

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

S. 2482

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. BEGICH

Viz:

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

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

5 (3) COMMISSIONER.—The term “Commis-
6 sioner” means a U.S. Commissioner appointed under
7 section 3.

8 (4) CONVENTION AREA.—The term “Conven-
9 tion Area” means the waters of the high seas areas
10 of the North Pacific Ocean, excluding the high seas
11 areas of the Bering Sea and other high seas areas
12 that are surrounded by the exclusive economic zone
13 of a single nation, which are bounded to the south
14 by a continuous line beginning at the seaward limit
15 of waters under the jurisdiction of the United States
16 around the Commonwealth of the Northern Mariana
17 Islands at 20 degrees North latitude, then pro-
18 ceeding East and connecting the coordinates:
19 20°00’00”, 180°00’00”E/W; 10°00’00”N
20 180°00’00”E/W; 10°00’00”N, 140°00’00”W;
21 20°00’00”N, 140°00’00”W; and thence East to the
22 seaward limit of waters under the fisheries jurisdic-
23 tion of Mexico.

24 (5) COUNCIL.—The term “Council” means the
25 Western Pacific Regional Fishery Management

1 Council, the Pacific Fishery Management Council, or
2 the North Pacific Fishery Management Council.

3 (6) EXCLUSIVE ECONOMIC ZONE.—The term
4 “exclusive economic zone” means the zone estab-
5 lished by Presidential Proclamation Numbered 5030
6 of March 10, 1983.

7 (7) FISHERIES RESOURCES.—

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

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

14 (i) sedentary species insofar as they
15 are subject to the sovereign rights of coast-
16 al nations consistent with Article 77, para-
17 graph 4 of the 1982 Convention and indi-
18 cator species of vulnerable marine eco-
19 systems as listed in, or adopted pursuant
20 to, Article 13, paragraph 5 of the North
21 Pacific Fisheries Convention;

22 (ii) catadromous species;

23 (iii) marine mammals, marine reptiles,
24 or seabirds; or

1 (iv) other marine species already cov-
2 ered by pre-existing international fisheries
3 management instruments within the area
4 of competence of such instruments.

5 (8) FISHING ACTIVITIES.—

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

8 (i) the actual or attempted searching
9 for, catching, taking, or harvesting of fish-
10 eries resources;

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

15 (iii) the processing of fisheries re-
16 sources at sea;

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

19 (v) any operation at sea in direct sup-
20 port of, or in preparation for, any activity
21 described in clauses (i) through (iv), in-
22 cluding transshipment.

23 (B) EXCLUSIONS.—The term “fishing ac-
24 tivities” does not include any operation related
25 to an emergency involving the health or safety

1 of a crew member or the safety of a fishing ves-
2 sel.

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

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

17 (11) PERSON.—The term “person” means—
18 (A) any individual, whether or not a citizen
19 or national of the United States;
20 (B) any corporation, partnership, associa-
21 tion, or other entity, whether or not organized
22 or existing under the laws of any State; or
23 (C) any Federal, State, local, tribal, or for-
24 eign government or any entity of such govern-
25 ment.

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

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

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

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

18 (16) 1982 CONVENTION.—The term “1982
19 Convention” means the United Nations Convention
20 on the Law of the Sea of 10 December 1982.

21 **SEC. 3. APPOINTMENT OF U.S. COMMISSIONERS.**

22 (a) APPOINTMENT.—

23 (1) IN GENERAL.—The United States shall be
24 represented on the Commission by not more than 5
25 U.S. Commissioners. In making each appointment,

1 the President shall select a Commissioner from
2 among individuals who are knowledgeable or experi-
3 enced concerning fisheries resources in the North
4 Pacific Ocean.

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

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

9 (i) the Department of Commerce;

10 (ii) the Department of State; or

11 (iii) the United States Coast Guard;

12 and

13 (B) the chairperson or designee of the
14 North Pacific Fishery Management Council;

15 (C) the chairperson or designee of the Pa-
16 cific Fishery Management Council; and

17 (D) the chairperson or designee of the
18 Western Pacific Regional Fishery Management
19 Council.

20 (b) ALTERNATE COMMISSIONERS.—The Secretary of
21 State, in consultation with the Secretary, may designate
22 from time to time and for periods of time considered ap-
23 propriate an alternate Commissioner to the Commission.
24 An alternate Commissioner may exercise all powers and

1 duties of a Commissioner in the absence of a Commis-
2 sioner appointed under subsection (a).

3 (c) ADMINISTRATIVE MATTERS.—

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

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

18 (3) TRAVEL EXPENSES.—

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

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

5 (d) ADVISORY COMMITTEE.—

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

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

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

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

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

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

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

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

9 (vi) a member representing a non-gov-
10 ernmental organization active in fishery
11 issues in the North Pacific;

12 (vii) a member nominated by the Gov-
13 ernor of the State of Alaska;

14 (viii) a member nominated by the
15 Governor of the State of Hawaii; and

16 (ix) a member nominated by the Gov-
17 ernor of the State of Washington.

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

1 be heard on all proposed programs, investiga-
2 tions, reports, recommendations, and regula-
3 tions of the Commissioners.

4 (C) PROCEDURES.—The Advisory Com-
5 mittee shall determine its organization and pre-
6 scribe its practices and procedures for carrying
7 out its functions under this Act, the North Pa-
8 cific Fisheries Convention, and the Magnuson-
9 Stevens Fishery Conservation and Management
10 Act (16 U.S.C. 1801 et seq.). The Advisory
11 Committee shall publish and make available to
12 the public a statement of its organization, prac-
13 tices, and procedures. A majority of the mem-
14 bers of the Advisory Committee shall constitute
15 a quorum to conduct business. Meetings of the
16 Advisory Committee, except when in executive
17 session, shall be open to the public. Prior notice
18 of each non-executive meeting shall be made
19 public in a timely fashion. The Advisory Com-
20 mittee shall not be subject to the Federal Advi-
21 sory Committee Act (5 U.S.C. App.).

22 (D) PROVISION OF INFORMATION.—The
23 Secretary and the Secretary of State shall fur-
24 nish the Advisory Committee with relevant in-

1 formation concerning fisheries resources and
2 international fishery agreements.

3 (2) ADMINISTRATIVE MATTERS.—

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

9 (B) COMPENSATION; STATUS; EX-
10 PENSES.—An individual appointed to serve as a
11 member of the Advisory Committee—

12 (i) shall serve without pay; and

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

19 (e) MEMORANDUM OF UNDERSTANDING.—For fish-
20 eries resources in the Convention Area, the Secretary, in
21 coordination with the Secretary of State, shall develop a
22 memorandum of understanding with each relevant Council
23 that clarifies the role of each relevant Council with respect
24 to—

1 (1) participation in U.S. delegations to inter-
2 national fishery organizations in the Pacific Ocean,
3 including government-to-government consultations;

4 (2) providing formal recommendations to the
5 Secretary and the Secretary of State regarding nec-
6 essary measures for both domestic and foreign fish-
7 ing vessels;

8 (3) coordinating positions with the U.S. delega-
9 tion for presentation to the appropriate international
10 fishery organization; and

11 (4) recommending those domestic fishing regu-
12 lations that are consistent with the actions of the
13 international fishery organization, for approval and
14 implementation under the Magnuson-Stevens Fish-
15 ery Conservation and Management Act (16 U.S.C.
16 1801 et seq.).

17 **SEC. 4. AUTHORITY AND RESPONSIBILITY OF THE SEC-**
18 **RETARY OF STATE.**

19 The Secretary of State may—

20 (1) receive and transmit, on behalf of the
21 United States, reports, requests, recommendations,
22 proposals, decisions, and other communications of
23 and to the Commission;

24 (2) in consultation with the Secretary, approve,
25 disapprove, object to, or withdraw objections to by-

1 laws and rules, or amendments thereof, adopted by
2 the Commission;

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

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

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

12 (a) PROMULGATION OF REGULATIONS.—The Sec-
13 retary, in consultation with the Secretary of State and,
14 with respect to enforcement measures, the Secretary of the
15 department in which the Coast Guard is operating, is au-
16 thorized to promulgate such regulations as may be nec-
17 essary to carry out the U.S. international obligations
18 under the North Pacific Fisheries Convention and this
19 Act, including recommendations and decisions adopted by
20 the Commission. If the Secretary has discretion in the im-
21 plementation of 1 or more measures adopted by the Com-
22 mission that would govern a straddling stock under the
23 authority of a Council, the Secretary shall promulgate, to
24 the extent practicable within the implementation schedule
25 of the North Pacific Fisheries Convention and any rec-

1 ommendations and decisions adopted by the Commission,
2 such regulations in accordance with the procedures estab-
3 lished by the Magnuson-Stevens Fishery Conservation and
4 Management Act (16 U.S.C. 1801 et seq.).

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

10 (c) ADDITIONAL AUTHORITY.—The Secretary may
11 conduct, and may request and utilize on a reimbursed or
12 non-reimbursed basis the assistance, services, personnel,
13 equipment, and facilities of other Federal departments
14 and agencies in—

15 (1) scientific, research, and other programs
16 under this Act;

17 (2) fishing operations and biological experi-
18 ments for purposes of scientific investigation or
19 other purposes necessary to implement the North
20 Pacific Fisheries Convention;

21 (3) the collection, utilization, and disclosure of
22 such information as may be necessary to implement
23 the North Pacific Fisheries Convention, subject to
24 sections 552 and 552a of title 5, United States
25 Code, and section 402(b) of the Magnuson-Stevens

1 Fishery Conservation and Management Act (16
2 U.S.C. 1881a(b));

3 (4) if recommended by the Commissioners, the
4 assessment and collection of fees, not to exceed 3
5 percent of the ex-vessel value of fisheries resource
6 harvested by vessels of the United States in fisheries
7 conducted in the Convention Area, to recover the ac-
8 tual costs to the United States of management and
9 enforcement under this Act, which shall be deposited
10 as an offsetting collection in, and credited to, the ac-
11 count providing appropriations to carry out the func-
12 tions of the Secretary under this Act; and

13 (5) the issuance of permits to owners and oper-
14 ators of U.S. vessels to engage in fishing activities
15 in the Convention Area seaward of the U.S. exclu-
16 sive economic zone, under such terms and conditions
17 as the Secretary may prescribe, including the period
18 of time that a permit is valid.

19 (d) CONSISTENCY WITH OTHER LAWS.—The Sec-
20 retary shall ensure the consistency, to the extent prac-
21 ticable, of fishery management programs administered
22 under this Act, the Magnuson-Stevens Fishery Conserva-
23 tion and Management Act (16 U.S.C. 1801 et seq.), the
24 Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.),
25 the South Pacific Tuna Act of 1988 (16 U.S.C. 973 et

1 seq.), section 401 of Public Law 108–219 (16 U.S.C. 1821
2 note) (relating to Pacific albacore tuna), the Atlantic
3 Tunas Convention Act (16 U.S.C. 971 et seq.), and the
4 Western and Central Pacific Fisheries Convention Imple-
5 mentation Act (16 U.S.C. 6901 et seq.).

6 (e) JUDICIAL REVIEW OF REGULATIONS.—

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

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

23 (3) COPIES OF ADMINISTRATIVE RECORD.—A
24 response of the Secretary under paragraph (2) shall

1 include a copy of the administrative record for the
2 regulations that are the subject of the petition.

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

7 **SEC. 6. ENFORCEMENT.**

8 (a) IN GENERAL.—The Secretary and the Secretary
9 of the department in which the Coast Guard is oper-
10 ating—

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

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

21 (b) SECRETARIAL ACTIONS.—Except as provided
22 under subsection (c), the Secretary and the Secretary of
23 the department in which the Coast Guard is operating
24 shall prevent any person from violating this Act with re-
25 spect to fishing activities or the conservation of fisheries

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

15 (c) JURISDICTION OF THE COURTS.—

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

21 (A) enter restraining orders or prohibi-
22 tions;

23 (B) issue warrants, process in rem, or
24 other process;

1 (C) prescribe and accept satisfactory bonds
2 or other security; and

3 (D) take such other actions as are in the
4 interest of justice.

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

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

13 (B) in the case of the Northern Mariana
14 Islands, the appropriate court is the United
15 States District Court for the District of the
16 Northern Mariana Islands.

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

25 (d) CONFIDENTIALITY.—

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

5 (A) to a Federal employee who is respon-
6 sible for administering, implementing, or en-
7 forcing this Act;

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

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

20 (D) when required by court order; or

21 (E) when the Secretary has obtained writ-
22 ten authorization from the person submitting
23 such information to release such information to
24 another person for a reason not otherwise pro-

1 vided for in this paragraph, and such release
2 does not violate other requirements of this Act.

3 (2) USE OF INFORMATION.—

4 (A) IN GENERAL.—Except as provided
5 under subparagraph (B), the Secretary shall
6 promulgate regulations regarding the proce-
7 dures the Secretary considers necessary to pre-
8 serve the confidentiality of information sub-
9 mitted under this Act.

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

16 (3) RULE OF CONSTRUCTION.—Nothing in this
17 subsection shall be interpreted or construed to pre-
18 vent the use for conservation and management pur-
19 poses by the Secretary of any information submitted
20 under this Act.

21 **SEC. 7. PROHIBITED ACTS.**

22 It is unlawful for any person—

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

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

5 (3) to refuse to permit any officer authorized to
6 enforce the provisions of this Act to board a fishing
7 vessel subject to such person's control for the pur-
8 poses of conducting any search, investigation, or in-
9 spection in connection with the enforcement of this
10 Act or any regulation, permit, or the North Pacific
11 Fisheries Convention;

12 (4) to assault, resist, oppose, impede, intimi-
13 date, or interfere with any such authorized officer in
14 the conduct of any search, investigation, or inspec-
15 tion in connection with the enforcement of this Act
16 or any regulation, permit, or the North Pacific Fish-
17 eries Convention;

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

21 (6) to knowingly and willfully ship, transport,
22 offer for sale, sell, purchase, import, export, or have
23 custody, control, or possession of, any fisheries re-
24 sources taken or retained in violation of this Act or

1 any regulation or permit referred to in paragraph
2 (1) or (2);

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

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

16 (9) to assault, resist, oppose, impede, intimi-
17 date, sexually harass, bribe, or interfere with any ob-
18 server on a vessel under this Act, or any data col-
19 lector employed by or under contract to any person
20 to carry out responsibilities under this Act;

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

23 (11) to knowingly and willfully ship, transport,
24 purchase, sell, offer for sale, import, export, or have
25 in custody, possession, or control any fisheries re-

1 sources taken or retained in violation of such regula-
2 tions;

3 (12) to fail to make, keep, or furnish any catch
4 returns, statistical records, or other reports required
5 by regulations adopted pursuant to this Act to be
6 made, kept, or furnished;

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

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

19 (15) to make or submit any false record, ac-
20 count, or label for, or any false identification of, any
21 fisheries resources which has been, or is intended to
22 be imported, exported, transported, sold, offered for
23 sale, purchased, or received in interstate or foreign
24 commerce; or

1 (16) to refuse to authorize and accept boarding
2 by a duly authorized inspector pursuant to proce-
3 dures adopted by the Commission for the boarding
4 and inspection of fishing vessels in the Convention
5 Area.

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

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

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

22 (c) SANCTIONED FISHING OPERATIONS AND BIO-
23 LOGICAL EXPERIMENTS.—Nothing in this Act, or in the
24 laws of any State, prevents the Secretary or the Commis-
25 sion from—

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

4 (2) discharging any other duties prescribed by
5 the North Pacific Fisheries Convention.

6 (d) **STATE JURISDICTION NOT AFFECTED.**—Nothing
7 in this Act shall be construed to diminish or to increase
8 the jurisdiction of any State in the territorial sea of the
9 United States.

10 **SEC. 9. TERRITORIAL PARTICIPATION.**

11 The Secretary of State shall ensure participation in
12 the Commission and its subsidiary bodies by the Common-
13 wealth of the Northern Mariana Islands to the same ex-
14 tent provided to the territories of other nations.

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

16 Masters of commercial fishing vessels of nations fish-
17 ing under the management authority of the North Pacific
18 Fisheries Convention that do not carry vessel monitoring
19 systems capable of communicating with U.S. enforcement
20 authorities shall, prior to or as soon as reasonably possible
21 after, entering and transiting the exclusive economic zone
22 bounded by the Convention Area—

23 (1) notify the U.S. Coast Guard of the name,
24 flag state, location, route, and destination of the ves-

1 sel and of the circumstances under which it will
2 enter U.S. waters;

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

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

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

12 (a) IN GENERAL.—There are authorized to be appro-
13 priated to the Secretary and the Secretary of State such
14 sums as may be necessary to carry out this Act and to
15 pay the United States contribution to the Commission
16 under Article 12 of the North Pacific Fisheries Conven-
17 tion.

18 (b) INTERNATIONAL COOPERATION AND ASSIST-
19 ANCE.—

20 (1) IN GENERAL.—Subject to the limits of
21 available appropriations and consistent with applica-
22 ble law, the Secretary or the Secretary of State shall
23 provide appropriate assistance to developing nations,
24 and international organizations of which such na-

1 tions are members, to assist those nations in meet-
2 ing their obligations under the Convention.

3 (2) TRANSFER OF FUNDS.—Subject to the lim-
4 its of available appropriations and consistent with
5 other applicable law, the Secretary and the Secretary
6 of State are authorized to transfer funds to any for-
7 eign government, international, non-governmental,
8 or international organization, including the Commis-
9 sion, for purposes of carrying out the international
10 responsibilities under paragraph (1).