

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.**

**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.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. SULLIVAN (for himself, Mr.  
SCHATZ, and Mr. MARKEY)

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Ensuring Access to Fisheries Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—NORTH PACIFIC FISHERIES**

Subtitle A—North Pacific Fisheries Convention Implementation Act

Sec. 101. Short title.

## 2

- Sec. 102. Definitions.
- Sec. 103. United States participation in the North Pacific Fisheries Convention.
- Sec. 104. Authority and responsibility of the Secretary of State.
- Sec. 105. Authority of the Secretary of Commerce.
- Sec. 106. Enforcement.
- Sec. 107. Prohibited acts.
- Sec. 108. Cooperation in carrying out Convention.
- Sec. 109. Territorial participation.
- Sec. 110. Exclusive economic zone notification.
- Sec. 111. Authorization of appropriations.

## Subtitle B—Miscellaneous

- Sec. 121. Funding for travel expenses.
- Sec. 122. National Sea Grant College Program Reauthorization Act of 1998.

TITLE II—SOUTH PACIFIC FISHERIES CONVENTION  
IMPLEMENTATION ACT

- Sec. 201. Short title.
- Sec. 202. Definitions.
- Sec. 203. Appointment of United States Commissioners.
- Sec. 204. Authority and responsibility of the Secretary of State.
- Sec. 205. Authority of the Secretary of Commerce.
- Sec. 206. Enforcement.
- Sec. 207. Prohibited acts.
- Sec. 208. Cooperation in carrying out Convention.
- Sec. 209. Territorial participation.
- Sec. 210. Exclusive economic zone notification.
- Sec. 211. Authorization of appropriations.

TITLE III—NORTHWEST ATLANTIC FISHERIES CONVENTION  
AMENDMENTS ACT

- Sec. 301. Short title; references to the Northwest Atlantic Fisheries Convention Act of 1995.
- Sec. 302. Representation of the United States under Convention.
- Sec. 303. Requests for scientific advice.
- Sec. 304. Authorities of Secretary of State with respect to Convention.
- Sec. 305. Interagency cooperation.
- Sec. 306. Prohibited acts and penalties.
- Sec. 307. Consultative committee.
- Sec. 308. Definitions.
- Sec. 309. Authorization of appropriations.
- Sec. 310. Quota allocation practice.

1           **TITLE I—NORTH PACIFIC**  
2                           **FISHERIES**  
3       **Subtitle A—North Pacific Fisheries**  
4       **Convention Implementation Act**

5       **SEC. 101. SHORT TITLE.**

6           This subtitle may be cited as the “North Pacific Fish-  
7       eries Convention Implementation Act”.

8       **SEC. 102. DEFINITIONS.**

9           In this subtitle:

10           (1) **ADVISORY COMMITTEE.**—The term “Advi-  
11       sory Committee” means the advisory committee es-  
12       tablished under section 103.

13           (2) **COMMISSION.**—The term “Commission”  
14       means the North Pacific Fisheries Commission es-  
15       tablished pursuant to the North Pacific Fisheries  
16       Convention.

17           (3) **COMMISSIONER.**—The term “Commis-  
18       sioner” means a United States Commissioner ap-  
19       pointed under section 103.

20           (4) **CONVENTION AREA.**—The term “Conven-  
21       tion Area”—

22           (A) means the waters of the high seas  
23       areas of the North Pacific Ocean; and

24           (B) excludes—

1 (i) the high seas areas of the Bering  
2 Sea and other high seas areas that are  
3 surrounded by the exclusive economic zone  
4 of a single nation, which are bounded to  
5 the south by a continuous line beginning at  
6 the seaward limit of waters under the ju-  
7 risdiction of the United States around the  
8 Commonwealth of the Northern Mariana  
9 Islands at 20 degrees North latitude, then  
10 proceeding East and connecting the coordi-  
11 nates: 20°00'00"N, 180°00'00"E/W;  
12 10°00'00"N 180°00'00"E/W; 10°00'00"N,  
13 140°00'00"W; 20°00'00"N, 140°00'00"W;  
14 and thence East to the seaward limit of  
15 waters under the fisheries jurisdiction of  
16 Mexico; and

17 (ii) the exclusive economic zone of the  
18 United States or of any other country.

19 (5) COUNCIL.—The term “Council” means the  
20 North Pacific Fishery Management Council, the Pa-  
21 cific Fishery Management Council, or the Western  
22 Pacific Fishery Management Council established  
23 under section 302 of the Magnuson-Stevens Fishery  
24 Conservation and Management Act (16 U.S.C.  
25 1852).

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

3                   (A) with respect to the United States, the  
4                   zone established by Presidential Proclamation  
5                   Numbered 5030 of March 10, 1983 (16 U.S.C.  
6                   1453 note), the inner boundary of which, for  
7                   purposes of this subtitle, is a line coterminous  
8                   with the seaward boundary of each of the coast-  
9                   al States; 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.—

14                   (A) IN GENERAL.—The term “fisheries re-  
15                   sources” means all fish, mollusks, crustaceans,  
16                   and other marine species, including any prod-  
17                   ucts thereof, caught by a fishing vessel within  
18                   the Convention Area.

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

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

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1 systems as listed in, or adopted pursuant  
2 to, Article 13, paragraph 5 of the North  
3 Pacific Fisheries Convention;

4 (ii) catadromous species;

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

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

11 (8) FISHING ACTIVITIES.—

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

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

17 (ii) engaging in any activity that can  
18 reasonably be expected to result in the lo-  
19 cating, catching, taking, or harvesting of  
20 fisheries resources for any purpose;

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

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

1 (v) any operation at sea in direct sup-  
2 port of, or in preparation for, any activity  
3 described in clauses (i) through (iv), in-  
4 cluding transshipment.

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

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

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

20 (11) NORTH PACIFIC FISHERIES CONVEN-  
21 TION.—The term “North Pacific Fisheries Conven-  
22 tion” means the Convention on the Conservation and  
23 Management of the High Seas Fisheries Resources  
24 in the North Pacific Ocean (including any annexes,  
25 amendments, or protocols that are in force, or have

1           come into force) for the United States, which was  
2           adopted at Tokyo on February 24, 2012.

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

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

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

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

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

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

21           (15) STRADDLING STOCK.—The term “strad-  
22           dling stock” means a stock of fisheries resources  
23           which migrates between, or occurs in, the exclusive  
24           economic zone of 1 or more parties to the Conven-  
25           tion and the Convention Area.



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

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

9   **SEC. 103. UNITED STATES PARTICIPATION IN THE NORTH**  
10                                   **PACIFIC FISHERIES CONVENTION.**

11           (a) UNITED STATES COMMISSIONERS.—

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

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

17           (A) APPOINTMENT BY THE PRESIDENT.—

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

22                                   (I) the Department of Commerce;

23                                   (II) the Department of State; or

24                                   (III) the United States Coast

25                                   Guard.

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1                   (ii) SELECTION CRITERIA.—In making  
2                   each appointment under clause (i), the  
3                   President shall select a Commissioner from  
4                   among individuals who are knowledgeable  
5                   or experienced concerning fisheries re-  
6                   sources in the North Pacific Ocean.

7                   (B) NORTH PACIFIC FISHERY MANAGE-  
8                   MENT COUNCIL.—One Commissioner shall be  
9                   the chairperson of the North Pacific Fishery  
10                  Management Council or a designee of such  
11                  chairperson.

12                  (C) PACIFIC FISHERY MANAGEMENT COUN-  
13                  CIL.—One Commissioner shall be the chair-  
14                  person of the Pacific Fishery Management  
15                  Council or a designee of such chairperson.

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

21                  (3) CHAIRPERSON.—The President shall des-  
22                  ignate 1 of the Commissioners appointed under  
23                  paragraph (2) to serve as chairperson of the United  
24                  States Commissioners.

## 11

1 (b) ALTERNATE COMMISSIONERS.—In the event of a  
2 vacancy in a Commissioner appointed under subsection  
3 (a), the Secretary of State, in consultation with the Sec-  
4 retary, may designate from time to time and for periods  
5 of time considered appropriate an alternate Commissioner  
6 to the Commission. An alternate Commissioner may exer-  
7 cise all powers and duties of a Commissioner in the ab-  
8 sence of a Commissioner appointed under subsection (a),  
9 and shall serve the remainder of the term of the absent  
10 Commissioner for which designated.

11 (c) ADMINISTRATIVE MATTERS.—

12 (1) EMPLOYMENT STATUS.—An individual serv-  
13 ing as a Commissioner, or an alternative Commis-  
14 sioner, other than an officer or employee of the  
15 United States Government, shall not be considered  
16 a Federal employee, except for the purposes of in-  
17 jury compensation or tort claims liability as provided  
18 in chapter 81 of title 5, United States Code, and  
19 chapter 171 of title 28, United States Code.

20 (2) COMPENSATION.—An individual serving as  
21 a Commissioner or an alternate Commissioner, al-  
22 though an officer of the United States while so serv-  
23 ing, shall receive no compensation for the individ-  
24 ual's services as such Commissioner or alternate  
25 Commissioner.

## 12

1 (3) TRAVEL EXPENSES.—

2 (A) IN GENERAL.—The Secretary of State  
3 shall pay the necessary travel expenses of a  
4 Commissioner or an alternate Commissioner in  
5 accordance with the Federal Travel Regulations  
6 and sections 5701, 5702, 5704 through 5708,  
7 and 5731 of title 5, United States Code.

8 (B) REIMBURSEMENT.—The Secretary  
9 may reimburse the Secretary of State for  
10 amounts expended by the Secretary of State  
11 under this paragraph.

12 (d) ADVISORY COMMITTEE.—

13 (1) ESTABLISHMENT OF PERMANENT ADVISORY  
14 COMMITTEE.—

15 (A) MEMBERSHIP.—There is established  
16 an advisory committee which shall be composed  
17 of 11 members appointed by the Secretary as  
18 follows:

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

23 (ii) A member engaging in commercial  
24 fishing activities in the management area

1 of the Pacific Fishery Management Coun-  
2 cil.

3 (iii) A member engaging in commer-  
4 cial fishing activities in the management  
5 area of the Western Pacific Fishery Man-  
6 agement Council.

7 (iv) 3 members from the indigenous  
8 population of the North Pacific, including  
9 an Alaska Native, Native Hawaiian, or a  
10 native-born inhabitant of any State of the  
11 United States in the Pacific, and an indi-  
12 vidual from a Pacific Coast tribe.

13 (v) A member that is a marine fish-  
14 eries scientist that is a resident of a State  
15 the adjacent exclusive economic zone for  
16 which is bounded by the Convention Area.

17 (vi) A member nominated by the Gov-  
18 ernor of the State of Alaska.

19 (vii) A member nominated by the Gov-  
20 ernor of the State of Hawaii.

21 (viii) A member nominated by the  
22 Governor of the State of Washington.

23 (ix) A member nominated by the Gov-  
24 ernor of the State of California.

## 14

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

12 (C) PROCEDURES.—

13 (i) IN GENERAL.—The Advisory Com-  
14 mittee shall determine its organization and  
15 prescribe its practices and procedures for  
16 carrying out its functions under this sub-  
17 title, the North Pacific Fisheries Conven-  
18 tion, and the Magnuson-Stevens Fishery  
19 Conservation and Management Act (16  
20 U.S.C. 1801 et seq.).

21 (ii) PUBLIC AVAILABILITY OF PROCE-  
22 DURES.—The Advisory Committee shall  
23 publish and make available to the public a  
24 statement of its organization, practices,  
25 and procedures.

## 15

1 (iii) QUORUM.—A majority of the  
2 members of the Advisory Committee shall  
3 constitute a quorum to conduct business.

4 (iv) PUBLIC MEETINGS.—Meetings of  
5 the Advisory Committee, except when in  
6 executive session, shall be open to the pub-  
7 lic. Prior notice of each non-executive  
8 meeting shall be made public in a timely  
9 fashion. The Advisory Committee shall not  
10 be subject to the Federal Advisory Com-  
11 mittee Act (5 U.S.C. App.).

12 (D) PROVISION OF INFORMATION.—The  
13 Secretary and the Secretary of State shall fur-  
14 nish the Advisory Committee with relevant in-  
15 formation concerning fisheries resources and  
16 international fishery agreements.

17 (2) ADMINISTRATIVE MATTERS.—

18 (A) SUPPORT SERVICES.—The Secretary  
19 shall provide to the Advisory Committee in a  
20 timely manner such administrative and tech-  
21 nical support services as are necessary to func-  
22 tion effectively.

23 (B) COMPENSATION; STATUS.—An indi-  
24 vidual appointed to serve as a member of the  
25 Advisory Committee—

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1 (i) shall serve without pay; and

2 (ii) shall not be considered a Federal  
3 employee, except for the purposes of injury  
4 compensation or tort claims liability as  
5 provided in chapter 81 of title 5, United  
6 States Code, and chapter 171 of title 28,  
7 United States Code.

8 (C) TRAVEL EXPENSES.—

9 (i) IN GENERAL.—The Secretary of  
10 State shall pay the necessary travel ex-  
11 penses of members of the Advisory Com-  
12 mittee in carrying out the duties of the Ad-  
13 visory Committee in accordance with the  
14 Federal Travel Regulations and sections  
15 5701, 5702, 5704 through 5708, and 5731  
16 of title 5, United States Code.

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

21 (e) UNITED STATES PARTICIPATION.—In instances  
22 in which the United States is participating in any meeting  
23 of the parties to the North Pacific Fisheries Convention,  
24 the United States shall be represented by the Commis-  
25 sioners and the Advisory Committee.



1 **SEC. 104. AUTHORITY AND RESPONSIBILITY OF THE SEC-**  
2 **RETARY OF STATE.**

3 The Secretary of State may—

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

8 (2) in consultation with the Secretary, act  
9 upon, or refer to other appropriate authority, any  
10 communication under paragraph (1);

11 (3) with the concurrence of the Secretary, and  
12 in accordance with the provisions of the Convention,  
13 object to any decision of the Commission; and

14 (4) in the conduct of any program, including  
15 scientific and research programs, under this subtitle,  
16 request and utilize on a reimbursed or non-reim-  
17 bursed basis the assistance, services, personnel,  
18 equipment, and facilities of other Federal depart-  
19 ments and agencies, foreign governments, foreign  
20 agencies, or international intergovernmental organi-  
21 zations.

22 **SEC. 105. AUTHORITY OF THE SECRETARY OF COMMERCE.**

23 (a) **PROMULGATION OF REGULATIONS.—**

24 (1) **AUTHORITY.—**The Secretary, in consulta-  
25 tion with the Secretary of State and, with respect to  
26 enforcement measures, the Secretary of the depart-

1       ment in which the Coast Guard is operating, is au-  
2       thorized to promulgate such regulations as may be  
3       necessary to carry out the United States inter-  
4       national obligations under the North Pacific Fish-  
5       eries Convention and this subtitle, including rec-  
6       ommendations and decisions adopted by the Com-  
7       mission.

8               (2) REGULATIONS OF STRADDLING STOCKS.—  
9       In the implementation of a measure adopted by the  
10      Commission that would govern a straddling stock  
11      under the authority of a Council, any regulation pro-  
12      mulgated by the Secretary to implement such meas-  
13      ure within the exclusive economic zone of the United  
14      States shall be approved by such Council.

15      (b) RULE OF CONSTRUCTION.—Regulations promul-  
16      gated under subsection (a) shall be applicable only to a  
17      person or a fishing vessel that is or has engaged in fishing  
18      activities, or fisheries resources covered by the North Pa-  
19      cific Fisheries Convention under this subtitle.

20      (c) ADDITIONAL AUTHORITY.—The Secretary may  
21      conduct, and may request and utilize on a reimbursed or  
22      non-reimbursed basis the assistance, services, personnel,  
23      equipment, and facilities of other Federal departments  
24      and agencies in—

1           (1) scientific, research, and other programs  
2 under this subtitle;

3           (2) fishing operations and biological experi-  
4 ments for purposes of scientific investigation or  
5 other purposes necessary to implement the North  
6 Pacific Fisheries Convention;

7           (3) the collection, utilization, and disclosure of  
8 such information as may be necessary to implement  
9 the North Pacific Fisheries Convention, subject to  
10 sections 552 and 552a of title 5, United States  
11 Code, and section 402(b) of the Magnuson-Stevens  
12 Fishery Conservation and Management Act (16  
13 U.S.C. 1881a(b));

14           (4) if recommended by the Commissioners, the  
15 assessment and collection of fees, not to exceed 3  
16 percent of the ex-vessel value of fisheries resource  
17 harvested by vessels of the United States in fisheries  
18 conducted in the Convention Area, to recover the ac-  
19 tual costs to the United States of management and  
20 enforcement under this subtitle, which shall be de-  
21 posited as an offsetting collection in, and credited to,  
22 the account providing appropriations to carry out  
23 the functions of the Secretary under this subtitle;  
24 and

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

8           (d) CONSISTENCY WITH OTHER LAWS.—The Sec-  
9           retary shall ensure the consistency, to the extent prac-  
10          ticable, of fishery management programs administered  
11          under this subtitle, the Magnuson-Stevens Fishery Con-  
12          servation and Management Act (16 U.S.C. 1801 et seq.),  
13          the Tuna Conventions Act of 1950 (16 U.S.C. 951 et  
14          seq.), the South Pacific Tuna Act of 1988 (16 U.S.C. 973  
15          et seq.), section 401 of Public Law 108–219 (16 U.S.C.  
16          1821 note) (relating to Pacific albacore tuna), the West-  
17          ern and Central Pacific Fisheries Convention Implementa-  
18          tion Act (16 U.S.C. 6901 et seq.), the National Oceanic  
19          and Atmospheric Administration Authorization Act of  
20          1992 (Public Law 102–567) and the amendments made  
21          by that Act, and Public Law 100–629 (102 Stat. 3286).

22          (e) JUDICIAL REVIEW OF REGULATIONS.—

23               (1) IN GENERAL.—Regulations promulgated by  
24               the Secretary under this subtitle shall be subject to  
25               judicial review to the extent authorized by, and in

1       accordance with, chapter 7 of title 5, United States  
2       Code, if a petition for such review is filed not later  
3       than 30 days after the date on which the regulations  
4       are promulgated.

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

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

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

21   **SEC. 106. ENFORCEMENT.**

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

1           (1) shall administer and enforce this subtitle  
2           and any regulations issued under this subtitle; and

3           (2) may request and utilize on a reimbursed or  
4           non-reimbursed 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 subtitle.

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 subtitle in the  
12          same manner, by the same means, and with the same ju-  
13          risdiction, powers, and duties as though sections 308  
14          through 311 of the Magnuson-Stevens Fishery Conserva-  
15          tion and Management Act (16 U.S.C. 1858, 1859, 1860,  
16          1861) were incorporated into and made a part of this sub-  
17          title. Any person that violates any provision of this subtitle  
18          is subject to the penalties and entitled to the privileges  
19          and immunities provided in the Magnuson-Stevens Fish-  
20          ery Conservation and Management Act (16 U.S.C. 1801  
21          et seq.) in the same manner, by the same means, and with  
22          the same jurisdiction, power, and duties as though sec-  
23          tions 308 through 311 of that Act (16 U.S.C. 1858, 1859,  
24          1860, and 1861) were incorporated into and made a part  
25          of this subtitle.

1 (c) JURISDICTION OF THE COURTS.—

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

7 (A) enter restraining orders or prohibi-  
8 tions;

9 (B) issue warrants, process in rem, or  
10 other process;

11 (C) prescribe and accept satisfactory bonds  
12 or other security; and

13 (D) take such other actions as are in the  
14 interest of justice.

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

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

23 (B) in the case of the Northern Mariana  
24 Islands, the appropriate court is the United

1 States District Court for the District of the  
2 Northern Mariana Islands.

3 (3) CONSTRUCTION.—Each violation shall be a  
4 separate offense and the offense shall be deemed to  
5 have been committed not only in the district where  
6 the violation first occurred, but also in any other  
7 district authorized by law. Any offense not com-  
8 mitted in any district is subject to the venue provi-  
9 sions of section 3238 of title 18, United States  
10 Code.

11 (d) CONFIDENTIALITY.—

12 (1) IN GENERAL.—Any information submitted  
13 in compliance with a requirement under this subtitle  
14 to the Secretary or to implement the Convention, in-  
15 cluding information submitted on or before the date  
16 of enactment of the Ensuring Access to Fisheries  
17 Act, shall be confidential and may not be disclosed,  
18 except—

19 (A) to a Federal employee who is respon-  
20 sible for administering, implementing, or en-  
21 forcing this subtitle;

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



1 agreement with the Commission that prevents  
2 public disclosure of the identity or business of  
3 any person;

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

9 (D) when required by court order; or

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

17 (2) USE OF INFORMATION.—

18 (A) IN GENERAL.—Except as provided  
19 under subparagraph (B), the Secretary shall  
20 promulgate regulations regarding the proce-  
21 dures the Secretary considers necessary to pre-  
22 serve the confidentiality of information sub-  
23 mitted under this subtitle.

24 (B) EXCEPTION.—The Secretary may re-  
25 lease or make public information submitted

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1 under this subtitle if the information is in any  
2 aggregate or summary form that does not di-  
3 rectly or indirectly disclose the identity or busi-  
4 ness of any person.

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

10 **SEC. 107. PROHIBITED ACTS.**

11 It is unlawful for any person—

12 (1) to violate any provision of this subtitle or  
13 any regulation or permit issued pursuant to this  
14 subtitle;

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

19 (3) to refuse to permit any officer authorized to  
20 enforce the provisions of this subtitle to board a  
21 fishing vessel subject to such person's control for the  
22 purposes of conducting any search, investigation, or  
23 inspection in connection with the enforcement of this  
24 subtitle or any regulation, permit, or the North Pa-  
25 cific Fisheries Convention;

1           (4) to assault, resist, oppose, impede, intimi-  
2           date, or interfere with any such authorized officer in  
3           the conduct of any search, investigation, or inspec-  
4           tion in connection with the enforcement of this sub-  
5           title or any regulation, permit, or the North Pacific  
6           Fisheries Convention;

7           (5) to resist a lawful arrest for any act prohib-  
8           ited by this subtitle or any regulation promulgated  
9           or permit issued under this subtitle;

10          (6) to ship, transport, offer for sale, sell, pur-  
11          chase, import, export, or have custody, control, or  
12          possession of, any fisheries resources if the person  
13          knew or should have known in the exercise of due  
14          care that the fisheries resources were taken or re-  
15          tained in violation of this subtitle or any regulation  
16          or permit referred to in paragraph (1) or paragraph  
17          (2);

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

22          (8) to submit to the Secretary false information  
23          (including false information regarding the capacity  
24          and extent to which a United States fish processor,  
25          on an annual basis, will process a portion of the op-

1       timum yield of a fishery that will be harvested by  
2       fishing vessels of the United States) regarding any  
3       matter that the Secretary is considering in the  
4       course of carrying out this subtitle if the person  
5       knew or should have known in the exercise of due  
6       care that the information was false;

7               (9) to assault, resist, oppose, impede, intimi-  
8       date, sexually harass, bribe, or interfere with any ob-  
9       server on a vessel under this subtitle, or any data  
10      collector employed by or under contract to any per-  
11      son to carry out responsibilities under this subtitle;

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

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

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

21              (13) to import, in violation of any regulation  
22      adopted pursuant to this subtitle, any fisheries re-  
23      sources in any form of those species subject to regu-  
24      lation pursuant to a recommendation, resolution, or  
25      decision of the Commission, or any fisheries re-

1 sources in any form not under regulation but under  
2 investigation by the Commission, during the period  
3 such fisheries resources have been denied entry in  
4 accordance with the provisions of this subtitle;

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

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

16 **SEC. 108. COOPERATION IN CARRYING OUT CONVENTION.**

17 (a) **FEDERAL AND STATE AGENCIES; PRIVATE INSTI-**  
18 **TUTIONS AND ORGANIZATIONS.**—The Secretary may co-  
19 operate with departments and agencies of the United  
20 States Government, any public or private institutions or  
21 organizations within the United States or abroad, and,  
22 through the Secretary of State, the duly authorized offi-  
23 cials of the government of any party to the North Pacific  
24 Fisheries Convention, in carrying out responsibilities  
25 under this subtitle.

1 (b) SCIENTIFIC AND OTHER PROGRAMS; FACILITIES  
2 AND PERSONNEL.—Each Federal department and agency  
3 is authorized, upon the request of the Secretary, to cooper-  
4 ate in the conduct of scientific and other programs and  
5 to furnish facilities and personnel for the purpose of as-  
6 sisting the Commission in carrying out its duties under  
7 the North Pacific Fisheries Convention.

8 (c) SANCTIONED FISHING OPERATIONS AND BIO-  
9 LOGICAL EXPERIMENTS.—Nothing in this subtitle, or in  
10 the laws of any State, prevents the Secretary or the Com-  
11 mission from—

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

15 (2) discharging any other duties prescribed by  
16 the North Pacific Fisheries Convention.

17 (d) STATE JURISDICTION NOT AFFECTED.—Nothing  
18 in this subtitle shall be construed to diminish or to in-  
19 crease the jurisdiction of any State in the territorial sea  
20 of the United States.

21 **SEC. 109. TERRITORIAL PARTICIPATION.**

22 The Secretary of State shall ensure participation in  
23 the Commission and its subsidiary bodies by the Common-  
24 wealth of the Northern Mariana Islands to the same ex-  
25 tent provided to the territories of other nations.

1 **SEC. 110. 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 United States Coast Guard of the  
11 name, flag state, location, route, and destination of  
12 the vessel and of the circumstances under which it  
13 will enter 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.

22 **SEC. 111. AUTHORIZATION OF APPROPRIATIONS.**

23 There is authorized to be appropriated out of funds  
24 made available to the Secretary and the Secretary of State  
25 \$500,000 for each of fiscal years 2017 through 2021 to  
26 carry out this subtitle and to pay the United States con-

1 tribution to the Commission under Article 12 of the North  
2 Pacific Fisheries Convention.

### 3 **Subtitle B—Miscellaneous**

#### 4 **SEC. 121. FUNDING FOR TRAVEL EXPENSES.**

5 (a) NORTH PACIFIC BERING SEA FISHERIES ADVI-  
6 SORY BODY.—Section 5 of the Act entitled “An Act to  
7 approve the governing international fishery agreement be-  
8 tween the United States and the Union of Soviet Socialist  
9 Republics, and for other purposes”, approved November  
10 7, 1988 (Public Law 100–629; 16 U.S.C. 1823 note), is  
11 amended by adding at the end the following:

12 “(e) TRAVEL EXPENSES.—

13 “(1) IN GENERAL.—The Secretary of State  
14 shall pay the necessary travel expenses of the mem-  
15 bers of the advisory body established pursuant to  
16 this section in carrying out their service as such  
17 members in accordance with the Federal Travel Reg-  
18 ulations and sections 5701, 5702, 5704 through  
19 5708, and 5731 of title 5, United States Code.

20 “(2) REIMBURSEMENT.—The Secretary of  
21 Commerce may reimburse the Secretary of State for  
22 amounts expended by the Secretary of State under  
23 this subsection.”.

24 (b) NORTH PACIFIC ANADROMOUS FISH COMMIS-  
25 SION.—



1           (1) UNITED STATES COMMISSIONERS.—Section  
2           804 of the North Pacific Anadromous Stocks Act of  
3           1992 (16 U.S.C. 5003) is amended by adding at the  
4           end the following:

5           “(e) TRAVEL EXPENSES.—

6           “(1) IN GENERAL.—The Secretary shall pay the  
7           necessary travel expenses of the United States Com-  
8           missioners and Alternate United States Commis-  
9           sioners in carrying out the duties of the Commission  
10          in accordance with the Federal Travel Regulations  
11          and sections 5701, 5702, 5704 through 5708, and  
12          5731 of title 5, United States Code.

13          “(2) REIMBURSEMENT.—The Secretary of  
14          Commerce may reimburse the Secretary for amounts  
15          expended by the Secretary under this subpara-  
16          graph.”.

17          (2) ADVISORY PANEL.—Section 805 of the  
18          North Pacific Anadromous Stocks Act of 1992 (16  
19          U.S.C. 5004) is amended by striking subsection (e)  
20          and inserting the following:

21          “(e) COMPENSATION.—The members of the Advisory  
22          Panel shall receive no compensation for their service as  
23          such members.

24          “(f) TRAVEL EXPENSES.—

1           “(1) IN GENERAL.—The Secretary shall pay the  
2           necessary travel expenses of the members of the Ad-  
3           visory Panel in carrying out their service as such  
4           members in accordance with the Federal Travel Reg-  
5           ulations and sections 5701, 5702, 5704 through  
6           5708, and 5731 of title 5, United States Code.

7           “(2) REIMBURSEMENT.—The Secretary of  
8           Commerce may reimburse the Secretary for amounts  
9           expended by the Secretary under this subpara-  
10          graph.”.

11 **SEC. 122. NATIONAL SEA GRANT COLLEGE PROGRAM REAU-**  
12 **THORIZATION ACT OF 1998.**

13          Section 10 of the National Sea Grant College Pro-  
14          gram Reauthorization Act of 1998 (15 U.S.C. 1541) is  
15          amended by striking “the United States Coast Guard”  
16          each place it appears and inserting “another Federal  
17          agency”.

18 **TITLE II—SOUTH PACIFIC FISH-**  
19 **ERIES CONVENTION IMPLE-**  
20 **MENTATION ACT**

21 **SEC. 201. SHORT TITLE.**

22          This title may be cited as the “South Pacific Fish-  
23          eries Convention Implementation Act”.

24 **SEC. 202. DEFINITIONS.**

25          In this title:

1           (1) ADVISORY COMMITTEE.—The term “Advi-  
2           sory Committee” means the advisory committee es-  
3           tablished under section 203.

4           (2) COMMISSION.—The term “Commission”  
5           means the South Pacific Fisheries Commission es-  
6           tablished under the South Pacific Fisheries Conven-  
7           tion.

8           (3) COMMISSIONER.—The term “Commis-  
9           sioner” means a United States Commissioner ap-  
10          pointed under section 203.

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

13                (A) the waters of the Pacific Ocean beyond  
14                areas of national jurisdiction and in accordance  
15                with international law, bounded by the 10° par-  
16                allel of north latitude and the 20° parallel of  
17                south latitude and by the 135° meridian of east  
18                longitude and the 150° meridian of west lon-  
19                gitude; and

20                (B) the waters of the Pacific Ocean beyond  
21                areas of national jurisdiction and in accordance  
22                with international law—

23                    (i) east of a line extending south  
24                    along the 120° meridian of east longitude  
25                    from the outer limit of the national juris-

1                   diction of Australia off the south coast of  
2                   Western Australia to the intersection with  
3                   the  $55^{\circ}$  parallel of south latitude; then due  
4                   east along the  $55^{\circ}$  parallel of south lati-  
5                   tude to the intersection with the  $150^{\circ}$  me-  
6                   ridian of east longitude; then due south  
7                   along the  $150^{\circ}$  meridian of east longitude  
8                   to the intersection with the  $60^{\circ}$  parallel of  
9                   south latitude;

10                   (ii) north of a line extending east  
11                   along the  $60^{\circ}$  parallel of south latitude  
12                   from the  $150^{\circ}$  meridian of east longitude  
13                   to the intersection with the  $67^{\circ} 16'$  merid-  
14                   ian of west longitude;

15                   (iii) west of a line extending north  
16                   along the  $67^{\circ} 16'$  meridian of west lon-  
17                   gitude from the  $60^{\circ}$  parallel of south lati-  
18                   tude to its intersection with the outer limit  
19                   of the national jurisdiction of Chile; then  
20                   along the outer limits of the national juris-  
21                   dictions of Chile, Peru, Ecuador and Co-  
22                   lombia to the intersection with the  $2^{\circ}$  par-  
23                   allel of north latitude; and

24                   (iv) south of a line extending west  
25                   along the  $2^{\circ}$  parallel of north latitude (but

1 not including the national jurisdiction of  
2 Ecuador (Galapagos Islands)) to the inter-  
3 section with the 150° meridian of west lon-  
4 gitude; then due north along the 150° me-  
5 ridian of west longitude to its intersection  
6 with 10° parallel of north latitude; then  
7 west along the 10° parallel of north lati-  
8 tude to its intersection with the outer lim-  
9 its of the national jurisdiction of the Mar-  
10 shall Islands; and then generally south and  
11 around the outer limits of the national ju-  
12 risdictions of Pacific States and territories,  
13 New Zealand and Australia until it con-  
14 nects to the commencement of the line de-  
15 scribed in clause (i).

16 (5) COUNCIL.—The term “Council” means the  
17 Western Pacific Regional Fishery Management  
18 Council.

19 (6) EXCLUSIVE ECONOMIC ZONE OF THE  
20 UNITED STATES.—The term “exclusive economic  
21 zone of the United States” means the zone estab-  
22 lished by Presidential Proclamation Numbered 5030  
23 of March 10, 1983 (16 U.S.C. 1453 note), the inner  
24 boundary of which, for purposes of this title, is a

1 line coterminous with the seaward boundary of each  
2 of the coastal States.

3 (7) FISHERY RESOURCES.—

4 (A) IN GENERAL.—The term “fishery re-  
5 sources” means all fish within the Convention  
6 Area.

7 (B) INCLUSIONS.—The term “fishery re-  
8 sources” includes mollusks, crustaceans, and  
9 other living marine resources, including any  
10 products thereof, as may be decided by the  
11 Commission.

12 (C) EXCLUSIONS.—The term “fishery re-  
13 sources” does not include—

14 (i) sedentary species in so far as they  
15 are subject to the national jurisdiction of  
16 coastal States pursuant to Article 77 para-  
17 graph 4 of the 1982 Convention;

18 (ii) highly migratory species listed in  
19 Annex I of the 1982 Convention;

20 (iii) anadromous species;

21 (iv) catadromous species;

22 (v) marine mammals;

23 (vi) marine reptiles; or

24 (vii) sea birds.

25 (8) FISHING.—

## 39

1 (A) IN GENERAL.—The term “fishing”  
2 means—

3 (i) the actual or attempted searching  
4 for, catching, taking, or harvesting of fish-  
5 ery resources;

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

10 (iii) transshipment and any operation  
11 at sea in direct support of, or in prepara-  
12 tion for, any activity described in this sub-  
13 paragraph; or

14 (iv) the use of any vessel, vehicle, air-  
15 craft, or hovercraft, in relation to any ac-  
16 tivity described in clauses (i) through (iii).

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

21 (9) FISHING VESSEL.—The term “fishing ves-  
22 sel” means any vessel used or intended for use for  
23 the purpose of fishing, including a support ship, a  
24 carrier vessel, or any other vessel directly involved in  
25 such fishing operations.

1           (10) PANEL.—The term “Panel” means the  
2 Council’s Advisory Panel.

3           (11) PERSON.—The term “person” means—

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

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

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

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

14           (13) SOUTH PACIFIC FISHERIES CONVEN-  
15 TION.—The term “South Pacific Fisheries Conven-  
16 tion” means the Convention on the Conservation and  
17 Management of the High Seas Fishery Resources in  
18 the South Pacific Ocean (including any annexes,  
19 amendments, or protocols that are in force, or have  
20 come into force, for the United States), which was  
21 adopted at Auckland on November 14, 2009.

22           (14) STATE.—The term “State” means each of  
23 the several States of the United States, the District  
24 of Columbia, American Samoa, Guam, and any other



1 commonwealth, territory, or possession of the United  
2 States.

3 (15) STRADDLING STOCK.—The term “strad-  
4 dling stock” means a stock of fishery resources  
5 which migrates between, or occurs in, the exclusive  
6 economic zone of 1 or more parties to the South Pa-  
7 cific Fisheries Convention and the Convention Area.

8 (16) TRANSSHIPMENT.—The term “trans-  
9 shipment” means the unloading of all or any of the  
10 fishery resources or fishery resources products de-  
11 rived from fishing in the Convention Area on board  
12 a fishing vessel to another fishing vessel either at  
13 sea or in port.

14 (17) 1982 CONVENTION.—The term “1982  
15 Convention” means the United Nations Convention  
16 on the Law of the Sea of 10 December 1982.

17 **SEC. 203. APPOINTMENT OF UNITED STATES COMMIS-**  
18 **SIONERS.**

19 (a) APPOINTMENT.—

20 (1) IN GENERAL.—The United States shall be  
21 represented on the Commission by not more than 3  
22 Commissioners. In making each appointment, the  
23 President shall select a Commissioner from among  
24 individuals who are knowledgeable or experienced

1           concerning fishery resources in the South Pacific  
2           Ocean.

3           (2) REPRESENTATION.—At least 1 of the Com-  
4           missioners shall be—

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

7                           (i) the Department of Commerce;

8                           (ii) the Department of State; or

9                           (iii) the United States Coast Guard;

10                   and

11                   (B) the chairperson or designee of the  
12           Council.

13           (b) ALTERNATE COMMISSIONERS.—The Secretary of  
14           State, in consultation with the Secretary, may designate  
15           from time to time and for periods of time considered ap-  
16           propriate an alternate Commissioner to the Commission.  
17           An alternate Commissioner may exercise all powers and  
18           duties of a Commissioner in the absence of a Commis-  
19           sioner appointed under subsection (a).

20           (c) ADMINISTRATIVE MATTERS.—

21                   (1) EMPLOYMENT STATUS.—An individual serv-  
22           ing as a Commissioner, or as an alternate 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 7 members appointed by the Secretary as fol-  
2 lows:

3 (i) A member engaging in commercial  
4 fishing in the management area of the  
5 Council.

6 (ii) 2 members from the indigenous  
7 population of the Pacific, including a Na-  
8 tive Hawaiian and a native-born inhabitant  
9 of any State in the Pacific.

10 (iii) A member that is a marine fish-  
11 eries scientist and a member of the Coun-  
12 cil's Scientific and Statistical Committee.

13 (iv) A member representing a non-  
14 governmental organization active in fishery  
15 issues in the Pacific.

16 (v) A member nominated by the Gov-  
17 ernor of the State of Hawaii.

18 (vi) A member designated by the  
19 Council.

20 (B) TERMS AND PRIVILEGES.—Each mem-  
21 ber of the Advisory Committee shall serve for a  
22 term of 2 years and shall be eligible for re-  
23 appointment for not more than 3 consecutive  
24 terms. The Commissioners shall notify the Ad-  
25 visory Committee in advance of each meeting of

1 the Commissioners. The Advisory Committee  
2 may attend each meeting and may examine and  
3 be heard on all proposed programs, investiga-  
4 tions, reports, recommendations, and regula-  
5 tions of the Commissioners.

6 (C) PROCEDURES.—

7 (i) IN GENERAL.—The Advisory Com-  
8 mittee shall determine its organization and  
9 prescribe its practices and procedures for  
10 carrying out its functions under this title,  
11 the South Pacific Fisheries Convention,  
12 and the Magnuson-Stevens Fishery Con-  
13 servation and Management Act (16 U.S.C.  
14 1801 et seq.).

15 (ii) PUBLIC AVAILABILITY OF PROCE-  
16 DURES.—The Advisory Committee shall  
17 publish and make available to the public a  
18 statement of its organization, practices,  
19 and procedures.

20 (iii) QUORUM.—A majority of the  
21 members of the Advisory Committee shall  
22 constitute a quorum to conduct business.

23 (iv) PUBLIC MEETINGS.—Meetings of  
24 the Advisory Committee, except when in  
25 executive session, shall be open to the pub-

1           lic. Prior notice of each non-executive  
2           meeting shall be made public in a timely  
3           fashion. The Advisory Committee shall not  
4           be subject to the Federal Advisory Com-  
5           mittee Act (5 U.S.C. App.).

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

11          (2) ADMINISTRATIVE MATTERS.—

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

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

20                   (i) shall serve without pay; and

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

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

3 (e) MEMORANDUM OF UNDERSTANDING.—For fish-  
4 ery resources in the Convention Area, the Secretary, in  
5 coordination with the Secretary of State, shall develop a  
6 memorandum of understanding with the Council that  
7 clarifies the role of the Council with respect to—

8 (1) participation in United States delegations to  
9 international fishery organizations in the Pacific  
10 Ocean, including government-to-government con-  
11 sultations;

12 (2) providing formal recommendations to the  
13 Secretary and the Secretary of State regarding nec-  
14 essary measures for both domestic and foreign fish-  
15 ing vessels;

16 (3) coordinating positions with the United  
17 States delegation for presentation to the appropriate  
18 international fishery organization; and

19 (4) recommending those domestic fishing regu-  
20 lations that are consistent with the actions of the  
21 international fishery organization, for approval and  
22 implementation under the Magnuson-Stevens Fish-  
23 ery Conservation and Management Act (16 U.S.C.  
24 1801 et seq.).

1 **SEC. 204. AUTHORITY AND RESPONSIBILITY OF THE SEC-**  
2 **RETARY OF STATE.**

3 The Secretary of State may—

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

8 (2) in consultation with the Secretary, act  
9 upon, or refer to other appropriate authority, any  
10 communication under paragraph (1);

11 (3) with the concurrence of the Secretary, and  
12 in accordance with the provisions of the Convention,  
13 object to any decision of the Commission; and

14 (4) in the conduct of any program, including  
15 scientific and research programs, under this title, re-  
16 quest and utilize on a reimbursed or non-reimbursed  
17 basis the assistance, services, personnel, equipment,  
18 and facilities of other Federal departments and  
19 agencies, foreign governments, foreign agencies, or  
20 international intergovernmental organizations.

21 **SEC. 205. AUTHORITY OF THE SECRETARY OF COMMERCE.**

22 (a) **PROMULGATION OF REGULATIONS.—**

23 (1) **AUTHORITY.—**The Secretary, in consulta-  
24 tion with the Secretary of State and, with respect to  
25 enforcement measures, the Secretary of the depart-  
26 ment in which the Coast Guard is operating, is au-



1       thorized to promulgate such regulations as may be  
2       necessary to carry out United States international  
3       obligations under the South Pacific Fisheries Con-  
4       vention and this title, including recommendations  
5       and decisions adopted by the Commission.

6           (2) REGULATIONS OF STRADDLING STOCKS.—If  
7       the Secretary has discretion in the implementation  
8       of 1 or more measures adopted by the Commission  
9       that would govern a straddling stock under the au-  
10      thority of the Council, the Secretary shall promul-  
11      gate, to the extent practicable within the implemen-  
12      tation schedule of the South Pacific Fisheries Con-  
13      vention and any recommendations and decisions  
14      adopted by the Commission, such regulations in ac-  
15      cordance with the procedures established by the  
16      Magnuson-Stevens Fishery Conservation and Man-  
17      agement Act (16 U.S.C. 1801 et seq.).

18      (b) RULE OF CONSTRUCTION.—Regulations promul-  
19      gated under subsection (a) shall be applicable only to a  
20      person or a fishing vessel that is or has engaged in fishing,  
21      or fishery resources covered by the South Pacific Fisheries  
22      Convention under this title.

23      (c) ADDITIONAL AUTHORITY.—The Secretary may  
24      conduct, and may request and utilize on a reimbursed or  
25      non-reimbursed basis the assistance, services, personnel,

1 equipment, and facilities of other Federal departments  
2 and agencies in—

3           (1) scientific, research, and other programs  
4 under this title;

5           (2) fishing operations and biological experi-  
6 ments for purposes of scientific investigation or  
7 other purposes necessary to implement the South  
8 Pacific Fisheries Convention;

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

16           (4) if recommended by the Commissioners, the  
17 assessment and collection of fees, not to exceed 3  
18 percent of the ex-vessel value of fishery resources  
19 harvested by vessels of the United States in fisheries  
20 conducted in the Convention Area, to recover the ac-  
21 tual costs to the United States of management and  
22 enforcement under this title, which shall be depos-  
23 ited as an offsetting collection in, and credited to,  
24 the account providing appropriations to carry out  
25 the functions of the Secretary under this title; and

1           (5) the issuance of permits to owners and oper-  
2           ators of United States vessels to engage in fishing  
3           in the Convention Area seaward of the exclusive eco-  
4           nomic zone of the United States, under such terms  
5           and conditions as the Secretary may prescribe, in-  
6           cluding the period of time that a permit is valid.

7           (d) CONSISTENCY WITH OTHER LAWS.—The Sec-  
8           retary shall ensure the consistency, to the extent prac-  
9           ticable, of fishery management programs administered  
10          under this title, the Magnuson-Stevens Fishery Conserva-  
11          tion and Management Act (16 U.S.C. 1801 et seq.), the  
12          Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.),  
13          the South Pacific Tuna Act of 1988 (16 U.S.C. 973 et  
14          seq.), section 401 of Public Law 108–219 (16 U.S.C. 1821  
15          note) (relating to Pacific albacore tuna), the Atlantic  
16          Tunas Convention Act of 1975 (16 U.S.C. 971 et seq.),  
17          and the Western and Central Pacific Fisheries Convention  
18          Implementation Act (16 U.S.C. 6901 et seq.).

19          (e) JUDICIAL REVIEW OF REGULATIONS.—

20                 (1) IN GENERAL.—Regulations promulgated by  
21                 the Secretary under this title shall be subject to ju-  
22                 dicial review to the extent authorized by, and in ac-  
23                 cordance with, chapter 7 of title 5, United States  
24                 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. 206. 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; and

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

6           (b) SECRETARIAL ACTIONS.—Except as provided  
7           under subsection (c), the Secretary and the Secretary of  
8           the department in which the Coast Guard is operating  
9           shall prevent any person from violating this title in the  
10          same manner, by the same means, and with the same ju-  
11          risdiction, powers, and duties as though sections 308  
12          through 311 of the Magnuson-Stevens Fishery Conserva-  
13          tion and Management Act (16 U.S.C. 1858, 1859, 1860,  
14          1861) were incorporated into and made a part of this title.  
15          Any person that violates any provision of this title is sub-  
16          ject to the penalties and entitled to the privileges and im-  
17          munities provided in the Magnuson-Stevens Fishery Con-  
18          servation and Management Act (16 U.S.C. 1801 et seq.)  
19          in the same manner, by the same means, and with the  
20          same jurisdiction, power, and duties as though sections  
21          308 through 311 of that Act (16 U.S.C. 1858, 1859,  
22          1860, 1861) were incorporated into and made a part of  
23          this title.

24          (c) JURISDICTION OF THE COURTS.—

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

6                   (A) enter restraining orders or prohibi-  
7                   tions;

8                   (B) issue warrants, process in rem, or  
9                   other process;

10                  (C) prescribe and accept satisfactory bonds  
11                  or other security; and

12                  (D) take such other actions as are in the  
13                  interest of justice.

14           (2) HAWAII AND PACIFIC INSULAR AREAS.—In  
15           the case of Hawaii or any other State in the Pacific  
16           Ocean, the appropriate court is the United States  
17           District Court for the District of Hawaii, except  
18           that—

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

22                   (B) in the case of the Northern Mariana  
23                   Islands, the appropriate court is the United  
24                   States District Court for the District of the  
25                   Northern Mariana Islands.

1           (3) CONSTRUCTION.—Each violation shall be a  
2           separate offense and the offense shall be deemed to  
3           have been committed not only in the district where  
4           the violation first occurred, but also in any other  
5           district authorized by law. Any offense not com-  
6           mitted in any district is subject to the venue provi-  
7           sions of section 3238 of title 18, United States  
8           Code.

9           (d) CONFIDENTIALITY.—

10           (1) IN GENERAL.—Any information submitted  
11           in compliance with a requirement under this title to  
12           the Secretary or to implement the Convention, in-  
13           cluding information submitted on or before the date  
14           of enactment of the Ensuring Access to Fisheries  
15           Act, shall be confidential and may not be disclosed,  
16           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 South 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 a State or Council employee pursu-  
4 ant to an agreement with the Secretary that  
5 prevents public disclosure of the identity or  
6 business of any person;

7 (D) when required by court order; or

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

14 (2) USE OF INFORMATION.—

15 (A) IN GENERAL.—Except as provided  
16 under subparagraph (B), the Secretary shall  
17 promulgate regulations regarding the proce-  
18 dures the Secretary considers necessary to pre-  
19 serve the confidentiality of information under  
20 this title.

21 (B) EXCEPTION.—The Secretary may re-  
22 lease or make public information submitted  
23 under this title if the information is in any ag-  
24 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. 207. PROHIBITED ACTS.**

9           It is unlawful for any person—

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

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

16           (3) to refuse to permit any officer authorized to  
17           enforce the provisions of this title to board a fishing  
18           vessel subject to such person's control for the pur-  
19           poses of conducting any search, investigation, or in-  
20           spection in connection with the enforcement of this  
21           title or the South 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-

1           tion in connection with the enforcement of this title  
2           or the South Pacific Fisheries 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 ship, transport, offer for sale, sell, pur-  
7           chase, import, export, or have custody, control, or  
8           possession of any fisheries resources if the person  
9           knew or should have known in the exercise of due  
10          care that the fisheries resources were taken or re-  
11          tained in violation of this title or any regulation or  
12          permit referred to in paragraph (1) or paragraph  
13          (2);

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

18          (8) to submit to the Secretary false information  
19          (including false information regarding the capacity  
20          and extent to which a United States fish processor,  
21          on an annual basis, will process a portion of the op-  
22          timum yield of a fishery that will be harvested by  
23          fishing vessels of the United States) regarding any  
24          matter that the Secretary is considering in the  
25          course of carrying out this title if the person knew

1 or should have known in the exercise of due care  
2 that the information was false;

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

8 (10) to engage in fishing in violation of any  
9 regulation adopted under this title;

10 (11) to fail to make, keep, or furnish any catch  
11 returns, statistical records, or other reports required  
12 to be made, kept, or furnished under this title;

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

16 (13) to import, in violation of any regulation  
17 promulgated under this title, any fishery resources  
18 in any form of those species subject to regulation  
19 pursuant to a recommendation, resolution, or deci-  
20 sion of the Commission, or any fishery resources in  
21 any form not under regulation but under investiga-  
22 tion by the Commission, during the period the fish-  
23 ery resources have been denied entry in accordance  
24 with the provisions of this title;

1           (14) to make or submit any false record, ac-  
2           count, or label for, or any false identification of, any  
3           fishery resources which have been, or are intended to  
4           be imported, exported, transported, sold, offered for  
5           sale, purchased, or received in interstate or foreign  
6           commerce; or

7           (15) to refuse to authorize and accept boarding  
8           by a duly authorized inspector pursuant to proce-  
9           dures adopted by the Commission for the boarding  
10          and inspection of fishing vessels in the Convention  
11          Area.

12 **SEC. 208. COOPERATION IN CARRYING OUT CONVENTION.**

13          (a) **FEDERAL AND STATE AGENCIES; PRIVATE INSTI-**  
14 **TUTIONS AND ORGANIZATIONS.**—The Secretary may co-  
15 operate with departments and agencies of the United  
16 States Government, any public or private institutions or  
17 organizations within the United States or abroad, and,  
18 through the Secretary of State, the duly authorized offi-  
19 cials of the government of any party to the South Pacific  
20 Fisheries Convention, in carrying out responsibilities  
21 under this title.

22          (b) **SCIENTIFIC AND OTHER PROGRAMS; FACILITIES**  
23 **AND PERSONNEL.**—Each Federal department and agency  
24 is authorized, upon the request of the Secretary, to cooper-  
25 ate in the conduct of scientific and other programs and

1 to furnish facilities and personnel for the purpose of as-  
2 sisting the Commission in carrying out its duties under  
3 the South Pacific Fisheries Convention.

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

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

11 (2) discharging any other duties prescribed by  
12 the South Pacific Fisheries Convention.

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

17 **SEC. 209. TERRITORIAL PARTICIPATION.**

18 The Secretary of State shall ensure participation in  
19 the Commission and its subsidiary bodies by American  
20 Samoa, Guam, and the Commonwealth of the Northern  
21 Mariana Islands to the same extent provided to the terri-  
22 tories of other nations.

23 **SEC. 210. EXCLUSIVE ECONOMIC ZONE NOTIFICATION.**

24 Masters of commercial fishing vessels of nations fish-  
25 ing under the management authority of the South Pacific

1 Fisheries Convention that do not carry vessel monitoring  
2 systems capable of communicating with United States en-  
3 forcement authorities shall, prior to, or as soon as reason-  
4 ably possible after, entering and transiting the exclusive  
5 economic zone of the United States seaward of the Con-  
6 vention Area—

7 (1) notify the United States Coast Guard of the  
8 name, flag state, location, route, and destination of  
9 the vessel and of the circumstances under which it  
10 will enter the exclusive economic zone of the United  
11 States seaward of the Convention Area;

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

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

20 **SEC. 211. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) IN GENERAL.—There is authorized to be appro-  
22 priated out of funds made available to the Secretary and  
23 the Secretary of State \$500,000 for each of fiscal years  
24 2017 through 2021 to carry out this title and to pay the

1 United States contribution to the Commission under Arti-  
2 cle 15 of the South Pacific Fisheries Convention.

3 (b) INTERNATIONAL COOPERATION AND ASSIST-  
4 ANCE.—

5 (1) IN GENERAL.—Subject to the limits of  
6 available appropriations and consistent with applica-  
7 ble law, the Secretary or the Secretary of State shall  
8 provide appropriate assistance, including grants, to  
9 developing nations and international organizations of  
10 which such nations are members to assist those na-  
11 tions in meeting their obligations under the South  
12 Pacific Fisheries Convention.

13 (2) TRANSFER OF FUNDS.—Subject to the lim-  
14 its of available appropriations and consistent with  
15 other applicable law, the Secretary and the Secretary  
16 of State are authorized to transfer funds to any for-  
17 eign government, international, non-governmental,  
18 or international organization, including the Commis-  
19 sion, for purposes of carrying out the international  
20 responsibilities under paragraph (1).

1 **TITLE III—NORTHWEST ATLAN-**  
2 **TIC FISHERIES CONVENTION**  
3 **AMENDMENTS ACT**

4 **SEC. 301. SHORT TITLE; REFERENCES TO THE NORTHWEST**  
5 **ATLANTIC FISHERIES CONVENTION ACT OF**  
6 **1995.**

7 (a) **SHORT TITLE.**—This title may be cited as the  
8 “Northwest Atlantic Fisheries Convention Amendments  
9 Act”.

10 (b) **REFERENCES TO THE NORTHWEST ATLANTIC**  
11 **FISHERIES CONVENTION ACT OF 1995.**—Except as other-  
12 wise expressly provided, whenever in this title an amend-  
13 ment or repeal is expressed in terms of an amendment  
14 to, or repeal of, a section or other provision, the reference  
15 shall be considered to be made to a section or other provi-  
16 sion of the Northwest Atlantic Fisheries Convention Act  
17 of 1995 (16 U.S.C. 5601 et seq.).

18 **SEC. 302. REPRESENTATION OF THE UNITED STATES**  
19 **UNDER CONVENTION.**

20 Section 202 (16 U.S.C. 5601) is amended—

21 (1) in subsection (a)(1), by striking “General  
22 Council and the Fisheries”;

23 (2) in subsection (b)(1), by striking “at a meet-  
24 ing of the General Council or the Fisheries Commis-  
25 sion”;



1           (3) in subsection (b)(2), by striking “, at any  
2 meeting of the General Council or the Fisheries  
3 Commission for which the Alternate Commissioner is  
4 designated”;

5           (4) in subsection (d)(1), by striking “at a meet-  
6 ing of the Scientific Council”;

7           (5) in subsection (d)(2), by striking “, at any  
8 meeting of the Scientific Council for which the Alter-  
9 native Representative is designated”; and

10          (6) in subsection (f)(1)(A), by striking “Magnu-  
11 son Act” and inserting “Magnuson-Stevens Fishery  
12 Conservation and Management Act”.

13 **SEC. 303. REQUESTS FOR SCIENTIFIC ADVICE.**

14 Section 203 (16 U.S.C. 5602) is amended—

15          (1) in subsection (a)—

16               (A) by striking “The Representatives may”  
17 and inserting “A Representative may”;

18               (B) by striking “described in subsection  
19 (b)(1) or (2)” and inserting “described in para-  
20 graph (1) or (2) of subsection (b)”;

21               (C) by striking “the Representatives have”  
22 and inserting “the Representative has”;

23          (2) by striking “VII(1)” each place it appears  
24 and inserting “VII(10)(b)”;

1           (3) in subsection (b)(2), by striking “VIII(2)”  
2           and inserting “VII(11)”.

3   **SEC. 304. AUTHORITIES OF SECRETARY OF STATE WITH RE-**  
4                                   **SPECT TO CONVENTION.**

5           Section 204 (16 U.S.C. 5603) is amended by striking  
6   “Fisheries Commission” each place it appears and insert-  
7   ing “Commission consistent with the procedures detailed  
8   in Articles XIV and XV of the Convention”.

9   **SEC. 305. INTERAGENCY COOPERATION.**

10          Section 205(a) (16 U.S.C. 5604(a)) is amended to  
11   read as follows:

12          “(a) AUTHORITIES OF THE SECRETARY.—In car-  
13   rying out the provisions of the Convention and this title,  
14   the Secretary may arrange for cooperation with—

15               “(1) any department, agency, or instrumen-  
16   tality of the United States;

17               “(2) a State;

18               “(3) a Council; or

19               “(4) a private institution or an organization.”.

20   **SEC. 306. PROHIBITED ACTS AND PENALTIES.**

21          Section 207 (16 U.S.C. 5606) is amended—

22               (1) by striking “Magnuson Act” each place it  
23   appears and inserting “Magnuson-Stevens Fishery  
24   Conservation and Management Act”; and

1           (2) by striking “fish” each place it appears and  
2           inserting “fishery resources”.

3 **SEC. 307. CONSULTATIVE COMMITTEE.**

4           Section 208 (16 U.S.C. 5607) is amended—

5           (1) in subsection (b)(2), by striking “two” and  
6           inserting “2”; and

7           (2) in subsection (c), by striking “General  
8           Council or the Fisheries” each place it appears.

9 **SEC. 308. DEFINITIONS.**

10          Section 210 (16 U.S.C. 5609) is amended to read as  
11 follows:

12 **“SEC. 210. DEFINITIONS.**

13          “In this title:

14           “(1) 1982 CONVENTION.—The term ‘1982 Con-  
15          vention’ means the United Nations Convention on  
16          the Law of the Sea of 10 December 1982.

17           “(2) AUTHORIZED ENFORCEMENT OFFICER.—  
18          The term ‘authorized enforcement officer’ means a  
19          person authorized to enforce this title, any regula-  
20          tion issued under this title, or any measure that is  
21          legally binding on the United States under the Con-  
22          vention.

23           “(3) COMMISSION.—The term ‘Commission’  
24          means the body provided for by Articles V, VI, XIII,  
25          XIV, and XV of the Convention.

1           “(4) COMMISSIONER.—The term ‘Commis-  
2           sioner’ means a United States Commissioner to the  
3           Northwest Atlantic Fisheries Organization appointed  
4           under section 202.

5           “(5) CONVENTION.—The term ‘Convention’  
6           means the Convention on Future Multilateral Co-  
7           operation in the Northwest Atlantic Fisheries, done  
8           at Ottawa on October 24, 1978, and as amended on  
9           September 28, 2007.

10           “(6) CONVENTION AREA.—The term ‘Conven-  
11           tion Area’ means the waters of the Northwest Atlan-  
12           tic Ocean north of 35°00’ N and west of a line ex-  
13           tending due north from 35°00’ N and 42°00’ W to  
14           59°00’ N, thence due west to 44°00’ W, and thence  
15           due north to the coast of Greenland, and the waters  
16           of the Gulf of St. Lawrence, Davis Strait and Baffin  
17           Bay south of 78°10’ N.

18           “(7) COUNCIL.—The term ‘Council’ means the  
19           New England Fishery Management Council or the  
20           Mid-Atlantic Fishery Management Council.

21           “(8) FISHERY RESOURCES.—

22           “(A) IN GENERAL.—The term ‘fishery re-  
23           sources’ means all fish, mollusks, and crusta-  
24           ceans, including any products thereof, within  
25           the Convention Area.

1           “(B) EXCLUSIONS.—The term ‘fishery re-  
2 sources’ does not include—

3           “(i) sedentary species over which  
4 coastal States may exercise sovereign  
5 rights consistent with Article 77 of the  
6 1982 Convention; or

7           “(ii) in so far as they are managed  
8 under other international treaties, anad-  
9 romous and catadromous stocks and highly  
10 migratory species listed in Annex I of the  
11 1982 Convention.

12           “(9) FISHING ACTIVITIES.—

13           “(A) IN GENERAL.—The term ‘fishing ac-  
14 tivities’ means harvesting or processing fishery  
15 resources, or transshipping of fishery resources  
16 or products derived from fishery resources, or  
17 any other activity in preparation for, in support  
18 of, or related to the harvesting of fishery re-  
19 sources.

20           “(B) INCLUSIONS.—The term ‘fishing ac-  
21 tivities’ includes—

22           “(i) the actual or attempted searching  
23 for or catching or taking of fishery re-  
24 sources;

1                   “(ii) any activity that can reasonably  
2                   be expected to result in locating, catching,  
3                   taking, or harvesting of fishery resources  
4                   for any purpose; and

5                   “(iii) any operation at sea in support  
6                   of, or in preparation for, any activity de-  
7                   scribed in this paragraph.

8                   “(C) EXCLUSIONS.—The term ‘fishing ac-  
9                   tivities’ does not include any operation related  
10                  to emergencies involving the health and safety  
11                  of crew members or the safety of a vessel.

12                  “(10) FISHING VESSEL.—

13                  “(A) IN GENERAL.—The term ‘fishing ves-  
14                  sel’ means a vessel that is or has been engaged  
15                  in fishing activities.

16                  “(B) INCLUSIONS.—The term ‘fishing ves-  
17                  sel’ includes a fish processing vessel or a vessel  
18                  engaged in transshipment or any other activity  
19                  in preparation for or related to fishing activi-  
20                  ties, or in experimental or exploratory fishing  
21                  activities.

22                  “(11) ORGANIZATION.—The term ‘Organiza-  
23                  tion’ means the Northwest Atlantic Fisheries Orga-  
24                  nization provided for by Article V of the Convention.

1           “(12) PERSON.—The term ‘person’ means any  
2 individual (whether or not a citizen or national of  
3 the United States), and any corporation, partner-  
4 ship, association, or other entity (whether or not or-  
5 ganized or existing under the laws of any State).

6           “(13) REPRESENTATIVE.—The term ‘Rep-  
7 resentative’ means a United States Representative to  
8 the Northwest Atlantic Fisheries Scientific Council  
9 appointed under section 202.

10           “(14) SCIENTIFIC COUNCIL.—The term ‘Sci-  
11 entific Council’ means the Scientific Council pro-  
12 vided for by Articles V, VI, and VII of the Conven-  
13 tion.

14           “(15) SECRETARY.—The term ‘Secretary’  
15 means the Secretary of Commerce.

16           “(16) STATE.—The term ‘State’ means each of  
17 the several States of the United States, the District  
18 of Columbia, and any other commonwealth, terri-  
19 tory, or possession of the United States.

20           “(17) TRANSSHIPMENT.—The term ‘trans-  
21 shipment’ means the unloading of all or any of the  
22 fishery resources on board a fishing vessel to an-  
23 other fishing vessel either at sea or in port.”.

1 **SEC. 309. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 211 (16 U.S.C. 5610) is amended to read as  
3 follows:

4 **“SEC. 211. CONTRIBUTIONS TO ORGANIZATION.**

5 “There is authorized to be appropriated out of funds  
6 made available to the Secretary and the Secretary of State  
7 \$500,000 for each of fiscal years 2017 through 2021 to  
8 carry out this title and to pay the United States contribu-  
9 tion to the Organization as provided in Article IX of the  
10 Convention.”.

11 **SEC. 310. QUOTA ALLOCATION PRACTICE.**

12 Section 213 (16 U.S.C. 5612) is repealed.