

114TH CONGRESS  
1ST SESSION

# S. 1335

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.

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IN THE SENATE OF THE UNITED STATES

MAY 13, 2015

Mr. SULLIVAN (for himself and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “North Pacific Fisheries  
5       Convention Implementation Act”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

1           (1) ADVISORY COMMITTEE.—The term “Advi-  
2           sory Committee” means the advisory committee es-  
3           tablished under section 3.

4           (2) COMMISSION.—The term “Commission”  
5           means the North Pacific Fisheries Commission es-  
6           tablished pursuant to the North Pacific Fisheries  
7           Convention.

8           (3) COMMISSIONER.—The term “Commis-  
9           sioner” means a United States Commissioner ap-  
10          pointed under section 3.

11          (4) CONVENTION AREA.—The term “Conven-  
12          tion Area”—

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

15                (B) excludes—

16                       (i) the high seas areas of the Bering  
17                       Sea and other high seas areas that are  
18                       surrounded by the exclusive economic zone  
19                       of a single nation, which are bounded to  
20                       the south by a continuous line beginning at  
21                       the seaward limit of waters under the ju-  
22                       risdiction of the United States around the  
23                       Commonwealth of the Northern Mariana  
24                       Islands at 20 degrees North latitude, then  
25                       proceeding East and connecting the coordi-

1           nates:    20°00'00",    180°00'00"E/W;  
 2           10°00'00"N 180°00'00"E/W; 10°00'00"N,  
 3           140°00'00"W; 20°00'00"N, 140°00'00"W;  
 4           and thence East to the seaward limit of  
 5           waters under the fisheries jurisdiction of  
 6           Mexico; and

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

9           (5) COUNCIL.—The term “Council” means the  
 10          North Pacific Fishery Management Council, the Pa-  
 11          cific Fishery Management Council, or the Western  
 12          Pacific Fishery Management Council established  
 13          under section 302 of the Magnuson-Stevens Fishery  
 14          Conservation and Management Act (16 U.S.C.  
 15          1852).

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

18                   (A) with respect to the United States, the  
 19                  zone established by Presidential Proclamation  
 20                  Numbered 5030 of March 10, 1983 (16 U.S.C.  
 21                  1453 note); and

22                   (B) with respect to a foreign country, a  
 23                  designated zone similar to the zone referred to  
 24                  in subparagraph (A) for that country.

25          (7) FISHERIES RESOURCES.—

1 (A) IN GENERAL.—The term “fisheries re-  
 2 sources” means all fish, mollusks, crustaceans,  
 3 and other marine species caught by a fishing  
 4 vessel within the Convention Area.

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

7 (i) sedentary species insofar as they  
 8 are subject to the sovereign rights of coast-  
 9 al nations consistent with Article 77, para-  
 10 graph 4 of the 1982 Convention and indi-  
 11 cator species of vulnerable marine eco-  
 12 systems as listed in, or adopted pursuant  
 13 to, Article 13, paragraph 5 of the North  
 14 Pacific Fisheries Convention;

15 (ii) catadromous species;

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

18 (iv) other marine species already cov-  
 19 ered by pre-existing international fisheries  
 20 management instruments within the area  
 21 of competence of such instruments.

22 (8) FISHING ACTIVITIES.—

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

1 (i) the actual or attempted searching  
2 for, catching, taking, or harvesting of fish-  
3 eries resources;

4 (ii) engaging in any activity that can  
5 reasonably be expected to result in the lo-  
6 cating, catching, taking, or harvesting of  
7 fisheries resources for any purpose;

8 (iii) the processing of fisheries re-  
9 sources at sea;

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

12 (v) any operation at sea in direct sup-  
13 port of, or in preparation for, any activity  
14 described in clauses (i) through (iv), in-  
15 cluding transshipment.

16 (B) EXCLUSIONS.—The term “fishing ac-  
17 tivities” does not include any operation related  
18 to an emergency involving the health or safety  
19 of a crew member or the safety of a fishing ves-  
20 sel.

21 (9) FISHING VESSEL.—The term “fishing ves-  
22 sel” means any vessel used or intended for use for  
23 the purpose of engaging in fishing activities, includ-  
24 ing a processing vessel, a support ship, a carrier ves-

1 sel, or any other vessel directly engaged in such fish-  
2 ing activities.

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

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

15 (12) 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.

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

4           (14) STATE.—The term “State” means each of  
5 the several States of the United States, the District  
6 of Columbia, the Commonwealth of the Northern  
7 Mariana Islands, and any other commonwealth, ter-  
8 ritory, or possession of the United States.

9           (15) STRADDLING STOCK.—The term “strad-  
10 dling stock” means a stock of fisheries resources  
11 which migrates between, or occurs in, the economic  
12 exclusion zone of 1 or more parties to the Conven-  
13 tion and the Convention Area.

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

19           (17) 1982 CONVENTION.—The term “1982  
20 Convention” means the United Nations Convention  
21 on the Law of the Sea of 10 December 1982.

22 **SEC. 3. UNITED STATES PARTICIPATION IN THE NORTH PA-**  
23 **CIFIC FISHERIES CONVENTION.**

24           (a) UNITED STATES COMMISSIONERS.—

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

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

6           (A) APPOINTMENT BY THE PRESIDENT.—

7           (i) IN GENERAL.—Two of the Com-  
8 missioners shall be appointed by the Presi-  
9 dent and shall be an officer or employee  
10 of—

11                   (I) the Department of Commerce;

12                   (II) the Department of State; or

13                   (III) the United States Coast  
14 Guard.

15           (ii) SELECTION CRITERIA.—In making  
16 each appointment under clause (i), the  
17 President shall select a Commissioner from  
18 among individuals who are knowledgeable  
19 or experienced concerning fisheries re-  
20 sources in the North Pacific Ocean.

21           (B) NORTH PACIFIC FISHERY MANAGE-  
22 MENT COUNCIL.—One Commissioner shall be  
23 the chairperson of the North Pacific Fishery  
24 Management Council or a designee of such  
25 chairperson.

1           (C) PACIFIC FISHERY MANAGEMENT COUN-  
2           CIL.—One Commissioner shall be the chair-  
3           person of the Pacific Fishery Management  
4           Council or a designee of such chairperson.

5           (D) WESTERN PACIFIC FISHERY MANAGE-  
6           MENT COUNCIL.—One Commissioner shall be  
7           the chairperson of the Western Pacific Fishery  
8           Management Council or a designee of such  
9           chairperson.

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

20       (c) ADMINISTRATIVE MATTERS.—

21           (1) EMPLOYMENT STATUS.—An individual serv-  
22       ing as a Commissioner, or an alternative Commis-  
23       sioner, other than an officer or employee of the  
24       United States Government, shall not be considered  
25       a Federal employee, except for the purposes of in-

1 jury compensation or tort claims liability as provided  
2 in chapter 81 of title 5, United States Code, and  
3 chapter 171 of title 28, United States Code.

4 (2) COMPENSATION.—An individual serving as  
5 a Commissioner or an alternate Commissioner, al-  
6 though an officer of the United States while so serv-  
7 ing, shall receive no compensation for the individ-  
8 ual's services as such Commissioner or alternate  
9 Commissioner.

10 (3) TRAVEL EXPENSES.—

11 (A) IN GENERAL.—The Secretary of State  
12 shall pay the necessary travel expenses of a  
13 Commissioner or an alternate Commissioner in  
14 accordance with the Federal Travel Regulations  
15 and sections 5701, 5702, 5704 through 5708,  
16 and 5731 of title 5, United States Code.

17 (B) REIMBURSEMENT.—The Secretary  
18 may reimburse the Secretary of State for  
19 amounts expended by the Secretary of State  
20 under this paragraph.

21 (d) ADVISORY COMMITTEE.—

22 (1) ESTABLISHMENT OF PERMANENT ADVISORY  
23 COMMITTEE.—

24 (A) MEMBERSHIP.—There is established  
25 an advisory committee which shall be composed

1 of 11 members appointed by the Secretary, in-  
2 cluding—

3 (i) a member engaging in commercial  
4 fishing activities in the management area  
5 of the North Pacific Fishery Management  
6 Council;

7 (ii) a member engaging in commercial  
8 fishing activities in the management area  
9 of the Pacific Fishery Management Coun-  
10 cil;

11 (iii) a member engaging in commercial  
12 fishing activities in the management area  
13 of the Western Pacific Fishery Manage-  
14 ment Council;

15 (iv) 3 members from the indigenous  
16 population of the North Pacific including  
17 an Alaska Native, Native Hawaiian, or a  
18 native-born inhabitant of any State of the  
19 United States in the Pacific, and an indi-  
20 vidual from a Pacific Coast tribe;

21 (v) a member that is a marine fish-  
22 eries scientist that is a resident of a State  
23 the adjacent exclusive economic zone for  
24 which is bounded by the Convention Area;

1 (vi) a member nominated by the Gov-  
2 ernor of the State of Alaska;

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

5 (viii) a member nominated by the  
6 Governor of the State of Washington.

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

18 (C) PROCEDURES.—

19 (i) IN GENERAL.—The Advisory Com-  
20 mittee shall determine its organization and  
21 prescribe its practices and procedures for  
22 carrying out its functions under this Act,  
23 the North Pacific Fisheries Convention,  
24 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 fisheries 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.—An indi-  
7 vidual appointed to serve as a member of the  
8 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 (C) TRAVEL EXPENSES.—

17 (i) IN GENERAL.—The Secretary of  
18 State shall pay the necessary travel ex-  
19 penses of members of the Advisory Com-  
20 mittee in carrying out the duties of the Ad-  
21 visory Committee in accordance with the  
22 Federal Travel Regulations and sections  
23 5701, 5702, 5704 through 5708, and 5731  
24 of title 5, United States Code.

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

5 (e) UNITED STATES PARTICIPATION.—In instances  
6 in which the United States is participating in any meeting  
7 of the parties to the North Pacific Fisheries Convention,  
8 the United States shall be represented by the Commis-  
9 sioners and the Advisory Committee.

10 **SEC. 4. AUTHORITY AND RESPONSIBILITY OF THE SEC-**  
11 **RETARY OF STATE.**

12 The Secretary of State may—

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

17 (2) in consultation with the Secretary, approve,  
18 disapprove, object to, or withdraw objections to by-  
19 laws and rules, or amendments thereof, adopted by  
20 the Commission;

21 (3) with the concurrence of the Secretary, ap-  
22 prove or disapprove the general annual program of  
23 the Commission with respect to conservation and  
24 management measures and other measures proposed

1 or adopted in accordance with the North Pacific  
2 Fisheries Convention; and

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

5 **SEC. 5. AUTHORITY OF THE SECRETARY OF COMMERCE.**

6 (a) PROMULGATION OF REGULATIONS.—

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

17 (2) REGULATIONS OF STRADDLING STOCKS.—

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

23 (b) RULE OF CONSTRUCTION.—Regulations promul-  
24 gated under subsection (a) shall be applicable only to a  
25 person or a fishing vessel that is or has engaged in fishing

1 activities, or fisheries resources covered by the North Pa-  
2 cific Fisheries Convention under this Act.

3 (c) ADDITIONAL AUTHORITY.—The Secretary may  
4 conduct, and may request and utilize on a reimbursed or  
5 non-reimbursed basis the assistance, services, personnel,  
6 equipment, and facilities of other Federal departments  
7 and agencies in—

8 (1) scientific, research, and other programs  
9 under this Act;

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

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

21 (4) if recommended by the Commissioners, the  
22 assessment and collection of fees, not to exceed 3  
23 percent of the ex-vessel value of fisheries resource  
24 harvested by vessels of the United States in fisheries  
25 conducted in the Convention Area, to recover the ac-

1 tual costs to the United States of management and  
2 enforcement under this Act, which shall be deposited  
3 as an offsetting collection in, and credited to, the ac-  
4 count providing appropriations to carry out the func-  
5 tions of the Secretary under this Act; and

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

13 (d) CONSISTENCY WITH OTHER LAWS.—The Sec-  
14 retary shall ensure the consistency, to the extent prac-  
15 ticable, of fishery management programs administered  
16 under this Act, the Magnuson-Stevens Fishery Conserva-  
17 tion and Management Act (16 U.S.C. 1801 et seq.), the  
18 Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.),  
19 the South Pacific Tuna Act of 1988 (16 U.S.C. 973 et  
20 seq.), section 401 of Public Law 108–219 (16 U.S.C. 1821  
21 note) (relating to Pacific albacore tuna), the Western and  
22 Central Pacific Fisheries Convention Implementation Act  
23 (16 U.S.C. 6901 et seq.), the National Oceanic and At-  
24 mospheric Administration Authorization Act of 1992

1 (Public Law 102–567) and the amendments made by that  
2 Act, and Public Law 100–629 (102 Stat. 3286).

3 (e) JUDICIAL REVIEW OF REGULATIONS.—

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

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

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

24 (4) EXPEDITED HEARINGS.—Upon a motion by  
25 the person who files a petition under this subsection,

1 the appropriate court shall assign the matter for  
2 hearing at the earliest possible date.

3 **SEC. 6. ENFORCEMENT.**

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

7 (1) shall administer and enforce this Act and  
8 any regulations issued under this Act, except to the  
9 extent otherwise provided for in the Magnuson-Ste-  
10 vens Fishery Conservation and Management Act (16  
11 U.S.C. 1801 et seq.); and

12 (2) may request and utilize on a reimbursed or  
13 non-reimbursed basis the assistance, services, per-  
14 sonnel, equipment, and facilities of other Federal de-  
15 partments and agencies in the administration and  
16 enforcement of this Act.

17 (b) SECRETARIAL ACTIONS.—Except as provided  
18 under subsection (c), the Secretary and the Secretary of  
19 the department in which the Coast Guard is operating  
20 shall prevent any person from violating this Act with re-  
21 spect to fishing activities or the conservation of fisheries  
22 resources in the Convention Area in the same manner, by  
23 the same means, and with the same jurisdiction, powers,  
24 and duties as though sections 308 through 311 of the  
25 Magnuson-Stevens Fishery Conservation and Manage-

1 ment Act (16 U.S.C. 1858, 1859, 1860, and 1861) were  
2 incorporated into and made a part of this Act. Any person  
3 that violates any provision of this Act is subject to the  
4 penalties and entitled to the privileges and immunities  
5 provided in the Magnuson-Stevens Fishery Conservation  
6 and Management Act (16 U.S.C. 1801 et seq.) in the same  
7 manner, by the same means, and with the same jurisdic-  
8 tion, power, and duties as though sections 308 through  
9 311 of that Act (16 U.S.C. 1858, 1859, 1860, and 1861)  
10 were incorporated into and made a part of this Act.

11 (c) JURISDICTION OF THE COURTS.—

12 (1) IN GENERAL.—Subject to paragraphs (2)  
13 and (3), the district courts of the United States  
14 shall have exclusive jurisdiction over any case or  
15 controversy arising under the provisions of this Act,  
16 and any such court may at any time—

17 (A) enter restraining orders or prohibi-  
18 tions;

19 (B) issue warrants, process in rem, or  
20 other process;

21 (C) prescribe and accept satisfactory bonds  
22 or other security; and

23 (D) take such other actions as are in the  
24 interest of justice.

1           (2) HAWAII AND PACIFIC INSULAR AREAS.—In  
2           the case of Hawaii or any possession of the United  
3           States in the Pacific Ocean, the appropriate court is  
4           the United States District Court for the District of  
5           Hawaii, except that—

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

9                   (B) in the case of the Northern Mariana  
10                   Islands, the appropriate court is the United  
11                   States District Court for the District of the  
12                   Northern Mariana Islands.

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

21           (d) CONFIDENTIALITY.—

22                   (1) IN GENERAL.—Any information submitted  
23                   to the Secretary in compliance with any requirement  
24                   under this Act shall be confidential and may not be  
25                   disclosed, except—

1 (A) to a Federal employee who is respon-  
2 sible for administering, implementing, or en-  
3 forcing this Act;

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

11 (C) to State, Council, or Marine Fisheries  
12 Commission employees pursuant to an agree-  
13 ment with the Secretary that prevents public  
14 disclosure of the identity or business of any per-  
15 son;

16 (D) when required by court order; or

17 (E) when the Secretary has obtained writ-  
18 ten authorization from the person submitting  
19 such information to release such information to  
20 another person for a reason not otherwise pro-  
21 vided for in this paragraph, and such release  
22 does not violate other requirements of this Act.

23 (2) USE OF INFORMATION.—

24 (A) IN GENERAL.—Except as provided  
25 under subparagraph (B), the Secretary shall

1 promulgate regulations regarding the proce-  
2 dures the Secretary considers necessary to pre-  
3 serve the confidentiality of information sub-  
4 mitted under this Act.

5 (B) EXCEPTION.—The Secretary may re-  
6 lease or make public information submitted  
7 under this Act if the information is in any ag-  
8 gregate or summary form that does not directly  
9 or indirectly disclose the identity or business of  
10 any person.

11 (3) RULE OF CONSTRUCTION.—Nothing in this  
12 subsection shall be interpreted or construed to pre-  
13 vent the use for conservation and management pur-  
14 poses by the Secretary of any information submitted  
15 under this Act.

16 **SEC. 7. PROHIBITED ACTS.**

17 It is unlawful for any person—

18 (1) to violate any provision of this Act or any  
19 regulation or permit issued pursuant to this Act;

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

24 (3) to refuse to permit any officer authorized to  
25 enforce the provisions of this Act to board a fishing

1 vessel subject to such person's control for the pur-  
2 poses of conducting any search, investigation, or in-  
3 spection in connection with the enforcement of this  
4 Act or any regulation, permit, or the North Pacific  
5 Fisheries Convention;

6 (4) to assault, resist, oppose, impede, intimi-  
7 date, or interfere with any such authorized officer in  
8 the conduct of any search, investigation, or inspec-  
9 tion in connection with the enforcement of this Act  
10 or any regulation, permit, or the North Pacific Fish-  
11 eries Convention;

12 (5) to resist a lawful arrest for any act prohib-  
13 ited by this Act or any regulation promulgated or  
14 permit issued under this Act;

15 (6) to knowingly and willfully ship, transport,  
16 offer for sale, sell, purchase, import, export, or have  
17 custody, control, or possession of, any fisheries re-  
18 sources taken or retained in violation of this Act or  
19 any regulation or permit referred to in paragraph  
20 (1) or (2);

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

1           (8) to knowingly and willfully submit to the  
2 Secretary false information (including false informa-  
3 tion regarding the capacity and extent to which a  
4 United States fish processor, on an annual basis,  
5 will process a portion of the optimum yield of a fish-  
6 ery that will be harvested by fishing vessels of the  
7 United States), regarding any matter that the Sec-  
8 retary is considering in the course of carrying out  
9 this Act;

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

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

17           (11) to knowingly and willfully ship, transport,  
18 purchase, sell, offer for sale, import, export, or have  
19 in custody, possession, or control any fisheries re-  
20 sources taken or retained in violation of such regula-  
21 tions;

22           (12) to fail to make, keep, or furnish any catch  
23 returns, statistical records, or other reports required  
24 by regulations adopted pursuant to this Act to be  
25 made, kept, or furnished;

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

4           (14) to import, in violation of any regulation  
5           adopted pursuant to this Act, any fisheries resources  
6           in any form of those species subject to regulation  
7           pursuant to a recommendation, resolution, or deci-  
8           sion of the Commission, or any fisheries resources in  
9           any form not under regulation but under investiga-  
10          tion by the Commission, during the period such fish-  
11          eries resources have been denied entry in accordance  
12          with the provisions of this Act;

13          (15) to make or submit any false record, ac-  
14          count, or label for, or any false identification of, any  
15          fisheries resources which has been, or is intended to  
16          be imported, exported, transported, sold, offered for  
17          sale, purchased, or received in interstate or foreign  
18          commerce; or

19          (16) to refuse to authorize and accept boarding  
20          by a duly authorized inspector pursuant to proce-  
21          dures adopted by the Commission for the boarding  
22          and inspection of fishing vessels in the Convention  
23          Area.

1 **SEC. 8. COOPERATION IN CARRYING OUT CONVENTION.**

2 (a) FEDERAL AND STATE AGENCIES; PRIVATE INSTI-  
3 TUTIONS AND ORGANIZATIONS.—The Secretary may co-  
4 operate with any Federal agency, any public or private in-  
5 stitution or organization within the United States or  
6 abroad, and, through the Secretary of State, a duly au-  
7 thorized official of the government of any party to the  
8 North Pacific Fisheries Convention, in carrying out re-  
9 sponsibilities under this Act.

10 (b) SCIENTIFIC AND OTHER PROGRAMS; FACILITIES  
11 AND PERSONNEL.—Each Federal agency is authorized,  
12 upon the request of the Secretary, to cooperate in the con-  
13 duct of scientific and other programs and to furnish facili-  
14 ties and personnel for the purpose of assisting the Com-  
15 mission in carrying out its duties under the North Pacific  
16 Fisheries Convention.

17 (c) SANCTIONED FISHING OPERATIONS AND BIO-  
18 LOGICAL EXPERIMENTS.—Nothing in this Act, or in the  
19 laws of any State, prevents the Secretary or the Commis-  
20 sion from—

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

24 (2) discharging any other duties prescribed by  
25 the North Pacific Fisheries Convention.

1 (d) STATE JURISDICTION NOT AFFECTED.—Nothing  
2 in this Act shall be construed to diminish or to increase  
3 the jurisdiction of any State in the territorial sea of the  
4 United States.

5 **SEC. 9. TERRITORIAL PARTICIPATION.**

6 The Secretary of State shall ensure participation in  
7 the Commission and its subsidiary bodies by the Common-  
8 wealth of the Northern Mariana Islands to the same ex-  
9 tent provided to the territories of other nations.

10 **SEC. 10. EXCLUSIVE ECONOMIC ZONE NOTIFICATION.**

11 Masters of commercial fishing vessels of countries  
12 fishing under the management authority of the North Pa-  
13 cific Fisheries Convention that do not carry vessel moni-  
14 toring systems capable of communicating with United  
15 States enforcement authorities shall, prior to or as soon  
16 as reasonably possible after, entering and transiting the  
17 exclusive economic zone bounded by the Convention  
18 Area—

19 (1) notify the United States Coast Guard of the  
20 name, flag state, location, route, and destination of  
21 the vessel and of the circumstances under which it  
22 will enter United States waters;

23 (2) ensure that all fishing gear on board the  
24 vessel is stowed below deck or otherwise removed  
25 from the place it is normally used for fishing activi-

1 ties and placed where it is not readily available for  
2 fishing activities; and

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

6 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated to the Sec-  
8 retary and the Secretary of State such sums as may be  
9 necessary to carry out this Act and to pay the United  
10 States contribution to the Commission under Article 12  
11 of the North Pacific Fisheries Convention.

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