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### § 7701. Definitions

In this chapter:

#### (1) Commission

The term “Commission” means the North Pacific Fisheries Commission established in accordance with the North Pacific Fisheries Convention.

#### (2) Commissioner

The term “Commissioner” means a United States Commissioner appointed under section 7702(a) of this title.

#### (3) Convention Area

The term “Convention Area” means the area to which the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean applies under Article 4 of such Convention.

#### (4) Council

The term “Council” means the North Pacific Fishery Management Council, the Pacific Fishery Management Council, or the Western Pacific Fishery Management Council established under section 1852 of this title, as the context requires.

#### (5) Exclusive economic zone

The term “exclusive economic zone” means—

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

(B) with respect to a foreign country, a designated zone similar to the zone referred to in subparagraph (A) for that country, consistent with international law.

#### (6) Fisheries resources

##### (A) In general

Except as provided in subparagraph (B), the term “fisheries resources” means all fish, mollusks, crustaceans, and other marine species caught by a fishing vessel within the Convention Area, as well as any products thereof.

##### (B) Exclusions

The term “fisheries resources” does not include—

(i) sedentary species insofar as they are subject to the sovereign rights of coastal 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 preexisting international fisheries man-

agement instruments within the area of competence of such instruments.

### (7) 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;

(iv) the transshipment of fisheries resources at sea or in port; or

(v) any operation at sea in direct support of, or in preparation for, any activity described in clauses (i) through (iv), including transshipment.

#### (B) Exclusions

The term “fishing activities” does not include any operation related to an emergency involving the health or safety of a crew member or the safety of a fishing vessel.

### (8) Fishing vessel

The term “fishing vessel” means any vessel used or intended for use for the purpose of engaging in fishing activities, including a processing vessel, a support ship, a carrier vessel, or any other vessel directly engaged in such fishing activities.

### (9) High seas

The term “high seas” does not include an area that is within the exclusive economic zone of the United States or of any other country.

### (10) North Pacific Fisheries Convention

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

### (11) Person

The term “person” means—

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

(B) any corporation, partnership, association, or other entity, whether or not organized or existing under the laws of any State; or

(C) any Federal, State, local, tribal, or foreign government or any entity of such government.

### (12) Secretary

Except as otherwise specifically provided, the term “Secretary” means the Secretary of Commerce.

### (13) State

The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of the Northern

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

**(14) Straddling stock**

The term “straddling stock” means a stock of fisheries resources that migrates between, or occurs in, the economic exclusion zone of one or more parties to the Convention and the Convention Area.

**(15) Transshipment**

The term “transshipment” means the unloading of any fisheries resources taken in the Convention Area from one fishing vessel to another fishing vessel either at sea or in port.

**(16) 1982 convention**

The term “1982 Convention” means the United Nations Convention on the Law of the Sea of 10 December 1982.

(Pub. L. 114–327, title I, §101, Dec. 16, 2016, 130 Stat. 1974.)

**Statutory Notes and Related Subsidiaries**

**SHORT TITLE**

Pub. L. 114–327, §1, Dec. 16, 2016, 130 Stat. 1974, provided that: “This Act [enacting this chapter, chapter 97, and section 6909a of this title, amending sections 1826g, 1826h, 1826j, 1826k, 5003, 5004, 5601 to 5604, 5606, 5607, 5609, 5610, 6902, and 6910 of this title, section 1541 of Title 15, Commerce and Trade, and section 3103 of Title 33, Navigation and Navigable Waters, repealing section 5612 of this title, enacting provisions set out as a note under section 5601 of this title, and amending provisions set out as a note under section 1823 of this title] may be cited as the ‘Ensuring Access to Pacific Fisheries Act.’”

**§ 7702. United States participation in the North Pacific Fisheries Convention**

**(a) United States Commissioners**

**(1) Number of Commissioners**

The United States shall be represented on the Commission by five United States Commissioners.

**(2) Selection of commissioners**

The Commissioners shall be as follows:

**(A) Appointment by the President**

**(i) In general**

Two of the Commissioners shall be appointed by the President and shall be an officer or employee of—

- (I) the Department of Commerce;
- (II) the Department of State; or
- (III) the Coast Guard.

**(ii) Selection criteria**

In making each appointment under clause (i), the President shall select a Commissioner from among individuals who are knowledgeable or experienced concerning fisheries resources in the North Pacific Ocean.

**(B) North Pacific Fishery Management Council**

One Commissioner shall be the chairman of the North Pacific Fishery Management Council or a designee of such chairman.

**(C) Pacific Fishery Management Council**

One Commissioner shall be the chairman of the Pacific Fishery Management Council or a designee of such chairperson.

**(D) Western Pacific Fishery Management Council**

One Commissioner shall be the chairman of the Western Pacific Fishery Management Council or a designee of such chairperson.

**(b) Alternate Commissioners**

In the event of a vacancy in a position as a Commissioner appointed under subsection (a), the Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time considered appropriate an alternate Commissioner to the Commission. An alternate Commissioner may exercise all powers and duties of a Commissioner in the absence of a Commissioner appointed under subsection (a), and shall serve the remainder of the term of the absent Commissioner for which designated.

**(c) Administrative matters**

**(1) Employment status**

An individual serving as a Commissioner, or an alternate Commissioner, other than an officer or employee of the United States Government, shall not be considered a Federal employee, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 171 of title 28.

**(2) Compensation**

An individual serving as a Commissioner or an alternate Commissioner, although an officer of the United States while so serving, shall receive no compensation for the individual’s services as such Commissioner or alternate Commissioner.

**(3) Travel expenses**

**(A) In general**

The Secretary of State shall pay the necessary travel expenses of a Commissioner or an alternate Commissioner in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5.

**(B) Reimbursement**

The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this paragraph.

**(d) Advisory Committee**

**(1) Establishment of permanent Advisory Committee**

**(A) Membership**

There is established an advisory committee which shall be composed of 11 members appointed by the Secretary as follows:

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

(ii) A member engaging in commercial fishing activities in the management area of the Pacific Fishery Management Council.