

is classified generally to chapter 16 (§951 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 951 of this title and Tables.

The South Pacific Tuna Act of 1988, referred to in subsec. (d), is Pub. L. 100-330, June 7, 1988, 102 Stat. 591, which is classified generally to chapter 16C (§973 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 973 of this title and Tables.

The Western and Central Pacific Fisheries Convention Implementation Act, referred to in subsec. (d), is title V of Pub. L. 109-479, Jan. 12, 2007, 120 Stat. 3635, which is classified generally to chapter 88 (§6901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6901 of this title and Tables.

The National Oceanic and Atmospheric Administration Authorization Act of 1992, referred to in subsec. (d), is Pub. L. 102-567, Oct. 29, 1992, 106 Stat. 4270. For complete classification of this Act to the Code, see Tables.

The amendments made by Public Law 100-629, referred to in subsec. (d), are the amendments made by Pub. L. 100-629, Nov. 7, 1988, 102 Stat. 3286, which amended section 1857 of this title and provisions set out as a note under section 883a of Title 33, Navigation and Navigable Waters.

§ 7705. Enforcement

(a) In general

The Secretary and the Secretary of the department in which the Coast Guard is operating—

- (1) shall administer and enforce this chapter and any regulations issued under this chapter; and
- (2) may request and utilize on a reimbursed or nonreimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in the administration and enforcement of this chapter.

(b) Secretarial actions

The Secretary and the Secretary of the department in which the Coast Guard is operating shall prevent any person from violating this chapter with respect to fishing activities or the conservation of fisheries resources in the Convention Area in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though sections 308 through 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858, 1859, 1860, and 1861) were incorporated into and made a part of this chapter. Any person that violates this chapter is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) in the same manner, by the same means, and with the same jurisdiction, power, and duties as though sections 308 through 311 of that Act (16 U.S.C. 1858, 1859, 1860, and 1861) were incorporated into and made a part of this chapter.

(c) Jurisdiction of the courts

(1) In general

Subject to paragraphs (2) and (3), the district courts of the United States shall have jurisdiction over any case or controversy arising under this chapter, and any such court may at any time—

- (A) enter restraining orders or prohibitions;
- (B) issue warrants, process in rem, or other process;
- (C) prescribe and accept satisfactory bonds or other security; and
- (D) take such other actions as are in the interest of justice.

(2) Hawaii and Pacific insular areas

In the case of Hawaii or any possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Hawaii, except that—

- (A) in the case of Guam and Wake Island, the appropriate court is the United States District Court for the District of Guam; and
- (B) in the case of the Northern Mariana Islands, the appropriate court is the United States District Court for the District of the Northern Mariana Islands.

(3) Construction

Each violation shall be a separate offense and the offense is deemed to have been committed not only in the district where the violation first occurred, but also in any other district authorized by law. Any offense not committed in any district is subject to the venue provisions of section 3238 of title 18.

(d) Confidentiality

(1) In general

Any information submitted to the Secretary in compliance with any requirement under this chapter, and information submitted under any requirement of this chapter that may be necessary to implement the Convention, including information submitted before December 16, 2016, shall be confidential and may not be disclosed, except—

- (A) to a Federal employee who is responsible for administering, implementing, or enforcing this chapter;

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

(C) to State, Council, or marine fisheries commission employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person;

- (D) when required by court order; or

(E) when the Secretary has obtained written authorization from the person submitting such information to release such information to another person for a reason not otherwise provided for in this paragraph, and such release does not violate other requirements of this chapter.

(2) Use of information

(A) In general

Except as provided in subparagraph (B), the Secretary shall promulgate regulations regarding the procedures the Secretary considers necessary to preserve the confidentiality of information submitted under this chapter.

(B) Exception

The Secretary may release or make public information submitted under this chapter if the information is in any aggregate or summary form that does not directly or indirectly disclose the identity or business of any person.

(3) Rule of construction

Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary of any information submitted under this chapter.

(Pub. L. 114-327, title I, §105, Dec. 16, 2016, 130 Stat. 1980.)

Editorial Notes**REFERENCES IN TEXT**

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (b), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, which is classified principally to chapter 38 (§1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

§ 7706. Prohibited acts

It is unlawful for any person—

(1) to violate this chapter or any regulation or permit issued under this chapter;

(2) to use any fishing vessel to engage in fishing activities without, or after the revocation or during the period of suspension of, an applicable permit issued pursuant to this chapter;

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

(4) to assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search, investigation, or inspection in connection with the enforcement of this chapter or any regulation, permit, or the North Pacific Fisheries Convention;

(5) to resist a lawful arrest for any act prohibited by this chapter or any regulation promulgated or permit issued under this chapter;

(6) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fisheries resources taken or retained in violation of this chapter or any regulation or permit referred to in paragraph (1) or (2);

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

(8) to submit to the Secretary false information (including false information regarding the capacity and extent to which a United States fish processor, on an annual basis, will process a portion of the optimum yield of a fishery

that will be harvested by fishing vessels of the United States), regarding any matter that the Secretary is considering in the course of carrying out this chapter;

(9) to assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer on a vessel under this chapter, or any data collector employed by or under contract to any person to carry out responsibilities under this chapter;

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

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

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

(13) to import, in violation of any regulation adopted pursuant to this chapter, any fisheries resources in any form of those species subject to regulation pursuant to a recommendation, resolution, or decision of the Commission, or any fisheries resources in any form not under regulation but under investigation by the Commission, during the period such fisheries resources have been denied entry in accordance with this chapter;

(14) to make or submit any false record, account, or label for, or any false identification of, any fisheries resources that have been, or are intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce; or

(15) to refuse to authorize and accept boarding by a duly authorized inspector pursuant to procedures adopted by the Commission for the boarding and inspection of fishing vessels in the Convention Area.

(Pub. L. 114-327, title I, §106, Dec. 16, 2016, 130 Stat. 1982.)

§ 7707. Cooperation in carrying out Convention**(a) Federal and State agencies; private institutions and organizations**

The Secretary may cooperate with any Federal agency, any public or private institution or organization within the United States or abroad, and, through the Secretary of State, a duly authorized official of the government of any party to the North Pacific Fisheries Convention, in carrying out responsibilities under this chapter.

(b) Scientific and other programs; facilities and personnel

Each Federal agency may, upon the request of the Secretary, cooperate in the conduct of scientific and other programs and furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the North Pacific Fisheries Convention.

(c) Sanctioned fishing operations and biological experiments

Nothing in this chapter, or in the laws of any State, prevents the Secretary or the Commission from—

(1) conducting or authorizing the conduct of fishing operations and biological experiments