

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 Representatives of the United States of America*
2 *in Congress assembled, That this Act may be cited as the “North Pacific Fisheries Resources*
3 *Convention and South Pacific Fishery Resources Convention Implementation Act”.*

4 **TABLE OF CONTENTS**

5 **TITLE I — IMPLEMENTATION OF THE CONVENTION ON THE CONSERVATION AND**
6 **MANAGEMENT OF HIGH SEAS FISHERIES RESOURCES IN THE NORTH PACIFIC OCEAN**

7 **Sec. 101. Short Title.**

8 **Sec. 102. Definitions.**

9 **Sec. 103. Appointment or Designation of United States Commissioners.**

10 **Sec. 104. Authority and Responsibility of the Secretary of State.**

11 **Sec. 105. Responsibility of the Secretary and Rulemaking Authority.**

12 **Sec. 106. Enforcement.**

13 **Sec. 107. Prohibited Acts.**

14 **Sec. 108. Cooperation in Carrying out the Convention.**

15 **Sec. 109. Collection of Information.**

16 **Sec. 110. Authorization of Appropriations.**

17 **TITLE II — IMPLEMENTATION OF THE CONVENTION ON THE CONSERVATION AND**
18 **MANAGEMENT OF HIGH SEAS FISHERY RESOURCES IN THE SOUTH PACIFIC OCEAN**

19 **Sec. 201. Short Title.**

20 **Sec. 202. Definitions.**

21 **Sec. 203. Appointment or Designation of United States Commissioners.**

22 **Sec. 204. Authority and Responsibility of the Secretary of State.**

1 Sec. 205. Responsibility of the Secretary and Rulemaking Authority.

2 Sec. 206. Enforcement.

3 Sec. 207. Prohibited Acts.

4 Sec. 208. Cooperation in Carrying out the Convention.

5 Sec. 209. Collection of Information.

6 Sec. 210. Authorization of Appropriations.

7 **TITLE I — IMPLEMENTATION OF THE CONVENTION ON THE CONSERVATION**
8 **AND MANAGEMENT OF HIGH SEAS FISHERIES RESOURCES IN THE NORTH**
9 **PACIFIC OCEAN**

10 **SECTION 101. SHORT TITLE.**

11 This title may be cited as the “North Pacific Fisheries Resources Convention
12 Implementation Act.”

13 **SEC. 102. DEFINITIONS.**

14 In this title —

15 (1) **CONVENTION.** — The term “Convention” or “North Pacific Fisheries Resources
16 Convention” means the Convention on the Conservation and Management of High Seas
17 Fisheries Resources in the North Pacific Ocean (including any annexes, amendments, or
18 protocols which are in force, or have come into force, for the United States), which was adopted
19 on February 24, 2012, in Tokyo, Japan.

20 (2) **COMMISSION.** — The term “Commission” means the “North Pacific Fisheries
21 Commission” established in accordance with the Convention.

22 (3) **CONVENTION AREA.** — The term “Convention Area” means the waters of the
23 high seas area of the North Pacific Ocean, excluding the high seas areas of the Bering Sea and
24 other high seas areas that are surrounded by the Exclusive Economic Zone of a single State,

1 bounded to the South by a continuous line beginning at the seaward limit of waters under the
2 jurisdiction of the United States of America around the Commonwealth of the Northern Mariana
3 Islands at twenty (20) degrees North latitude, then proceeding East and connecting the following
4 coordinates:

5 20°00'00"N, 180°00'00"E/W;

6 10°00'00"N, 180°00'00"E/W;

7 10°00'00"N, 140°00'00"W;

8 20°00'00"N, 140°00'00"W; and

9 Thence East to the seaward limit of waters under the fisheries jurisdiction of Mexico.

10 (4) EXCLUSIVE ECONOMIC ZONE. — The term "Exclusive Economic Zone" means
11 the zone established by Presidential Proclamation Numbered 5030 of March 10, 1983. For
12 purposes of applying this title, the inner boundary of that zone is a line coterminous with the
13 seaward boundary of each of the coastal States.

14 (5) FISHERIES RESOURCES. — The term "fisheries resources" means all fish,
15 mollusks, crustaceans and other marine species, as well as any products thereof, caught by
16 fishing vessels within the Convention Area, excluding:

17 (a) sedentary species insofar as they are subject to the sovereign rights of coastal
18 States consistent with Article 77, paragraph 4 of the United Nations Convention on the
19 Law of the Sea of 10 December 1982 and indicator species of vulnerable marine
20 ecosystems as listed in, or adopted pursuant to, Article 13, paragraph 5 of the
21 Convention;

1 (b) catadromous species;

2 (c) marine mammals, marine reptiles and seabirds; and

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

5 (6) FISHING ACTIVITIES. — The term “fishing activities” means:

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

8 (b) engaging in any activity that can reasonably be expected to result in locating,
9 catching, taking or harvesting of these resources for any purpose;

10 (c) the processing of these resources at sea and the transshipping of these
11 resources at sea or in port; and

12 (d) any operation at sea in direct support of, or in preparation for, any activity
13 described in subparagraphs (a) to (c) above, except for any operation related to
14 emergencies involving the health and safety of crew members or the safety of fishing
15 vessels.

16 (7) FISHING VESSEL. — The term “fishing vessel” means any vessel used or intended
17 for use for the purpose of engaging in fishing activities, including fish processing vessels,
18 support ships, carrier vessels and any other vessel directly engaged in such fishing activities.

19 (8) PERSON. — The term “person” means any individual (whether or not a citizen or
20 national of the United States); any corporation, partnership, association, or other entity (whether

1 or not organized or existing under the laws of any State); and any Federal, State, local, or foreign
2 government or any entity of any such government.

3 (9) SECRETARY. — The term "Secretary" means the Secretary of Commerce.

4 (10) STATE. — The term "State" means each of the several States of the United States,
5 the District of Columbia, the Commonwealth of the Northern Mariana Islands, American Samoa,
6 Guam, and any other commonwealth, territory, or possession of the United States.

7 **SEC. 103. APPOINTMENT OR DESIGNATION OF UNITED STATES**

8 **COMMISSIONERS.**

9 (a) IN GENERAL. — The United States shall be represented on the Commission by one
10 United States Commissioner. The President shall appoint the individual to serve on the
11 Commission at the pleasure of the President. The individual shall be an employee of the
12 Department of Commerce.

13 (b) ALTERNATE COMMISSIONER. — The Secretary of State, in consultation with
14 the Secretary, may designate from time to time and for periods of time deemed appropriate an
15 Alternate United States Commissioner to the Commission. The individual shall be an employee
16 of the Department of Commerce. The Alternate United States Commissioner may exercise at
17 any meeting of the Commission or subsidiary bodies, all powers and duties of the United States
18 Commissioner in the absence of a Commissioner appointed pursuant to paragraph (a) of this
19 section.

20 (c) COMPENSATION. — The United States Commissioner or Alternate Commissioner
21 shall receive no additional compensation for their services as such Commissioner or Alternate
22 Commissioner.

23 **SEC. 104. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF STATE.**

1 The Secretary of State may—

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

5 (b) in consultation with the Secretary, act upon, or refer to other appropriate
6 authority, any communication pursuant to paragraph (a) of this section;

7 (c) with the concurrence of the Secretary, and in accordance with the provisions
8 of the Convention, object to the decisions of the Commission; and

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

13 **SEC. 105. RESPONSIBILITY OF THE SECRETARY AND RULEMAKING**

14 **AUTHORITY.**

15 (a) **RESPONSIBILITIES.** — The Secretary may—

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

18 (2) issue permits to vessels subject to the jurisdiction of the United States, and to
19 owners and operators of such vessels, to fish in the Convention Area, under such terms
20 and conditions as the Secretary may prescribe.

21 (b) **PROMULGATION OF REGULATIONS.** —

22 (1) The Secretary, in consultation with the Secretary of State and with the
23 Secretary of the Department in which the Coast Guard is operating, is authorized

1 to promulgate such regulations as may be necessary and appropriate to carry out
2 the international obligations of the United States under the Convention and this
3 title, including, but not limited to, decisions adopted by the Commission.

4 (2) The Secretary may promulgate regulations applicable to all vessels
5 and persons subject to the jurisdiction of the United States, including United
6 States flag vessels wherever they may be operating, on such date as the Secretary
7 shall prescribe.

8 (c) JUDICIAL REVIEW OF REGULATIONS. —

9 (1) Regulations promulgated by the Secretary under this title shall be subject to
10 judicial review to the extent authorized by, and in accordance with, 5 U.S.C. Chapter 7, if
11 a petition for such review is filed within 30 days after the date on which the regulations
12 are promulgated or the action is published in the *Federal Register*, as applicable; except
13 that-

14 (A) section 705 of such title is not applicable; and

15 (B) the appropriate court shall only set aside any such regulation or action
16 on a ground specified in section 706(2)(A),(B),(C), or (D) of such title.

17 (2) Notwithstanding any other provision of law, the Secretary shall file a response
18 to any petition filed in accordance with paragraph 5(c)(1), no later than 45 days after the
19 date the Secretary is served with that petition, except that the appropriate court may
20 extend the period for filing such a response upon a showing by the Secretary of good
21 cause for that extension.

22 (3) A response of the Secretary under this paragraph shall include a copy of the
23 administrative record for the regulations that are the subject of the petition.

1 (4) Upon a motion by the person who files a petition under this subsection, the
2 appropriate court shall assign the matter for hearing at the earliest possible date and shall
3 expedite the matter in every possible way.

4 **Sec. 106. ENFORCEMENT.**

5 (a) **RESPONSIBILITY.** — The provisions of this title, and any regulations or permits
6 issued under this title, shall be enforced by the Secretary and the Secretary of the Department in
7 which the Coast Guard is operating. Such Secretaries shall, and the head of any Federal or State
8 agency that has entered into an agreement with either such Secretary under this section may (if
9 the agreement so provides), authorize officers to enforce the provisions of this title or any
10 regulation promulgated under this title. Any officer so authorized may enforce this title in the
11 same manner, by the same means, and with the same jurisdiction, powers, and duties as though
12 section 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C.
13 1861) were incorporated into and made a part of this title.

14 (b) **ADMINISTRATION AND ENFORCEMENT.** — The Secretary of Commerce shall
15 prevent any person from violating any Act to which this section applies in the same manner, by
16 the same means, and with the same jurisdiction, powers, and duties as though sections 308
17 through 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C.
18 1858 through 1861) were incorporated into and made a part of this title. Any person that
19 violates this title shall be subject to the penalties, and entitled to the privileges and immunities,
20 provided in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801
21 et seq.) in the same manner and by the same means as though sections 308 through 311 of that
22 Act (16 U.S.C. 1858 through 1861) were incorporated into and made a part of this title.

1 (c) **DISTRICT COURT JURISDICTION.** — The district courts of the United States
2 shall have jurisdiction over any actions arising under this section. Notwithstanding paragraph
3 (b), for the purpose of this section, for Hawaii or any possession of the United States in the
4 Pacific Ocean, the appropriate court is the United States District Court for the District of Hawaii,
5 except that in the case of Guam and Wake Island, the appropriate court is the United States
6 District Court for the District of Guam, and except that in the case of the Northern Mariana
7 Islands, the appropriate court is the United States District Court for the District of the Northern
8 Mariana Islands. Each violation shall be a separate offense and the offense shall be deemed to
9 have been committed not only in the district where the violation first occurred, but also in any
10 other district as authorized by law. Any offenses not committed in any district are subject to the
11 venue provisions of section 3238 of title 18, United States Code.

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

13 (a) **IN GENERAL.** — It is unlawful for any person—

14 (1) to violate any provision of this title or of any regulation promulgated or permit
15 issued under this title;

16 (2) to use any fishing vessel to engage in fishing activities without a valid permit
17 or after the revocation, or during the period of suspension, of an applicable permit;

18 (3) to refuse to permit any officer authorized to enforce the provisions of this title
19 to board, search, or inspect a vessel, conveyance, or shoreside facility subject to such
20 person's control for the purposes of conducting any investigation, or inspection in
21 connection with the enforcement of this title, or of any regulation or permit issued under
22 this title;

1 (4) to assault, resist, oppose, impede, intimidate, or interfere with any such
2 authorized officer in the conduct of any search, investigation, or inspection in connection
3 with the enforcement of this title or any regulation promulgated or permit issued under
4 this title;

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

7 (6) to ship, transport, offer for sale, sell, purchase, import, export, or have
8 custody, control, or possession of, any fisheries resources taken or retained in violation of
9 this title or any regulation promulgated or permit issued under this title;

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

13 (8) to submit to the Secretary false information regarding any matter that the
14 Secretary is considering in the course of carrying out this title;

15 (9) to assault, resist, oppose, impede, intimidate, sexually harass, bribe, or
16 interfere with any observer on a vessel pursuant to the requirements of this title or any
17 regulation promulgated or permit issued under this title, or any data collector employed
18 by the National Oceanic and Atmospheric Administration or under contract to any person
19 to carry out responsibilities under this title;

20 (10) to ship, transport, purchase, sell, offer for sale, import, export, or have in
21 custody, possession, or control any fisheries resources taken or retained in violation of a
22 binding conservation measure adopted pursuant to an international agreement or
23 organization to which the United States is a party;

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

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

6 (13) to import, in violation of any regulation promulgated under this title, any
7 fisheries resources in any form of those species subject to regulation pursuant to a
8 decision of the Commission;

9 (14) to make or submit any false record, account, or label for, or any false
10 identification of, any fisheries resources (including false identification of the species,
11 harvesting vessel or nation, or the location where harvested) which has been, or is
12 intended to be imported, exported, transported, sold, offered for sale, purchased, or
13 received in interstate or foreign commerce; or

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

17 **SEC. 108. COOPERATION IN CARRYING OUT THE CONVENTION.**

18 (a) **FEDERAL AND STATE AGENCIES; PRIVATE INSTITUTIONS AND**
19 **ORGANIZATIONS.** — The Secretary may cooperate with agencies of the United States
20 government, any public or private institutions or organizations within the United States or
21 abroad, and, through the Secretary of State, the duly authorized officials of the government of
22 any party to the Convention, in carrying out responsibilities under this title.

1 **(b) SCIENTIFIC AND OTHER PROGRAMS; FACILITIES AND PERSONNEL. —**

2 All federal agencies are authorized, upon the request of the Secretary, to cooperate in the conduct
3 of scientific and other programs and to furnish facilities and personnel for the purpose of
4 assisting the Commission in carrying out its duties under the Convention.

5 **(c) SANCTIONED FISHING OPERATIONS AND BIOLOGICAL EXPERIMENTS. —**

6 Nothing in this title, or in the laws or regulations of any State, prevents the Secretary or the
7 Commission from—

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

10 (2) discharging any other duties prescribed by the Convention.

11 **SEC. 109. COLLECTION OF INFORMATION.**

12 Notwithstanding 16 U.S.C. § 1881a(b) and any other provision at law, the Secretary or
13 the Secretary of State may collect, utilize, or disclose such information as may be necessary to
14 implement the Convention, including information pertaining to fishing activities that occurred
15 before the adoption of this title.

16 **SEC. 110. AUTHORIZATION OF APPROPRIATIONS.**

17 **(a) IN GENERAL. —** There are authorized to be appropriated to the Secretary and the
18 Secretary of State such sums as may be necessary to carry out this title and to pay the United
19 States' contribution to the Commission under Article 12 of the Convention.

20 **(b) INTERNATIONAL COOPERATION AND ASSISTANCE. —**

21 (1) To the greatest extent possible, consistent with existing authority and the
22 availability of funds and subject to the limits of available appropriations and consistent
23 with other applicable law, the Secretary or the Secretary of State shall provide

1 appropriate assistance, including grants, to developing nations and international
2 organizations of which such nations are members to assist those nations in meeting their
3 obligations under the Convention; and

4 (2) The Secretary and the Secretary of State are authorized to transfer funds,
5 subject to the limits of available appropriations and consistent with other applicable law,
6 to any foreign government, international, non-governmental, or intergovernmental
7 organization for purposes related to carrying out the international responsibilities of
8 paragraph (a) of this section or any statute administered by the Secretary. This shall
9 include the transfer of funds to the Commission.

10 (c) NON-SPECIFIC FUNDS. — The Secretary, the Secretary of the Department in
11 which the Coast Guard is operating, and the Secretary of State are authorized to use, with their
12 consent, with or without reimbursement, subject to the limits of available appropriations and
13 consistent with other applicable law, the land, services, equipment (including aircraft and
14 vessels), personnel, and facilities of any department, agency or instrumentality of the United
15 States, including all elements of the Department of Defense, or of any State, local government,
16 Indian tribal government, Territory or possession, or of any political subdivision thereof, or any
17 foreign government or agency thereof or international intergovernmental organization, for
18 purposes related to carrying out the responsibilities of this title or other statutes administered by
19 the Secretary that further the objectives of the Convention.

20 **TITLE II — IMPLEMENTATION OF THE CONVENTION ON THE CONSERVATION**
21 **AND MANAGEMENT OF HIGH SEAS FISHERY RESOURCES IN THE SOUTH**
22 **PACIFIC OCEAN**

23 **SECTION 201. SHORT TITLE.**

1 This title may be cited as the "South Pacific Fishery Resources Convention
2 Implementation Act".

3 **SEC. 202. DEFINITIONS.**

4 In this title:

5 (1) 1982 CONVENTION. — The term "1982 Convention" means the United
6 Nations Convention on the Law of the Sea of 10 December 1982.

7 (2) COMMISSION. — The term "Commission" means the "Commission of the
8 South Pacific Regional Fisheries Management Organisation" established in accordance
9 with the South Pacific Fishery Resources Convention.

10 (3) CONVENTION AREA. — The term "Convention Area" means waters of the
11 Pacific Ocean beyond areas of national jurisdiction in accordance with international law,
12 as recognized by the United States:

13 (A) east of a line extending south along the 120° meridian of east
14 longitude from the outer limit of the national jurisdiction of the Commonwealth of
15 Australia off the south coast of Western Australia to the intersection with the 55°
16 parallel of south latitude; then due east along the 55° parallel of south latitude to
17 the intersection with the 150° meridian of east longitude; then due south along the
18 150° meridian of east longitude to the intersection with the 60° parallel of south
19 latitude;

20 (B) north of a line extending east along the 60° parallel of south latitude
21 from the 150° meridian of east longitude to the intersection with the 67° 16'
22 meridian of west longitude;

1 (C) west of a line extending north along the 67° 16' meridian of west
2 longitude from the 60° parallel of south latitude to its intersection with the outer
3 limit of the national jurisdiction of the Republic of Chile then along the outer
4 limits of the national jurisdictions of the Republic of Chile, the Republic of Peru,
5 the Republic of Ecuador and the Republic of Colombia to the intersection with the
6 2° parallel of north latitude;

7 (D) south of a line extending west along the 2° parallel of north latitude
8 (but not including the national jurisdiction of the Republic of Ecuador (Galapagos
9 Islands)) to the intersection with the 150° meridian of west longitude; then due
10 north along the 150° meridian of west longitude to its intersection with 10°
11 parallel of north latitude, then west along the 10° parallel of north latitude to its
12 intersection with the outer limits of the national jurisdiction of the Republic of the
13 Marshall Islands, and then generally south and around the outer limits of the
14 national jurisdictions of Pacific States and territories, New Zealand and the
15 Commonwealth of Australia until it connects to the commencement of the line
16 described pursuant to paragraph (3)(A) of this section; and

17 (E) waters of the Pacific Ocean beyond areas of national jurisdiction
18 bounded by the 10° parallel of north latitude and the 20° parallel of south latitude
19 and by the 135° meridian of east longitude and the 150° meridian of west
20 longitude.

21 (4) EXCLUSIVE ECONOMIC ZONE. — The term "Exclusive Economic Zone"
22 means the zone established by Presidential Proclamation Numbered 5030 of March 10,

1 1983. For purposes of applying this title, the inner boundary of that zone is a line
2 coterminous with the seaward boundary of each of the coastal States.

3 (5) **FISHERY RESOURCES.** — The term “fishery resources” means all fish and
4 any products derived from fishery resources within the Convention Area, including:
5 mollusks, crustaceans, and other living marine resources as may be decided by the
6 Commission, but excluding—

7 (A) sedentary species insofar as they are subject to the national
8 jurisdiction of coastal States pursuant to Article 77 paragraph 4 of the 1982
9 Convention;

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

11 (C) anadromous and catadromous species; and

12 (D) marine mammals, marine reptiles and sea birds.

13 (6) **FISHING.** — The term “fishing” means—

14 (A) the actual or attempted searching for, catching, taking, or harvesting of
15 fishery resources;

16 (B) engaging in any activity which can reasonably be expected to result in
17 the locating, catching, taking or harvesting of fishery resources for any purpose;

18 (C) transshipment and any operation at sea, including transport and
19 bunkering, in support of, or in preparation for, any activity described in this
20 definition; and

21 (D) the use of any vessel, vehicle, aircraft, or hovercraft in relation to any activity
22 described in this definition.

1 (E) Fishing does not include any operation related to emergencies
2 involving the health and safety of crew members or the safety of a vessel.

3 (7) FISHING VESSEL. — The term “fishing vessel” means any vessel used or
4 intended to be used for fishing, including fish processing vessels, support ships, carrier
5 vessels, and any other vessel directly engaged in fishing operations.

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

10 (9) SECRETARY. — The term “Secretary” means the Secretary of Commerce.

11 (10) SOUTH PACIFIC FISHERY RESOURCES CONVENTION. — The term
12 “South Pacific Fishery Resources Convention” means the Convention on the
13 Conservation and Management of the High Seas Fishery Resources in the South Pacific
14 Ocean, (including any annexes, amendments, or protocols which are in force, or have
15 come into force, for the United States) which was adopted at Auckland, New Zealand, on
16 November 14, 2009, by the International Consultations on the Proposed South Pacific
17 Regional Fisheries Management Organization.

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

22 **SEC. 203. APPOINTMENT OR DESIGNATION OF UNITED STATES**
23 **COMMISSIONERS.**

1 (a) **IN GENERAL.** — The United States shall be represented on the Commission by one
2 United States Commissioner. The President shall appoint the individual to serve as
3 Commissioner at the pleasure of the President. The individual shall be an employee of the
4 Department of Commerce.

5 (b) **ALTERNATE COMMISSIONER.** — The Secretary of State, in consultation with
6 the Secretary, may designate from time to time and for periods of time deemed appropriate an
7 Alternate United States Commissioner to the Commission. The individual shall be an employee
8 of the Department of Commerce. The Alternate United States Commissioner may exercise at
9 any meeting of the Commission or subsidiary bodies, all powers and duties of the United States
10 Commissioner in the absence of the Commissioner appointed pursuant to paragraph (a) of this
11 section.

12 (c) **COMPENSATION.** — The United States Commissioner or Alternate Commissioner
13 shall receive no additional compensation for their services as such Commissioner or Alternate
14 Commissioner.

15 **SEC. 204. AUTHORITY AND RESPONSIBILTY OF THE SECRETARY OF STATE.**

16 The Secretary of State may—

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

19 (b) in consultation with the Secretary, act upon, or refer to other appropriate authority,
20 any communication pursuant to paragraph (a) of this section;

21 (c) with the concurrence of the Secretary, and in accordance with the provisions of the
22 South Pacific Fishery Resources Convention, object to decisions of the Commission; and

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

5 **SEC. 205. RESPONSIBILITY OF THE SECRETARY AND RULEMAKING**
6 **AUTHORITY.**

7 (a) **RESPONSIBILITIES.** — The Secretary may—

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

10 (2) issue permits to vessels subject to the jurisdiction of the United States, and to
11 owners and operators of such vessels, to fish in the Convention Area, under such terms
12 and conditions as the Secretary may prescribe.

13 (b) **PROMULGATION OF REGULATIONS.** —

14 (1) The Secretary, in consultation with the Secretary of State and the Secretary of
15 the Department in which the Coast Guard is operating, is authorized to promulgate such
16 regulations as may be necessary and appropriate to carry out the international obligations
17 of the United States under the South Pacific Fishery Resources Convention and this title,
18 including, but not limited to, decisions adopted by the Commission.

19 (2) The Secretary may promulgate regulations applicable to all vessels and
20 persons subject to the jurisdiction of the United States, including United States flag
21 vessels wherever they may be operating, on such date as the Secretary shall prescribe.

22 (c) **JUDICIAL REVIEW OF REGULATIONS.** —

1 (1) Regulations promulgated by the Secretary under this title shall be subject to
2 judicial review to the extent authorized by, and in accordance with, 5 U.S.C. Chapter 7, if
3 a petition for such review is filed within 30 days after the date on which the regulations
4 are promulgated or the action is published in the *Federal Register*, as applicable; except
5 that-

6 (A) section 705 of such title is not applicable; and

7 (B) the appropriate court shall only set aside any such regulation or action
8 on a ground specified in section 706(2)(A),(B),(C), or (D) of such title.

9 (2) Notwithstanding any other provision of law, the Secretary shall file a response
10 to any petition filed in accordance with paragraph 5(c)(1), no later than 45 days after the
11 date the Secretary is served with that petition, except that the appropriate court may
12 extend the period for filing such a response upon a showing by the Secretary of good
13 cause for that extension.

14 (3) A response of the Secretary under this paragraph shall include a copy of the
15 administrative record for the regulations that are the subject of the petition.

16 (4) Upon a motion by the person who files a petition under this subsection, the
17 appropriate court shall assign the matter for hearing at the earliest possible date and shall
18 expedite the matter in every possible way.

19 **SEC. 206. ENFORCEMENT.**

20 (a) **RESPONSIBILITY.** — The provisions of this title, and any regulations or permits
21 issued under this title, shall be enforced by the Secretary and the Secretary of the Department in
22 which the Coast Guard is operating. Such Secretaries shall, and the head of any Federal or State
23 agency that has entered into an agreement with either such Secretary under this section may (if

1 the agreement so provides), authorize officers to enforce the provisions of this title or any
2 regulation promulgated under this title. Any officer so authorized may enforce this title in the
3 same manner, by the same means, and with the same jurisdiction, powers, and duties as though
4 section 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C.
5 1861) were incorporated into and made a part of this title.

6 (b) ADMINISTRATION AND ENFORCEMENT. — The Secretary shall prevent any
7 person from violating this title in the same manner, by the same means, and with the same
8 jurisdiction, powers, and duties as though sections 308 through 311 of the Magnuson-Stevens
9 Fishery Conservation and Management Act (16 U.S.C. 1858 through 1861) were incorporated
10 into and made a part of this title. Any person that violates this title shall be subject to the
11 penalties, and entitled to the privileges and immunities, provided in the Magnuson-Stevens
12 Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) in the same manner and by
13 the same means as though sections 308 through 311 of that Act (16 U.S.C. 1858 through 1861)
14 were incorporated into and made a part of this title.

15 (c) DISTRICT COURT JURISDICTION. — The district courts of the United States
16 shall have jurisdiction over any actions arising under this section. Notwithstanding paragraph
17 (b), for the purpose of this section, for Hawaii or any possession of the United States in the
18 Pacific Ocean, the appropriate court is the United States District Court for the District of Hawaii,
19 except that in the case of Guam and Wake Island, the appropriate court is the United States
20 District Court for the District of Guam, and except that in the case of the Northern Mariana
21 Islands, the appropriate court is the United States District Court for the District of the Northern
22 Mariana Islands. Each violation shall be a separate offense and the offense shall be deemed to
23 have been committed not only in the district where the violation first occurred, but also in any

1 other district as authorized by law. Any offenses not committed in any district are subject to the
2 venue provisions of section 3238 of title 18, United States Code.

3 **SEC. 207. PROHIBITED ACTS.**

4 (a) **IN GENERAL.** — It is unlawful for any person—

5 (1) to violate any provision of this title or of any regulation promulgated or
6 permit issued under this title;

7 (2) to use any fishing vessel to engage in fishing without a valid permit or after
8 the revocation, or during the period of suspension, of an applicable permit;

9 (3) to refuse to permit any officer authorized to enforce the provisions of this title
10 to board, search, or inspect a vessel, conveyance, or shoreside facility subject to such
11 person's control for the purposes of conducting any investigation, or inspection in
12 connection with the enforcement of this title, or of any regulation promulgated or permit
13 issued under this title;

14 (4) to assault, resist, oppose, impede, intimidate, or interfere with any such
15 authorized officer in the conduct of any search, investigation, or inspection in connection
16 with the enforcement of this title or any regulation promulgated or permit issued under
17 this title;

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

20 (6) to ship, transport, offer for sale, sell, purchase, import, export, or have
21 custody, control, or possession of, any fishery resources taken or retained in violation of
22 this title or any regulation promulgated or permit issued under this title;

1 (7) to interfere with, delay, or prevent, by any means, the apprehension or arrest
2 of another person, knowing that such other person has committed any act prohibited by
3 this title or any regulation promulgated or permit issued under this title;

4 (8) to submit to the Secretary false information, regarding any matter that the
5 Secretary is considering in the course of carrying out this title;

6 (9) to assault, resist, oppose, impede, intimidate, sexually harass, bribe, or
7 interfere with any observer on a vessel pursuant to the requirements of this title or any
8 regulation promulgated or permit issued under this title, or any data collector employed
9 by the National Oceanic and Atmospheric Administration or under contract to any person
10 to carry out responsibilities under this title;

11 (10) to ship, transport, purchase, sell, offer for sale, import, export, or have in
12 custody, possession, or control any fishery resources taken or retained in violation of a
13 binding conservation measure adopted pursuant to an international agreement or
14 organization to which the United States is a party;

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

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

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

1 (14) to make or submit any false record, account, or label for, or any false
2 identification of, any fishery resources (including false identification of the species,
3 harvesting vessel or nation, or the location where harvested) which has been, or is
4 intended to be imported, exported, transported, sold, offered for sale, purchased, or
5 received in interstate or foreign commerce; or

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

9 **SEC. 208. COOPERATION IN CARRYING OUT THE CONVENTION.**

10 (a) **FEDERAL AND STATE AGENCIES; PRIVATE INSTITUTIONS AND**
11 **ORGANIZATIONS.** — The Secretary may cooperate with agencies of the United States
12 government, any public or private institutions or organizations within the United States or
13 abroad, and, through the Secretary of State, the duly authorized officials of the government of
14 any party to the South Pacific Fishery Resources Convention, in carrying out responsibilities
15 under this title.

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

21 (c) **SANCTIONED FISHING OPERATIONS AND BIOLOGICAL EXPERIMENTS.** —
22 Nothing in this title, or in the laws or regulations of any State, prevents the Secretary or the
23 Commission from—

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

3 (2) discharging any other duties prescribed by the South Pacific Fishery
4 Resources Convention.

5 **SEC. 209. COLLECTION OF INFORMATION.**

6 Notwithstanding 16 U.S.C. § 1881a(b) and any other provision at law, the Secretary or
7 the Secretary of State may collect, utilize, or disclose such information as may be necessary to
8 implement the South Pacific Fishery Resources Convention, including information pertaining to
9 fishing activities that occurred before the adoption of this title.

10 **SEC. 210. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) **IN GENERAL.** — There are authorized to be appropriated to the Secretary and to the
12 Secretary of State such sums as may be necessary to carry out this title and to pay the United
13 States' contribution to the Commission under Article 15 of the South Pacific Fishery Resources
14 Convention.

15 (b) **INTERNATIONAL COOPERATION AND ASSISTANCE.** —

16 (1) To the greatest extent possible, consistent with existing authority and the
17 availability of funds and subject to the limits of available appropriations and consistent
18 with other applicable law, the Secretary or the Secretary of State shall provide
19 appropriate assistance, including grants, to developing nations and international
20 organizations of which such nations are members to assist those nations in meeting their
21 obligations under the South Pacific Fishery Resources Convention; and

22 (2) The Secretary and the Secretary of State are authorized to transfer funds,
23 subject to the limits of available appropriations and consistent with other applicable law,

1 to any foreign government, international, non-governmental, or intergovernmental
2 organization for purposes related to carrying out the international responsibilities of
3 paragraph (a) of this section or any statute administered by the Secretary. This shall
4 include the transfer of funds to the Commission.

5 (c) NON-SPECIFIC FUNDS. — The Secretary, the Secretary of the Department in
6 which the Coast Guard is operating, and the Secretary of State are authorized to use, with their
7 consent, with or without reimbursement, subject to the limits of available appropriations and
8 consistent with other applicable law, the land, services, equipment (including aircraft and
9 vessels), personnel, and facilities of any department, agency or instrumentality of the United
10 States, including all elements of the Department of Defense, or of any State, local government,
11 Indian tribal government, Territory or possession, or of any political subdivision thereof, or of
12 any foreign government or agency thereof or international intergovernmental organization, for
13 purposes related to carrying out the responsibilities of this title or other statutes administered by
14 the Secretary that further the objectives of the South Pacific Fishery Resources Convention.