

114TH CONGRESS  
2D SESSION

# H. R. 4576

To implement the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean, to implement the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2016

Mrs. RADEWAGEN (for herself and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To implement the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean, to implement the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

1 **TITLE I—NORTH PACIFIC FISH-**  
2 **ERIES CONVENTION IMPLE-**  
3 **MENTATION**

4 **SEC. 101. DEFINITIONS.**

5 In this title:

6 (1) **ADVISORY COMMITTEE.**—The term “Advi-  
7 sory Committee” means the advisory committee es-  
8 tablished under section 102(d).

9 (2) **COMMISSION.**—The term “Commission”  
10 means the North Pacific Fisheries Commission es-  
11 tablished in accordance with the North Pacific Fish-  
12 eries Convention.

13 (3) **COMMISSIONER.**—The term “Commis-  
14 sioner” means a United States Commissioner ap-  
15 pointed under section 102(a).

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

21 (5) **COUNCIL.**—The term “Council” means the  
22 North Pacific Fishery Management Council, the Pa-  
23 cific Fishery Management Council, or the Western  
24 Pacific Fishery Management Council established  
25 under section 302 of the Magnuson-Stevens Fishery

1 Conservation and Management Act (16 U.S.C.  
2 1852), as the context requires.

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

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

9 (B) with respect to a foreign country, a  
10 designated zone similar to the zone referred to  
11 in subparagraph (A) for that country.

12 (7) FISHERIES RESOURCES.—

13 (A) IN GENERAL.—Except as provided in  
14 subparagraph (B), the term “fisheries re-  
15 sources” means all fish, mollusks, crustaceans,  
16 and other marine species caught by a fishing  
17 vessel within the Convention Area.

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

20 (i) sedentary species insofar as they  
21 are subject to the sovereign rights of coast-  
22 al nations consistent with Article 77, para-  
23 graph 4 of the 1982 Convention and indi-  
24 cator species of vulnerable marine eco-  
25 systems as listed in, or adopted pursuant

1 to, Article 13, paragraph 5 of the North  
2 Pacific Fisheries Convention;

3 (ii) catadromous species;

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

6 (iv) other marine species already cov-  
7 ered by preexisting international fisheries  
8 management instruments within the area  
9 of competence of such instruments.

10 (8) FISHING ACTIVITIES.—

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

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

20 (iii) the processing of fisheries re-  
21 sources at sea;

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

24 (v) any operation at sea in direct sup-  
25 port of, or in preparation for, any activity

1           described in clauses (i) through (iv), in-  
2           cluding transshipment.

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

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

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

18          (11) NORTH PACIFIC FISHERIES CONVEN-  
19          TION.—The term “North Pacific Fisheries Conven-  
20          tion” means the Convention on the Conservation and  
21          Management of the High Seas Fisheries Resources  
22          in the North Pacific Ocean (including any annexes,  
23          amendments, or protocols that are in force, or have  
24          come into force) for the United States, which was  
25          adopted at Tokyo on February 24, 2012.

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

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

4 (B) any corporation, partnership, associa-  
5 tion, or other entity, whether or not organized  
6 or existing under the laws of any State; or

7 (C) any Federal, State, local, tribal, or for-  
8 eign government or any entity of such govern-  
9 ment.

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

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

19 (15) STRADDLING STOCK.—The term “strad-  
20 dling stock” means a stock of fisheries resources  
21 that migrates between, or occurs in, the economic  
22 exclusion zone of one or more parties to the Conven-  
23 tion and the Convention Area.

24 (16) TRANSSHIPMENT.—The term “trans-  
25 shipment” means the unloading of any fisheries re-

1 sources taken in the Convention Area from one fish-  
2 ing vessel to another fishing vessel either at sea or  
3 in port.

4 (17) 1982 CONVENTION.—The term “1982  
5 Convention” means the United Nations Convention  
6 on the Law of the Sea of 10 December 1982.

7 **SEC. 102. UNITED STATES PARTICIPATION IN THE NORTH**  
8 **PACIFIC FISHERIES CONVENTION.**

9 (a) UNITED STATES COMMISSIONERS.—

10 (1) NUMBER OF COMMISSIONERS.—The United  
11 States shall be represented on the Commission by 5  
12 United States Commissioners.

13 (2) SELECTION OF COMMISSIONERS.—The  
14 Commissioners shall be as follows:

15 (A) APPOINTMENT BY THE PRESIDENT.—

16 (i) IN GENERAL.—Two of the Com-  
17 missioners shall be appointed by the Presi-  
18 dent and shall be an officer or employee  
19 of—

20 (I) the Department of Commerce;

21 (II) the Department of State; or

22 (III) the Coast Guard.

23 (ii) SELECTION CRITERIA.—In making  
24 each appointment under clause (i), the  
25 President shall select a Commissioner from

1           among individuals who are knowledgeable  
2           or experienced concerning fisheries re-  
3           sources in the North Pacific Ocean.

4           (B) NORTH PACIFIC FISHERY MANAGE-  
5           MENT COUNCIL.—One Commissioner shall be  
6           the chairman of the North Pacific Fishery Man-  
7           agement Council or a designee of such chair-  
8           man.

9           (C) PACIFIC FISHERY MANAGEMENT COUN-  
10          CIL.—One Commissioner shall be the chairman  
11          of the Pacific Fishery Management Council or  
12          a designee of such chairperson.

13          (D) WESTERN PACIFIC FISHERY MANAGE-  
14          MENT COUNCIL.—One Commissioner shall be  
15          the chairman of the Western Pacific Fishery  
16          Management Council or a designee of such  
17          chairperson.

18          (b) ALTERNATE COMMISSIONERS.—In the event of a  
19          vacancy in a position as a Commissioner appointed under  
20          subsection (a), the Secretary of State, in consultation with  
21          the Secretary, may designate from time to time and for  
22          periods of time considered appropriate an alternate Com-  
23          missioner to the Commission. An alternate Commissioner  
24          may exercise all powers and duties of a Commissioner in  
25          the absence of a Commissioner appointed under subsection



1 (a), and shall serve the remainder of the term of the ab-  
2 sent Commissioner for which designated.

3 (c) ADMINISTRATIVE MATTERS.—

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

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

18 (3) TRAVEL EXPENSES.—

19 (A) IN GENERAL.—The Secretary of State  
20 shall pay the necessary travel expenses of a  
21 Commissioner or an alternate Commissioner in  
22 accordance with the Federal Travel Regulations  
23 and sections 5701, 5702, 5704 through 5708,  
24 and 5731 of title 5, United States Code.

1           (B) REIMBURSEMENT.—The Secretary  
2           may reimburse the Secretary of State for  
3           amounts expended by the Secretary of State  
4           under this paragraph.

5           (d) ADVISORY COMMITTEE.—

6           (1) ESTABLISHMENT OF PERMANENT ADVISORY  
7           COMMITTEE.—

8           (A) MEMBERSHIP.—There is established  
9           an advisory committee which shall be composed  
10          of 11 members appointed by the Secretary, in-  
11          cluding—

12                 (i) a member engaging in commercial  
13                 fishing activities in the management area  
14                 of the North Pacific Fishery Management  
15                 Council;

16                 (ii) a member engaging in commercial  
17                 fishing activities in the management area  
18                 of the Pacific Fishery Management Coun-  
19                 cil;

20                 (iii) a member engaging in commercial  
21                 fishing activities in the management area  
22                 of the Western Pacific Fishery Manage-  
23                 ment Council;

24                 (iv) 3 members from the indigenous  
25                 population of the North Pacific including

1 an Alaska Native, a Native Hawaiian, or a  
2 native-born inhabitant of any State of the  
3 United States in the Pacific, and an indi-  
4 vidual from a Pacific Coast tribe;

5 (v) a member that is a marine fish-  
6 eries scientist that is a resident of a State  
7 the adjacent exclusive economic zone for  
8 which is bounded by the Convention Area;

9 (vi) a member nominated by the Gov-  
10 ernor of the State of Alaska;

11 (vii) a member nominated by the Gov-  
12 ernor of the State of Hawaii; and

13 (viii) a member nominated by the  
14 Governor of the State of Washington.

15 (B) TERMS AND PRIVILEGES.—Each mem-  
16 ber of the Advisory Committee shall serve for a  
17 term of 2 years and shall be eligible for re-  
18 appointment, except an individual may not be  
19 appointed to more than 3 terms. The Commis-  
20 sioners shall notify the Advisory Committee in  
21 advance of each meeting of the Commissioners.  
22 The Advisory Committee shall attend each such  
23 meeting and shall examine and be heard on all  
24 proposed programs, investigations, reports, and  
25 recommendations of the Commissioners.

1 (C) PROCEDURES.—

2 (i) IN GENERAL.—The Advisory Com-  
3 mittee shall determine its organization and  
4 prescribe its practices and procedures for  
5 carrying out its functions under this title,  
6 the North Pacific Fisheries Convention,  
7 and the Magnuson-Stevens Fishery Con-  
8 servation and Management Act (16 U.S.C.  
9 1801 et seq.).

10 (ii) PUBLIC AVAILABILITY OF PROCE-  
11 DURES.—The Advisory Committee shall  
12 publish and make available to the public a  
13 statement of its organization, practices,  
14 and procedures.

15 (iii) QUORUM.—A majority of the  
16 members of the Advisory Committee shall  
17 constitute a quorum to conduct business.

18 (iv) PUBLIC MEETINGS.—Meetings of  
19 the Advisory Committee, except when in  
20 executive session, shall be open to the pub-  
21 lic. Prior notice of each nonexecutive meet-  
22 ing shall be made public in a timely fash-  
23 ion. The Advisory Committee shall not be  
24 subject to the Federal Advisory Committee  
25 Act (5 U.S.C. App.).

1 (D) PROVISION OF INFORMATION.—The  
2 Secretary and the Secretary of State shall fur-  
3 nish the Advisory Committee with relevant in-  
4 formation concerning fisheries resources and  
5 international fishery agreements.

6 (2) ADMINISTRATIVE MATTERS.—

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

12 (B) COMPENSATION; STATUS.—An indi-  
13 vidual appointed to serve as a member of the  
14 Advisory Committee—

15 (i) shall serve without pay; and

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

22 (C) TRAVEL EXPENSES.—

23 (i) IN GENERAL.—The Secretary of  
24 State shall pay the necessary travel ex-  
25 penses of members of the Advisory Com-



1           (3) with the concurrence of the Secretary, ap-  
2           prove or disapprove the general annual program of  
3           the Commission with respect to conservation and  
4           management measures and other measures proposed  
5           or adopted in accordance with the North Pacific  
6           Fisheries Convention; and

7           (4) act upon, or refer to other appropriate au-  
8           thority, any communication under paragraph (1).

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

10 (a) PROMULGATION OF REGULATIONS.—

11           (1) AUTHORITY.—The Secretary, in consulta-  
12           tion with the Secretary of State and, with respect to  
13           enforcement measures, the Secretary of the depart-  
14           ment in which the Coast Guard is operating, may  
15           promulgate such regulations as may be necessary to  
16           carry out the United States international obligations  
17           under the North Pacific Fisheries Convention and  
18           this title, including recommendations and decisions  
19           adopted by the Commission.

20           (2) REGULATIONS OF STRADDLING STOCKS.—

21           In the implementation of a measure adopted by the  
22           Commission that would govern a straddling stock  
23           under the authority of a Council, any regulation pro-  
24           mulgated by the Secretary to implement such meas-  
25           ure shall be approved by such Council.

1 (b) RULE OF CONSTRUCTION.—Regulations promul-  
2 gated under subsection (a) shall be applicable only to a  
3 person or a fishing vessel that is or has engaged in fishing  
4 activities, or fisheries resources covered by the North Pa-  
5 cific Fisheries Convention under this title.

6 (c) ADDITIONAL AUTHORITY.—The Secretary may  
7 conduct, and may request and utilize on a reimbursed or  
8 nonreimbursed basis the assistance, services, personnel,  
9 equipment, and facilities of other Federal departments  
10 and agencies in—

11 (1) scientific, research, and other programs  
12 under this title;

13 (2) fishing operations and biological experi-  
14 ments for purposes of scientific investigation or  
15 other purposes necessary to implement the North  
16 Pacific Fisheries Convention;

17 (3) the collection, utilization, and disclosure of  
18 such information as may be necessary to implement  
19 the North Pacific Fisheries Convention, subject to  
20 sections 552 and 552a of title 5, United States  
21 Code, and section 402(b) of the Magnuson-Stevens  
22 Fishery Conservation and Management Act (16  
23 U.S.C. 1881a(b)); and

24 (4) the issuance of permits to owners and oper-  
25 ators of United States vessels to engage in fishing



1 activities in the Convention Area seaward of the ex-  
2 clusive economic zone of the United States, under  
3 such terms and conditions as the Secretary may pre-  
4 scribe, including the period of time that a permit is  
5 valid.

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

20 (e) JUDICIAL REVIEW OF REGULATIONS.—

21 (1) IN GENERAL.—Regulations promulgated by  
22 the Secretary under this title shall be subject to ju-  
23 dicial review to the extent authorized by, and in ac-  
24 cordance with, chapter 7 of title 5, United States  
25 Code, if a petition for such review is filed not later

1 than 30 days after the date on which the regulations  
2 are promulgated.

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

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

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

19 **SEC. 105. ENFORCEMENT.**

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

23 (1) shall administer and enforce this title and  
24 any regulations issued under this title, except to the  
25 extent otherwise provided for in the Magnuson-Ste-

1       vens Fishery Conservation and Management Act (16  
2       U.S.C. 1801 et seq.); and

3               (2) may request and utilize on a reimbursed or  
4       nonreimbursed basis the assistance, services, per-  
5       sonnel, equipment, and facilities of other Federal de-  
6       partments and agencies in the administration and  
7       enforcement of this title.

8       (b) SECRETARIAL ACTIONS.—Except as provided  
9       under subsection (c), the Secretary and the Secretary of  
10      the department in which the Coast Guard is operating  
11      shall prevent any person from violating this title with re-  
12      spect to fishing activities or the conservation of fisheries  
13      resources in the Convention Area in the same manner, by  
14      the same means, and with the same jurisdiction, powers,  
15      and duties as though sections 308 through 311 of the  
16      Magnuson-Stevens Fishery Conservation and Manage-  
17      ment Act (16 U.S.C. 1858, 1859, 1860, and 1861) were  
18      incorporated into and made a part of this title. Any person  
19      that violates this title is subject to the penalties and enti-  
20      tled to the privileges and immunities provided in the Mag-  
21      nuson-Stevens Fishery Conservation and Management Act  
22      (16 U.S.C. 1801 et seq.) in the same manner, by the same  
23      means, and with the same jurisdiction, power, and duties  
24      as though sections 308 through 311 of that Act (16

1 U.S.C. 1858, 1859, 1860, and 1861) were incorporated  
2 into and made a part of this title.

3 (c) JURISDICTION OF THE COURTS.—

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

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

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

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

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

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

22 (A) in the case of Guam and Wake Island,  
23 the appropriate court is the United States Dis-  
24 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 is deemed to have  
7 been committed not only in the district where the  
8 violation first occurred, but also in any other district  
9 authorized by law. Any offense not committed in any  
10 district is subject to the venue provisions of section  
11 3238 of title 18, United States Code.

12           (d) CONFIDENTIALITY.—

13           (1) IN GENERAL.—Any information submitted  
14 to the Secretary in compliance with any requirement  
15 under this title shall be confidential and may not be  
16 disclosed, except—

17           (A) to a Federal employee who is respon-  
18 sible for administering, implementing, or en-  
19 forcing this title;

20           (B) to the Commission, in accordance with  
21 requirements in the North Pacific Fisheries  
22 Convention and decisions of the Commission,  
23 and, insofar as possible, in accordance with an  
24 agreement with the Commission that prevents

1 public disclosure of the identity or business of  
2 any person;

3 (C) to State, Council, or marine fisheries  
4 commission employees pursuant to an agree-  
5 ment with the Secretary that prevents public  
6 disclosure of the identity or business of any per-  
7 son;

8 (D) when required by court order; or

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

15 (2) USE OF INFORMATION.—

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

22 (B) EXCEPTION.—The Secretary may re-  
23 lease or make public information submitted  
24 under this title if the information is in any ag-  
25 gregate or summary form that does not directly

1           or indirectly disclose the identity or business of  
2           any person.

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

8 **SEC. 106. PROHIBITED ACTS.**

9           It is unlawful for any person—

10           (1) to violate this title or any regulation or per-  
11           mit issued under this title;

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

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

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

1 or any regulation, permit, or the North Pacific Fish-  
2 eries Convention;

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

6 (6) to knowingly and willfully ship, transport,  
7 offer for sale, sell, purchase, import, export, or have  
8 custody, control, or possession of, any fisheries re-  
9 sources taken or retained in violation of this title or  
10 any regulation or permit referred to in paragraph  
11 (1) or (2);

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

16 (8) to knowingly and willfully submit to the  
17 Secretary false information (including false informa-  
18 tion regarding the capacity and extent to which a  
19 United States fish processor, on an annual basis,  
20 will process a portion of the optimum yield of a fish-  
21 ery that will be harvested by fishing vessels of the  
22 United States), regarding any matter that the Sec-  
23 retary is considering in the course of carrying out  
24 this title;



1           (9) to assault, resist, oppose, impede, intimi-  
2           date, sexually harass, bribe, or interfere with any ob-  
3           server on a vessel under this title, or any data col-  
4           lector employed by or under contract to any person  
5           to carry out responsibilities under this title;

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

8           (11) to knowingly and willfully ship, transport,  
9           purchase, sell, offer for sale, import, export, or have  
10          in their custody, possession, or control any fisheries  
11          resources taken or retained in violation of such regu-  
12          lations;

13          (12) to fail to make, keep, or furnish any catch  
14          returns, statistical records, or other reports required  
15          by regulations adopted pursuant to this title to be  
16          made, kept, or furnished;

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

20          (14) to import, in violation of any regulation  
21          adopted pursuant to this title, any fisheries re-  
22          sources in any form of those species subject to regu-  
23          lation pursuant to a recommendation, resolution, or  
24          decision of the Commission, or any fisheries re-  
25          sources in any form not under regulation but under

1 investigation by the Commission, during the period  
2 such fisheries resources have been denied entry in  
3 accordance with this title;

4 (15) to make or submit any false record, ac-  
5 count, or label for, or any false identification of, any  
6 fisheries resources that have been, or are intended to  
7 be imported, exported, transported, sold, offered for  
8 sale, purchased, or received in interstate or foreign  
9 commerce; or

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

15 **SEC. 107. COOPERATION IN CARRYING OUT CONVENTION.**

16 (a) FEDERAL AND STATE AGENCIES; PRIVATE INSTI-  
17 TUTIONS AND ORGANIZATIONS.—The Secretary may co-  
18 operate with any Federal agency, any public or private in-  
19 stitution or organization within the United States or  
20 abroad, and, through the Secretary of State, a duly au-  
21 thorized official of the government of any party to the  
22 North Pacific Fisheries Convention, in carrying out re-  
23 sponsibilities under this title.

24 (b) SCIENTIFIC AND OTHER PROGRAMS; FACILITIES  
25 AND PERSONNEL.—Each Federal agency may, upon the

1 request of the Secretary, cooperate in the conduct of sci-  
2 entific and other programs and furnish facilities and per-  
3 sonnel for the purpose of assisting the Commission in car-  
4 rying out its duties under the North Pacific Fisheries Con-  
5 vention.

6 (c) SANCTIONED FISHING OPERATIONS AND BIO-  
7 LOGICAL EXPERIMENTS.—Nothing in this title, or in the  
8 laws of any State, prevents the Secretary or the Commis-  
9 sion from—

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

13 (2) discharging any other duties prescribed by  
14 the North Pacific Fisheries Convention.

15 (d) STATE JURISDICTION NOT AFFECTED.—Nothing  
16 in this title shall be construed to diminish or to increase  
17 the jurisdiction of any State in the territorial sea of the  
18 United States.

19 **SEC. 108. TERRITORIAL PARTICIPATION.**

20 The Secretary of State shall ensure participation in  
21 the Commission and its subsidiary bodies by the Common-  
22 wealth of the Northern Mariana Islands, American  
23 Samoa, and Guam to the same extent provided to the ter-  
24 ritories of other nations.

1 **SEC. 109. EXCLUSIVE ECONOMIC ZONE NOTIFICATION.**

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

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

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

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

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

7 **SEC. 201. DEFINITIONS.**

8 In this title:

9 (1) **ADVISORY COMMITTEE.**—The term “Advi-  
10 sory Committee” means the advisory committee es-  
11 tablished under section 202(d).

12 (2) **1982 CONVENTION.**—The term “1982 Con-  
13 vention” means the United Nations Convention on  
14 the Law of the Sea of 10 December 1982.

15 (3) **COMMISSION.**—The term “Commission”  
16 means the Commission of the South Pacific Regional  
17 Fisheries Management Organization established in  
18 accordance with the South Pacific Fishery Resources  
19 Convention.

20 (4) **CONVENTION AREA.**—The term “Conven-  
21 tion Area” means the area to which the Convention  
22 on the Conservation and Management of High Seas  
23 Fisheries Resources in the South Pacific Ocean ap-  
24 plies under Article 5 of such Convention.

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

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); and

10                   (B) with respect to a foreign country, a  
11                   designated zone similar to the zone referred to  
12                   in subparagraph (A) for that country.

13           (7) FISHERIES RESOURCES.—The term “fish-  
14           eries resources” means all fish within the Conven-  
15           tion Area, including mollusks, crustaceans, and  
16           other living marine resources as may be decided by  
17           the Commission, but excluding—

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

22                   (B) highly migratory species listed in  
23                   Annex I of the 1982 Convention;

24                   (C) anadromous and catadromous species;  
25                   and

1 (D) marine mammals, marine reptiles and  
2 sea birds.

3 (8) FISHING.—The term “fishing”—

4 (A) except as provided in subparagraph  
5 (B), means—

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

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

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

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

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

24 (9) FISHING VESSEL.—The term “fishing ves-  
25 sel” means any vessel used or intended to be used

1 for fishing, including any support ship, carrier ves-  
2 sel, or any other vessel directly engaged in fishing  
3 operations.

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

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

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

24 (13) STATE.—The term “State” means each of  
25 the several States of the United States, the District



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

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

7 (a) APPOINTMENT.—

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

15 (2) REPRESENTATION.—At least one of the  
16 Commissioners shall be—

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

19 (i) the Department of Commerce;

20 (ii) the Department of State; or

21 (iii) the Coast Guard; 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 that shall be composed  
12 of 6 members appointed by the Secretary, in-  
13 cluding—

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 American Samoan;

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

23 (iv) a member nominated by the Gov-  
24 ernor of the State of Hawaii; and

1 (v) a member designated by the Coun-  
2 cil.

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, except an individual may not be  
7 appointed to more than 3 terms. The Commis-  
8 sioners shall notify the Advisory Committee in  
9 advance of each meeting of the Commissioners.  
10 The Advisory Committee shall attend each  
11 meeting and shall examine and be heard on all  
12 proposed programs, investigations, reports, and  
13 recommendations of the Commissioners.

14 (C) PROCEDURES.—The Advisory Com-  
15 mittee shall determine its organization and pre-  
16 scribe its practices and procedures for carrying  
17 out its functions under this title, the South Pa-  
18 cific Fisheries Convention, and the Magnuson-  
19 Stevens Fishery Conservation and Management  
20 Act (16 U.S.C. 1801 et seq.). The Advisory  
21 Committee shall publish and make available to  
22 the public a statement of its organization, prac-  
23 tices, and procedures. A majority of the mem-  
24 bers of the Advisory Committee shall constitute  
25 a quorum to conduct business. Meetings of the

1           Advisory Committee, except when in executive  
2           session, shall be open to the public. Prior notice  
3           of each nonexecutive meeting shall be made  
4           public in a timely fashion. The Advisory Com-  
5           mittee shall not be subject to the Federal Advi-  
6           sory Committee Act (5 U.S.C. App.).

7           (D) PROVISION OF INFORMATION.—The  
8           Secretary and the Secretary of State shall fur-  
9           nish the Advisory Committee with relevant in-  
10          formation concerning fishery resources and  
11          international fishery agreements.

12         (2) ADMINISTRATIVE MATTERS.—

13           (A) SUPPORT SERVICES.—The Secretary  
14           shall provide to the Advisory Committee in a  
15           timely manner such administrative and tech-  
16           nical support services as are necessary to func-  
17           tion effectively.

18           (B) COMPENSATION; STATUS; EX-  
19           PENSES.—An individual appointed to serve as a  
20           member of the Advisory Committee—

21                   (i) shall serve without pay; and

22                   (ii) shall not be considered a Federal  
23           employee, except for the purposes of injury  
24           compensation or tort claims liability as  
25           provided in chapter 81 of title 5, United

1 States Code, and chapter 171 of title 28,  
2 United States Code.

3 **SEC. 203. AUTHORITY AND RESPONSIBILITY OF THE SEC-**  
4 **RETARY OF STATE.**

5 The Secretary of State may—

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

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

13 (3) with the concurrence of the Secretary, and  
14 in accordance with the South Pacific Fishery Re-  
15 sources Convention, object to decisions of the Com-  
16 mission.

17 **SEC. 204. RESPONSIBILITY OF THE SECRETARY AND RULE-**  
18 **MAKING AUTHORITY.**

19 (a) RESPONSIBILITIES.—The Secretary may—

20 (1) administer this title and any regulations  
21 issued under this title, except to the extent otherwise  
22 provided for in this title; and

23 (2) issue permits to vessels subject to the juris-  
24 diction of the United States, and to owners and op-  
25 erators of such vessels, to fish in the Convention

1 Area, under such terms and conditions as the Sec-  
2 retary may prescribe.

3 (b) PROMULGATION OF REGULATIONS.—

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

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

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

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

9 (d) JUDICIAL REVIEW OF REGULATIONS.—

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

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



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

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

9   **SEC. 205. ENFORCEMENT.**

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

24          (b) ADMINISTRATION AND ENFORCEMENT.—The  
25          Secretary shall prevent any person from violating this title

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

13 (c) DISTRICT COURT JURISDICTION.—The district  
14 courts of the United States shall have jurisdiction over any  
15 actions arising under this section. Notwithstanding sub-  
16 section (b), for the purpose of this section, for Hawaii or  
17 any possession of the United States in the Pacific Ocean,  
18 the appropriate court is the United States District Court  
19 for the District of Hawaii, except that in the case of Guam  
20 and Wake Island, the appropriate court is the United  
21 States District Court for the District of Guam, and except  
22 that in the case of the Northern Mariana Islands, the ap-  
23 propriate court is the United States District Court for the  
24 District of the Northern Mariana Islands. Each violation  
25 shall be a separate offense and the offense is deemed to

1 have been committed not only in the district where the  
2 violation first occurred, but also in any other district as  
3 authorized by law. Any offenses not committed in any dis-  
4 trict are subject to the venue provisions of section 3238  
5 of title 18, United States Code.

6 **SEC. 206. PROHIBITED ACTS.**

7 It is unlawful for any person—

8 (1) to violate any provision of this title or of  
9 any regulation promulgated or permit issued under  
10 this title;

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

15 (3) to refuse to permit any officer authorized to  
16 enforce this title to board a fishing vessel subject to  
17 such person's control for the purposes of conducting  
18 any investigation or inspection in connection with  
19 the enforcement of this title;

20 (4) to assault, resist, oppose, impede, intimi-  
21 date, or interfere with any such authorized officer in  
22 the conduct of any search, investigation, or inspec-  
23 tion in connection with the enforcement of this title  
24 or any regulation promulgated or permit issued  
25 under this title;

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

4           (6) to knowingly and willfully ship, transport,  
5           offer for sale, sell, purchase, import, export, or have  
6           custody, control, or possession of, any fishery re-  
7           sources taken or retained in violation of this title or  
8           any regulation or permit referred to in paragraph  
9           (1) or (2);

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

14          (8) to knowingly and willfully submit to the  
15          Secretary false information, regarding any matter  
16          that the Secretary is considering in the course of  
17          carrying out this title;

18          (9) to assault, resist, oppose, impede, intimi-  
19          date, sexually harass, bribe, or interfere with any ob-  
20          server on a vessel pursuant to the requirements of  
21          this title, or any data collector employed by the Na-  
22          tional Oceanic and Atmospheric Administration or  
23          under contract to any person to carry out respon-  
24          sibilities under this title;

1           (10) to knowingly and willfully ship, transport,  
2           purchase, sell, offer for sale, import, export, or have  
3           in their custody, possession, or control any fishery  
4           resources taken or retained in violation such regula-  
5           tions;

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

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

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

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

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

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

3 **SEC. 207. COOPERATION IN CARRYING OUT THE CONVEN-**  
4 **TION.**

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

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

20 (c) SANCTIONED FISHING OPERATIONS AND BIO-  
21 LOGICAL EXPERIMENTS.—Nothing in this title, or in the  
22 laws or regulations of any State, prevents the Secretary  
23 or the Commission 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 Fishery Resources 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. 208. 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. 209. EXCLUSIVE ECONOMIC ZONE NOTIFICATION.**

17           Masters of commercial fishing vessels of countries  
18           fishing under the management authority of the South Pa-  
19           cific Fisheries Convention that do not carry vessel moni-  
20           toring systems capable of communicating with United  
21           States enforcement authorities shall, before or as soon as  
22           reasonably possible after, entering and transiting the ex-  
23           clusive economic zone bounded by the Convention Area—

24           (1) notify the Coast Guard of the name, flag  
25           state, location, route, and destination of the vessel

1 and of the circumstances under which it will enter  
2 United States waters;

3 (2) ensure that all fishing gear on board the  
4 vessel is stowed below deck or otherwise removed  
5 from the place it is normally used for fishing activi-  
6 ties and placed where it is not readily available for  
7 fishing activities; and

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

11 **TITLE III—WESTERN AND CEN-**  
12 **TRAL PACIFIC FISHERIES**  
13 **COMMISSION**

14 **SEC. 301. RECOMMENDATIONS FOR AGENDA OF ANNUAL**  
15 **MEETINGS OF WESTERN AND CENTRAL PA-**  
16 **CIFIC FISHERIES COMMISSION.**

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

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

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

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

24 “(E) No later than 15 days before each  
25 annual meeting of the Commission, the Advi-



1           sory Committee shall transmit to the United  
2           States Commissioners recommendations relat-  
3           ing to the agenda of the annual meeting. The  
4           recommendations must be agreed to by a ma-  
5           jority of the Advisory Committee members. The  
6           United States Commissioners shall consider  
7           such recommendations in the formulation of the  
8           United States position for the Commission  
9           meeting and during the negotiations at that  
10          meeting.”; and

11          (2) by redesignating section 511 (16 U.S.C.  
12          6910) as section 512, and inserting after section  
13          510 the following:

14       **“SEC. 511. UNITED STATES CONSERVATION, MANAGEMENT,**  
15                               **AND ENFORCEMENT OBJECTIVES.**

16          “The Secretary, in consultation with the Secretary of  
17       State, shall initiate and conduct negotiations pursuant to  
18       this Act for the purpose of securing agreements that—

19               “(1) minimize any disadvantage to United  
20       States fishermen in relation to other members of the  
21       Commission;

22               “(2) maximize the opportunities for fishing ves-  
23       sels of the United States to harvest fish stocks on  
24       the high seas in the Convention area, recognizing  
25       that such harvests may be restricted if the Commis-

1 sion, based on an analysis by the Scientific Com-  
2 mittee established by the Western and Central Pa-  
3 cific Convention, determines that limiting the access  
4 of fishing vessels of the United States to the high  
5 seas is necessary for the conservation of fish stocks  
6 subject to the Convention;

7 “(3) prevent any requirement for the transfer  
8 to other nations or foreign entities of the fishing ca-  
9 pacity, fishing capacity rights, or fishing vessels of  
10 the United States or its territories; and

11 “(4) ensure that conservation and management  
12 measures take into consideration traditional fishing  
13 patterns of fishing vessels of the United States and  
14 the operating requirements of the fisheries covered  
15 by the Western and Central Pacific Convention.”.

16 (b) CONFORMING AMENDMENT.—Section 1(b) of the  
17 Magnuson-Stevens Fishery Conservation and Manage-  
18 ment Reauthorization Act of 2006 is amended in the table  
19 of contents by striking the item relating to section 511  
20 (121 Stat. 3576) and inserting the following:

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

“Sec. 512. Authorization of appropriations.”.

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