by
18 the North Pacific Fisheries Convention.

19 (d) STATE JURISDICTION NOT AFFECTED.—Nothing
20 in this subtitle shall be construed to diminish or to in-
21 crease the jurisdiction of any State in the territorial sea
22 of the United States.

23 **SEC. 109. TERRITORIAL PARTICIPATION.**

24 The Secretary of State shall ensure participation in
25 the Commission and its subsidiary bodies by the Common-

1 wealth of the Northern Mariana Islands to the same ex-
2 tent provided to the territories of other nations.

3 **SEC. 110. EXCLUSIVE ECONOMIC ZONE NOTIFICATION.**

4 Masters of commercial fishing vessels of countries
5 fishing under the management authority of the North Pa-
6 cific Fisheries Convention that do not carry vessel moni-
7 toring systems capable of communicating with United
8 States enforcement authorities shall, prior to or as soon
9 as reasonably possible after, entering and transiting the
10 exclusive economic zone bounded by the Convention
11 Area—

12 (1) notify the United States Coast Guard of the
13 name, flag state, location, route, and destination of
14 the vessel and of the circumstances under which it
15 will enter United States waters;

16 (2) ensure that all fishing gear on board the
17 vessel is stowed below deck or otherwise removed
18 from the place it is normally used for fishing activi-
19 ties and placed where it is not readily available for
20 fishing activities; and

21 (3) if requested by an enforcement officer, pro-
22 ceed to a specified location so that a vessel inspec-
23 tion can be conducted.

1 **SEC. 111. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated out of funds
3 made available to the Secretary and the Secretary of State
4 \$500,000 for each of fiscal years 2017 through 2021 to
5 carry out this subtitle and to pay the United States con-
6 tribution to the Commission under Article 12 of the North
7 Pacific Fisheries Convention.

8 **Subtitle B—Miscellaneous**

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

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

17 “(e) TRAVEL EXPENSES.—

18 “(1) IN GENERAL.—The Secretary of State
19 shall pay the necessary travel expenses of the mem-
20 bers of the advisory body established pursuant to
21 this section in carrying out their service as such
22 members in accordance with the Federal Travel Reg-
23 ulations and sections 5701, 5702, 5704 through
24 5708, and 5731 of title 5, United States Code.

25 “(2) REIMBURSEMENT.—The Secretary of
26 Commerce may reimburse the Secretary of State for

1 amounts expended by the Secretary of State under
2 this subsection.”.

3 (b) NORTH PACIFIC ANADROMOUS FISH COMMIS-
4 SION.—

5 (1) UNITED STATES COMMISSIONERS.—Section
6 804 of the North Pacific Anadromous Stocks Act of
7 1992 (16 U.S.C. 5003) is amended by adding at the
8 end the following:

9 “(e) TRAVEL EXPENSES.—

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

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

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

1 “(e) COMPENSATION.—The members of the Advisory
2 Panel shall receive no compensation for their service as
3 such members.

4 “(f) TRAVEL EXPENSES.—

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

11 “(2) REIMBURSEMENT.—The Secretary of
12 Commerce may reimburse the Secretary for amounts
13 expended by the Secretary under this subpara-
14 graph.”.

15 **SEC. 122. NATIONAL SEA GRANT COLLEGE PROGRAM REAU-**
16 **THORIZATION ACT OF 1998.**

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

1 **TITLE II—SOUTH PACIFIC FISH-**
 2 **ERIES CONVENTION IMPLE-**
 3 **MENTATION ACT**

4 **SEC. 201. SHORT TITLE.**

5 This title may be cited as the “South Pacific Fish-
 6 eries Convention Implementation Act”.

7 **SEC. 202. DEFINITIONS.**

8 In this title:

9 (1) **ADVISORY COMMITTEE.**—The term “Advi-
 10 sory Committee” means the advisory committee es-
 11 tablished under section 203.

12 (2) **COMMISSION.**—The term “Commission”
 13 means the South Pacific Fisheries Commission es-
 14 tablished under the South Pacific Fisheries Conven-
 15 tion.

16 (3) **COMMISSIONER.**—The term “Commis-
 17 sioner” means a United States Commissioner ap-
 18 pointed under section 203.

19 (4) **CONVENTION AREA.**—The term “Conven-
 20 tion Area” means—

21 (A) the waters of the Pacific Ocean beyond
 22 areas of national jurisdiction and in accordance
 23 with international law, bounded by the 10° par-
 24 allel of north latitude and the 20° parallel of
 25 south latitude and by the 135° meridian of east

1 longitude and the 150° meridian of west lon-
 2 gitude; and

3 (B) the waters of the Pacific Ocean beyond
 4 areas of national jurisdiction and in accordance
 5 with international law—

6 (i) east of a line extending south
 7 along the 120° meridian of east longitude
 8 from the outer limit of the national juris-
 9 diction of Australia off the south coast of
 10 Western Australia to the intersection with
 11 the 55° parallel of south latitude; then due
 12 east along the 55° parallel of south lati-
 13 tude to the intersection with the 150° me-
 14 ridian of east longitude; then due south
 15 along the 150° meridian of east longitude
 16 to the intersection with the 60° parallel of
 17 south latitude;

18 (ii) north of a line extending east
 19 along the 60° parallel of south latitude
 20 from the 150° meridian of east longitude
 21 to the intersection with the $67^{\circ} 16'$ merid-
 22 ian of west longitude;

23 (iii) west of a line extending north
 24 along the $67^{\circ} 16'$ meridian of west lon-
 25 gitude from the 60° parallel of south lati-

tude to its intersection with the outer limit of the national jurisdiction of Chile; then along the outer limits of the national jurisdictions of Chile, Peru, Ecuador and Colombia to the intersection with the 2° parallel of north latitude; and

(iv) south of a line extending west along the 2° parallel of north latitude (but not including the national jurisdiction of Ecuador (Galapagos Islands)) to the intersection with the 150° meridian of west longitude; then due north along the 150° meridian of west longitude to its intersection with 10° parallel of north latitude; then west along the 10° parallel of north latitude to its intersection with the outer limits of the national jurisdiction of the Marshall Islands; and then generally south and around the outer limits of the national jurisdictions of Pacific States and territories, New Zealand and Australia until it connects to the commencement of the line described in clause (i).

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

4 (6) EXCLUSIVE ECONOMIC ZONE OF THE
5 UNITED STATES.—The term “exclusive economic
6 zone of the United States” means the zone estab-
7 lished by Presidential Proclamation Numbered 5030
8 of March 10, 1983 (16 U.S.C. 1453 note), the inner
9 boundary of which, for purposes of this title, is a
10 line coterminous with the seaward boundary of each
11 of the coastal States.

12 (7) FISHERY RESOURCES.—

13 (A) IN GENERAL.—The term “fishery re-
14 sources” means all fish within the Convention
15 Area.

16 (B) INCLUSIONS.—The term “fishery re-
17 sources” includes mollusks, crustaceans, and
18 other living marine resources, including any
19 products thereof, as may be decided by the
20 Commission.

21 (C) EXCLUSIONS.—The term “fishery re-
22 sources” does not include—

23 (i) sedentary species in so far as they
24 are subject to the national jurisdiction of

1 coastal States pursuant to Article 77 para-
2 graph 4 of the 1982 Convention;

3 (ii) highly migratory species listed in
4 Annex I of the 1982 Convention;

5 (iii) anadromous species;

6 (iv) catadromous species;

7 (v) marine mammals;

8 (vi) marine reptiles; or

9 (vii) sea birds.

10 (8) FISHING.—

11 (A) IN GENERAL.—The term “fishing”
12 means—

13 (i) the actual or attempted searching
14 for, catching, taking, or harvesting of fish-
15 ery resources;

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

20 (iii) transshipment and any operation
21 at sea in direct support of, or in prepara-
22 tion for, any activity described in this sub-
23 paragraph; or

1 (iv) the use of any vessel, vehicle, air-
 2 craft, or hovercraft, in relation to any ac-
 3 tivity described in clauses (i) through (iii).

4 (B) EXCLUSIONS.—The term “fishing”
 5 does not include any operation related to an
 6 emergency involving the health or safety of a
 7 crew member or the safety of a fishing vessel.

8 (9) FISHING VESSEL.—The term “fishing ves-
 9 sel” means any vessel used or intended for use for
 10 the purpose of fishing, including a support ship, a
 11 carrier vessel, or any other vessel directly involved in
 12 such fishing operations.

13 (10) PANEL.—The term “Panel” means the
 14 Council’s Advisory Panel.

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

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

18 (B) any corporation, partnership, associa-
 19 tion, or other entity, whether or not organized
 20 or existing under the laws of any State; or

21 (C) any Federal, State, local, tribal, or for-
 22 eign government, or any entity of such govern-
 23 ment.

24 (12) SECRETARY.—The term “Secretary”
 25 means the Secretary of Commerce.

1 (13) SOUTH PACIFIC FISHERIES CONVEN-
 2 TION.—The term “South Pacific Fisheries Conven-
 3 tion” means the Convention on the Conservation and
 4 Management of the High Seas Fishery Resources in
 5 the South Pacific Ocean (including any annexes,
 6 amendments, or protocols that are in force, or have
 7 come into force, for the United States), which was
 8 adopted at Auckland on November 14, 2009.

9 (14) STATE.—The term “State” means each of
 10 the several States of the United States, the District
 11 of Columbia, American Samoa, Guam, and any other
 12 commonwealth, territory, or possession of the United
 13 States.

14 (15) STRADDLING STOCK.—The term “strad-
 15 dling stock” means a stock of fishery resources
 16 which migrates between, or occurs in, the exclusive
 17 economic zone of 1 or more parties to the South Pa-
 18 cific Fisheries Convention and the Convention Area.

19 (16) TRANSSHIPMENT.—The term “trans-
 20 shipment” means the unloading of all or any of the
 21 fishery resources or fishery resources products de-
 22 rived from fishing in the Convention Area on board
 23 a fishing vessel to another fishing vessel either at
 24 sea or in port.

1 (17) 1982 CONVENTION.—The term “1982
2 Convention” means the United Nations Convention
3 on the Law of the Sea of 10 December 1982.

4 **SEC. 203. APPOINTMENT OF UNITED STATES COMMIS-**
5 **SIONERS.**

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 United States Coast Guard;

21 and

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

24 (b) ALTERNATE COMMISSIONERS.—The Secretary of
25 State, in consultation with the Secretary, may designate

1 from time to time and for periods of time considered ap-
2 propriate an alternate Commissioner to the Commission.
3 An alternate Commissioner may exercise all powers and
4 duties of a Commissioner in the absence of a Commis-
5 sioner appointed under subsection (a).

6 (c) ADMINISTRATIVE MATTERS.—

7 (1) EMPLOYMENT STATUS.—An individual serv-
8 ing as a Commissioner, or as an alternate 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 (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) 2 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.

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

(v) A member nominated by the Governor of the State of Hawaii.

(vi) A member designated by the Council.

(B) TERMS AND PRIVILEGES.—Each member of the Advisory Committee shall serve for a term of 2 years and shall be eligible for reappointment for not more than 3 consecutive terms. The Commissioners shall notify the Advisory Committee in advance of each meeting of the Commissioners. The Advisory Committee may attend each meeting and may examine and be heard on all proposed programs, investigations, reports, recommendations, and regulations of the Commissioners.

(C) PROCEDURES.—

(i) IN GENERAL.—The Advisory Committee shall determine its organization and prescribe its practices and procedures for carrying out its functions under this title, the South Pacific Fisheries Convention, 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 (D) PROVISION OF INFORMATION.—The
20 Secretary and the Secretary of State shall fur-
21 nish the Advisory Committee with relevant in-
22 formation concerning fishery resources and
23 international fishery agreements.

24 (2) ADMINISTRATIVE MATTERS.—

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

6 (B) COMPENSATION; STATUS; EX-
 7 PENSES.—An individual appointed to serve as a
 8 member of the Advisory Committee—

9 (i) shall serve without pay; and

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

16 (e) MEMORANDUM OF UNDERSTANDING.—For fish-
 17 ery resources in the Convention Area, the Secretary, in
 18 coordination with the Secretary of State, shall develop a
 19 memorandum of understanding with the Council that
 20 clarifies the role of the Council with respect to—

21 (1) participation in United States delegations to
 22 international fishery organizations in the Pacific
 23 Ocean, including government-to-government con-
 24 sultations;

(2) providing formal recommendations to the Secretary and the Secretary of State regarding necessary measures for both domestic and foreign fishing vessels;

(3) coordinating positions with the United States delegation for presentation to the appropriate international fishery organization; and

(4) recommending those domestic fishing regulations that are consistent with the actions of the international fishery organization, for approval and implementation under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 204. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF STATE.

The Secretary of State may—

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

(2) in consultation with the Secretary, act upon, or refer to other appropriate authority, any communication under paragraph (1);

(3) with the concurrence of the Secretary, and in accordance with the provisions of the Convention, object to any decision of the Commission; and

(4) in the conduct of any program, including scientific and research programs, under this title, request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies, foreign governments, foreign agencies, or international intergovernmental organizations.

SEC. 205. AUTHORITY OF THE SECRETARY OF COMMERCE.

(a) PROMULGATION OF REGULATIONS.—

(1) AUTHORITY.—The Secretary, in consultation with the Secretary of State and, with respect to enforcement measures, the Secretary of the department in which the Coast Guard is operating, is authorized to promulgate such regulations as may be necessary to carry out United States international obligations under the South Pacific Fisheries Convention and this title, including recommendations and decisions adopted by the Commission.

(2) REGULATIONS OF STRADDLING STOCKS.—If the Secretary has discretion in the implementation of 1 or more measures adopted by the Commission that would govern a straddling stock under the au-

1 thority of the Council, the Secretary shall promul-
2 gate, to the extent practicable within the implemen-
3 tation schedule of the South Pacific Fisheries Con-
4 vention and any recommendations and decisions
5 adopted by the Commission, such regulations in ac-
6 cordance with the procedures established by the
7 Magnuson-Stevens Fishery Conservation and Man-
8 agement Act (16 U.S.C. 1801 et seq.).

9 (b) RULE OF CONSTRUCTION.—Regulations promul-
10 gated under subsection (a) shall be applicable only to a
11 person or a fishing vessel that is or has engaged in fishing,
12 or fishery resources covered by the South Pacific Fisheries
13 Convention under this title.

14 (c) ADDITIONAL AUTHORITY.—The Secretary may
15 conduct, and may request and utilize on a reimbursed or
16 non-reimbursed basis the assistance, services, personnel,
17 equipment, and facilities of other Federal departments
18 and agencies in—

19 (1) scientific, research, and other programs
20 under this title;

21 (2) fishing operations and biological experi-
22 ments for purposes of scientific investigation or
23 other purposes necessary to implement the South
24 Pacific Fisheries Convention;

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

8 (4) if recommended by the Commissioners, the
9 assessment and collection of fees, not to exceed 3
10 percent of the ex-vessel value of fishery resources
11 harvested by vessels of the United States in fisheries
12 conducted in the Convention Area, to recover the ac-
13 tual costs to the United States of management and
14 enforcement under this title, which shall be depos-
15 ited as an offsetting collection in, and credited to,
16 the account providing appropriations to carry out
17 the functions of the Secretary under this title; and

18 (5) the issuance of permits to owners and oper-
19 ators of United States vessels to engage in fishing
20 in the Convention Area seaward of the exclusive eco-
21 nomic zone of the United States, under such terms
22 and conditions as the Secretary may prescribe, in-
23 cluding the period of time that a permit is valid.

24 (d) CONSISTENCY WITH OTHER LAWS.—The Sec-
25 retary shall ensure the consistency, to the extent prac-

1 ticable, of fishery management programs administered
 2 under this title, the Magnuson-Stevens Fishery Conserva-
 3 tion and Management Act (16 U.S.C. 1801 et seq.), the
 4 Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.),
 5 the South Pacific Tuna Act of 1988 (16 U.S.C. 973 et
 6 seq.), section 401 of Public Law 108–219 (16 U.S.C. 1821
 7 note) (relating to Pacific albacore tuna), the Atlantic
 8 Tunas Convention Act of 1975 (16 U.S.C. 971 et seq.),
 9 and the Western and Central Pacific Fisheries Convention
 10 Implementation Act (16 U.S.C. 6901 et seq.).

11 (e) JUDICIAL REVIEW OF REGULATIONS.—

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

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

1 such a response upon a showing by the Secretary of
2 good cause for that extension.

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

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

11 **SEC. 206. ENFORCEMENT.**

12 (a) IN GENERAL.—The Secretary and the Secretary
13 of the department in which the Coast Guard is oper-
14 ating—

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

17 (2) may request and utilize on a reimbursed or
18 non-reimbursed basis the assistance, services, per-
19 sonnel, equipment, and facilities of other Federal de-
20 partments and agencies in the administration and
21 enforcement of this title.

22 (b) SECRETARIAL ACTIONS.—Except as provided
23 under subsection (c), the Secretary and the Secretary of
24 the department in which the Coast Guard is operating
25 shall prevent any person from violating this title in the

1 same manner, by the same means, and with the same ju-
2 risdiction, powers, and duties as though sections 308
3 through 311 of the Magnuson-Stevens Fishery Conserva-
4 tion and Management Act (16 U.S.C. 1858, 1859, 1860,
5 1861) were incorporated into and made a part of this title.
6 Any person that violates any provision of this title is sub-
7 ject to the penalties and entitled to the privileges and im-
8 munities provided in the Magnuson-Stevens Fishery Con-
9 servation and Management Act (16 U.S.C. 1801 et seq.)
10 in the same manner, by the same means, and with the
11 same jurisdiction, power, and duties as though sections
12 308 through 311 of that Act (16 U.S.C. 1858, 1859,
13 1860, 1861) were incorporated into and made a part of
14 this title.

15 (c) JURISDICTION OF THE COURTS.—

16 (1) IN GENERAL.—Subject to paragraphs (2)
17 and (3), the district courts of the United States
18 shall have exclusive jurisdiction over any case or
19 controversy arising under the provisions of this title,
20 and any such court may at any time—

21 (A) enter restraining orders or prohibi-
22 tions;

23 (B) issue warrants, process in rem, or
24 other process;

1 (C) prescribe and accept satisfactory bonds
2 or other security; and

3 (D) take such other actions as are in the
4 interest of justice.

5 (2) HAWAII AND PACIFIC INSULAR AREAS.—In
6 the case of Hawaii or any other State in the Pacific
7 Ocean, the appropriate court is the United States
8 District Court for the District of Hawaii, except
9 that—

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

13 (B) in the case of the Northern Mariana
14 Islands, the appropriate court is the United
15 States District Court for the District of the
16 Northern Mariana Islands.

17 (3) CONSTRUCTION.—Each violation shall be a
18 separate offense and the offense shall be deemed to
19 have been committed not only in the district where
20 the violation first occurred, but also in any other
21 district authorized by law. Any offense not com-
22 mitted in any district is subject to the venue provi-
23 sions of section 3238 of title 18, United States
24 Code.

25 (d) CONFIDENTIALITY.—

1 (1) IN GENERAL.—Any information submitted
2 in compliance with a requirement under this title to
3 the Secretary or to implement the Convention, in-
4 cluding information submitted on or before the date
5 of enactment of the Ensuring Access to Fisheries
6 Act, shall be confidential and may not be disclosed,
7 except—

8 (A) to a Federal employee who is respon-
9 sible for administering, implementing, or en-
10 forcing this title;

11 (B) to the Commission, in accordance with
12 requirements in the South Pacific Fisheries
13 Convention and decisions of the Commission,
14 and, insofar as possible, in accordance with an
15 agreement with the Commission that prevents
16 public disclosure of the identity or business of
17 any person;

18 (C) to a State or Council employee pursu-
19 ant to an agreement with the Secretary that
20 prevents public disclosure of the identity or
21 business of any person;

22 (D) when required by court order; or

23 (E) when the Secretary has obtained writ-
24 ten authorization from the person submitting
25 such information to release such information to

1 another person for a reason not otherwise pro-
2 vided for in this paragraph, and such release
3 does not violate other requirements of this title.

4 (2) USE OF INFORMATION.—

5 (A) IN GENERAL.—Except as provided
6 under subparagraph (B), the Secretary shall
7 promulgate regulations regarding the proce-
8 dures the Secretary considers necessary to pre-
9 serve the confidentiality of information under
10 this title.

11 (B) EXCEPTION.—The Secretary may re-
12 lease or make public information submitted
13 under this title if the information is in any ag-
14 gregate or summary form that does not directly
15 or indirectly disclose the identity or business of
16 any person.

17 (3) RULE OF CONSTRUCTION.—Nothing in this
18 subsection shall be interpreted or construed to pre-
19 vent the use for conservation and management pur-
20 poses by the Secretary of any information submitted
21 under this title.

22 **SEC. 207. PROHIBITED ACTS.**

23 It is unlawful for any person—

24 (1) to violate any provision of this title or any
25 regulation or permit issued under this title;

1 (2) to use any fishing vessel to engage in fish-
2 ing without, or after the revocation or during the pe-
3 riod of suspension of, an applicable permit issued
4 under this title;

5 (3) to refuse to permit any officer authorized to
6 enforce the provisions of this title to board a fishing
7 vessel subject to such person's control for the pur-
8 poses of conducting any search, investigation, or in-
9 spection in connection with the enforcement of this
10 title or the South Pacific Fisheries Convention;

11 (4) to assault, resist, oppose, impede, intimi-
12 date, or interfere with any such authorized officer in
13 the conduct of any search, investigation, or inspec-
14 tion in connection with the enforcement of this title
15 or the South Pacific Fisheries Convention;

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

19 (6) to ship, transport, offer for sale, sell, pur-
20 chase, import, export, or have custody, control, or
21 possession of any fisheries resources if the person
22 knew or should have known in the exercise of due
23 care that the fisheries resources were taken or re-
24 tained in violation of this title or any regulation or

1 permit referred to in paragraph (1) or paragraph
2 (2);

3 (7) to interfere with, delay, or prevent, by any
4 means, the apprehension or arrest of another person,
5 knowing that such other person has committed any
6 act prohibited by this section;

7 (8) to submit to the Secretary false information
8 (including false information regarding the capacity
9 and extent to which a United States fish processor,
10 on an annual basis, will process a portion of the op-
11 timum yield of a fishery that will be harvested by
12 fishing vessels of the United States) regarding any
13 matter that the Secretary is considering in the
14 course of carrying out this title if the person knew
15 or should have known in the exercise of due care
16 that the information was false;

17 (9) to assault, resist, oppose, impede, intimi-
18 date, sexually harass, bribe, or interfere with any ob-
19 server on a vessel under this title, or any data col-
20 lector employed by or under contract to any person
21 to carry out responsibilities under this title;

22 (10) to engage in fishing in violation of any
23 regulation adopted under this title;

1 (11) to fail to make, keep, or furnish any catch
2 returns, statistical records, or other reports required
3 to be made, kept, or furnished under this title;

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

7 (13) to import, in violation of any regulation
8 promulgated under this title, any fishery resources
9 in any form of those species subject to regulation
10 pursuant to a recommendation, resolution, or deci-
11 sion of the Commission, or any fishery resources in
12 any form not under regulation but under investiga-
13 tion by the Commission, during the period the fish-
14 ery resources have been denied entry in accordance
15 with the provisions of this title;

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

22 (15) to refuse to authorize and accept boarding
23 by a duly authorized inspector pursuant to proce-
24 dures adopted by the Commission for the boarding

1 and inspection of fishing vessels in the Convention
2 Area.

3 **SEC. 208. COOPERATION IN CARRYING OUT CONVENTION.**

4 (a) FEDERAL AND STATE AGENCIES; PRIVATE INSTI-
5 TUTIONS AND ORGANIZATIONS.—The Secretary may co-
6 operate with departments and agencies of the United
7 States Government, any public or private institutions or
8 organizations within the United States or abroad, and,
9 through the Secretary of State, the duly authorized offi-
10 cials of the government of any party to the South Pacific
11 Fisheries Convention, in carrying out responsibilities
12 under this title.

13 (b) SCIENTIFIC AND OTHER PROGRAMS; FACILITIES
14 AND PERSONNEL.—Each Federal department and agency
15 is authorized, upon the request of the Secretary, to cooper-
16 ate in the conduct of scientific and other programs and
17 to furnish facilities and personnel for the purpose of as-
18 sisting the Commission in carrying out its duties under
19 the South Pacific Fisheries Convention.

20 (c) SANCTIONED FISHING OPERATIONS AND BIO-
21 LOGICAL EXPERIMENTS.—Nothing in this title, or in the
22 laws of any State, prevents the Secretary or the Commis-
23 sion from—

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

4 (2) discharging any other duties prescribed by
5 the South Pacific Fisheries Convention.

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

10 **SEC. 209. TERRITORIAL PARTICIPATION.**

11 The Secretary of State shall ensure participation in
12 the Commission and its subsidiary bodies by American
13 Samoa, Guam, and the Commonwealth of the Northern
14 Mariana Islands to the same extent provided to the terri-
15 tories of other nations.

16 **SEC. 210. EXCLUSIVE ECONOMIC ZONE NOTIFICATION.**

17 Masters of commercial fishing vessels of nations fish-
18 ing under the management authority of the South Pacific
19 Fisheries Convention that do not carry vessel monitoring
20 systems capable of communicating with United States en-
21 forcement authorities shall, prior to, or as soon as reason-
22 ably possible after, entering and transiting the exclusive
23 economic zone of the United States seaward of the Con-
24 vention Area—

1 (1) notify the United States Coast Guard of the
2 name, flag state, location, route, and destination of
3 the vessel and of the circumstances under which it
4 will enter the exclusive economic zone of the United
5 States seaward of the Convention Area;

6 (2) ensure that all fishing gear on board the
7 vessel is stowed below deck or otherwise removed
8 from the place it is normally used for fishing and
9 placed where it is not readily available for fishing;
10 and

11 (3) if requested by an enforcement officer, pro-
12 ceed to a specified location so that a vessel inspec-
13 tion can be conducted.

14 **SEC. 211. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—There is authorized to be appro-
16 priated out of funds made available to the Secretary and
17 the Secretary of State \$500,000 for each of fiscal years
18 2017 through 2021 to carry out this title and to pay the
19 United States contribution to the Commission under Arti-
20 cle 15 of the South Pacific Fisheries Convention.

21 (b) INTERNATIONAL COOPERATION AND ASSIST-
22 ANCE.—

23 (1) IN GENERAL.—Subject to the limits of
24 available appropriations and consistent with applica-
25 ble law, the Secretary or the Secretary of State shall

1 provide appropriate assistance, including grants, to
 2 developing nations and international organizations of
 3 which such nations are members to assist those na-
 4 tions in meeting their obligations under the South
 5 Pacific Fisheries Convention.

6 (2) TRANSFER OF FUNDS.—Subject to the lim-
 7 its of available appropriations and consistent with
 8 other applicable law, the Secretary and the Secretary
 9 of State are authorized to transfer funds to any for-
 10 eign government, international, non-governmental,
 11 or international organization, including the Commis-
 12 sion, for purposes of carrying out the international
 13 responsibilities under paragraph (1).

14 **TITLE III—NORTHWEST ATLAN-**
 15 **TIC FISHERIES CONVENTION**
 16 **AMENDMENTS ACT**

17 **SEC. 301. SHORT TITLE; REFERENCES TO THE NORTHWEST**
 18 **ATLANTIC FISHERIES CONVENTION ACT OF**
 19 **1995.**

20 (a) SHORT TITLE.—This title may be cited as the
 21 “Northwest Atlantic Fisheries Convention Amendments
 22 Act”.

23 (b) REFERENCES TO THE NORTHWEST ATLANTIC
 24 FISHERIES CONVENTION ACT OF 1995.—Except as other-
 25 wise expressly provided, whenever in this title an amend-

1 ment or repeal is expressed in terms of an amendment
2 to, or repeal of, a section or other provision, the reference
3 shall be considered to be made to a section or other provi-
4 sion of the Northwest Atlantic Fisheries Convention Act
5 of 1995 (16 U.S.C. 5601 et seq.).

6 **SEC. 302. REPRESENTATION OF THE UNITED STATES**
7 **UNDER CONVENTION.**

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

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

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

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

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

20 (5) in subsection (d)(2), by striking “, at any
21 meeting of the Scientific Council for which the Alter-
22 native Representative is designated”; and

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

1 **SEC. 303. REQUESTS FOR SCIENTIFIC ADVICE.**

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

3 (1) in subsection (a)—

4 (A) by striking “The Representatives may”
5 and inserting “A Representative may”;

6 (B) by striking “described in subsection
7 (b)(1) or (2)” and inserting “described in para-
8 graph (1) or (2) of subsection (b)”; and

9 (C) by striking “the Representatives have”
10 and inserting “the Representative has”;

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

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

15 **SEC. 304. AUTHORITIES OF SECRETARY OF STATE WITH RE-**
16 **SPECT TO CONVENTION.**

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

21 **SEC. 305. INTERAGENCY COOPERATION.**

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

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

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

3 “(2) a State;

4 “(3) a Council; or

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

6 **SEC. 306. PROHIBITED ACTS AND PENALTIES.**

7 Section 207 (16 U.S.C. 5606) is amended—

8 (1) by striking “Magnuson Act” each place it
9 appears and inserting “Magnuson-Stevens Fishery
10 Conservation and Management Act”; and

11 (2) by striking “fish” each place it appears and
12 inserting “fishery resources”.

13 **SEC. 307. CONSULTATIVE COMMITTEE.**

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

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

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

19 **SEC. 308. DEFINITIONS.**

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

22 **“SEC. 210. DEFINITIONS.**

23 “In this title:

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

4 “(2) AUTHORIZED ENFORCEMENT OFFICER.—
5 The term ‘authorized enforcement officer’ means a
6 person authorized to enforce this title, any regula-
7 tion issued under this title, or any measure that is
8 legally binding on the United States under the Con-
9 vention.

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

13 “(4) COMMISSIONER.—The term ‘Commis-
14 sioner’ means a United States Commissioner to the
15 Northwest Atlantic Fisheries Organization appointed
16 under section 202.

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

22 “(6) CONVENTION AREA.—The term ‘Conven-
23 tion Area’ means the waters of the Northwest Atlan-
24 tic Ocean north of 35°00’ N and west of a line ex-
25 tending due north from 35°00’ N and 42°00’ W to

1 59°00′ N, thence due west to 44°00′ W, and thence
 2 due north to the coast of Greenland, and the waters
 3 of the Gulf of St. Lawrence, Davis Strait and Baffin
 4 Bay south of 78°10′ N.

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

8 “(8) FISHERY RESOURCES.—

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

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

15 “(i) sedentary species over which
 16 coastal States may exercise sovereign
 17 rights consistent with Article 77 of the
 18 1982 Convention; or

19 “(ii) in so far as they are managed
 20 under other international treaties, anad-
 21 romous and catadromous stocks and highly
 22 migratory species listed in Annex I of the
 23 1982 Convention.

24 “(9) FISHING ACTIVITIES.—

“(A) IN GENERAL.—The term ‘fishing activities’ 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 resources.

“(B) INCLUSIONS.—The term ‘fishing activities’ includes—

“(i) the actual or attempted searching for or catching or taking of fishery resources;

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

“(iii) any operation at sea in support of, or in preparation for, any activity described in this paragraph.

“(C) EXCLUSIONS.—The term ‘fishing activities’ does not include any operation related to emergencies involving the health and safety of crew members or the safety of a vessel.

“(10) FISHING VESSEL.—

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

4 “(B) INCLUSIONS.—The term ‘fishing ves-
5 sel’ includes a fish processing vessel or a vessel
6 engaged in transshipment or any other activity
7 in preparation for or related to fishing activi-
8 ties, or in experimental or exploratory fishing
9 activities.

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

13 “(12) PERSON.—The term ‘person’ means any
14 individual (whether or not a citizen or national of
15 the United States), and any corporation, partner-
16 ship, association, or other entity (whether or not or-
17 ganized or existing under the laws of any State).

18 “(13) REPRESENTATIVE.—The term ‘Rep-
19 resentative’ means a United States Representative to
20 the Northwest Atlantic Fisheries Scientific Council
21 appointed under section 202.

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

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

3 “(16) STATE.—The term ‘State’ means each of
4 the several States of the United States, the District
5 of Columbia, and any other commonwealth, terri-
6 tory, or possession of the United States.

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

11 **SEC. 309. AUTHORIZATION OF APPROPRIATIONS.**

12 Section 211 (16 U.S.C. 5610) is amended to read as
13 follows:

14 **“SEC. 211. CONTRIBUTIONS TO ORGANIZATION.**

15 “‘There is authorized to be appropriated out of funds
16 made available to the Secretary and the Secretary of State
17 \$500,000 for each of fiscal years 2017 through 2021 to
18 carry out this title and to pay the United States contribu-
19 tion to the Organization as provided in Article IX of the
20 Convention.”.

1 **SEC. 310. QUOTA ALLOCATION PRACTICE.**

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

Passed the Senate May 17, 2016.

Attest:

Secretary.

114TH CONGRESS
2D SESSION

S. 1335

AN ACT

To implement the Convention on the Conservation and Management of the High Seas Fisheries Resources in the North Pacific Ocean, as adopted at Tokyo on February 24, 2012, and for other purposes.