

(c) Additional authority

The Secretary may conduct, and may request and utilize on a reimbursed or nonreimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in—

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

(2) fishing operations and biological experiments for purposes of scientific investigation or other purposes necessary to implement the North Pacific Fisheries Convention;

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

(4) the issuance of permits to owners and operators of United States vessels to engage in fishing activities in the Convention Area seaward of the exclusive economic zone of the United States, under such terms and conditions as the Secretary may prescribe, including the period of time that a permit is valid; and

(5) if recommended by the United States Commissioners, the assessment and collection of fees, not to exceed 3 percent of the ex-vessel value of fisheries resources harvested by vessels of the United States in fisheries conducted in the Convention Area, to recover the actual costs to the United States to carry out the functions of the Secretary under this chapter.

(d) Consistency with other laws

The Secretary shall ensure the consistency, to the extent practicable, of fishery management programs administered under this chapter, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.), the South Pacific Tuna Act of 1988 (16 U.S.C. 973 et seq.), section 401 of Public Law 108-219 (16 U.S.C. 1821 note) (relating to Pacific albacore tuna), the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 et seq.), the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102-567) and the amendments made by that Act, and Public Law 100-629 (102 Stat. 3286).

(e) Judicial review of regulations**(1) In general**

Regulations promulgated by the Secretary under this chapter shall be subject to judicial review to the extent authorized by, and in accordance with, chapter 7 of title 5 if a petition for such review is filed not later than 30 days after the date on which the regulations are promulgated.

(2) Responses

Notwithstanding any other provision of law, the Secretary shall file a response to any petition filed in accordance with paragraph (1), not later than 30 days after the date the Secretary is served with that petition, except that

the appropriate court may extend the period for filing such a response upon a showing by the Secretary of good cause for that extension.

(3) Copies of administrative record

A response of the Secretary under paragraph (2) shall include a copy of the administrative record for the regulations that are the subject of the petition.

(4) Expedited hearings

Upon a motion by the person who files a petition under this subsection, the appropriate court shall assign the matter for hearing at the earliest possible date.

(Pub. L. 114-327, title I, §104, Dec. 16, 2016, 130 Stat. 1979.)

REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (d), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, which is classified principally to chapter 38 (§1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

The Tuna Conventions Act of 1950, referred to in subsec. (d), is act Sept. 7, 1950, ch. 907, 64 Stat. 777, which is classified generally to chapter 16 (§951 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 951 of this title and Tables.

The South Pacific Tuna Act of 1988, referred to in subsec. (d), is Pub. L. 100-330, June 7, 1988, 102 Stat. 591, which is classified generally to chapter 16C (§973 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 973 of this title and Tables.

The Western and Central Pacific Fisheries Convention Implementation Act, referred to in subsec. (d), is title V of Pub. L. 109-479, Jan. 12, 2007, 120 Stat. 3635, which is classified generally to chapter 88 (§6901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6901 of this title and Tables.

The National Oceanic and Atmospheric Administration Authorization Act of 1992, referred to in subsec. (d), is Pub. L. 102-567, Oct. 29, 1992, 106 Stat. 4270. For complete classification of this Act to the Code, see Tables.

The amendments made by Public Law 100-629, referred to in subsec. (d), are the amendments made by Pub. L. 100-629, Nov. 7, 1988, 102 Stat. 3286, which amended section 1857 of this title and provisions set out as a note under section 883a of Title 33, Navigation and Navigable Waters.

§ 7705. Enforcement**(a) In general**

The Secretary and the Secretary of the department in which the Coast Guard is operating—

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

(2) may request and utilize on a reimbursed or nonreimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in the administration and enforcement of this chapter.

(b) Secretarial actions

The Secretary and the Secretary of the department in which the Coast Guard is operating

shall prevent any person from violating this chapter with respect to fishing activities or the conservation of fisheries resources in the Convention Area in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though sections 308 through 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858, 1859, 1860, and 1861) were incorporated into and made a part of this chapter. Any person that violates this chapter is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) in the same manner, by the same means, and with the same jurisdiction, power, and duties as though sections 308 through 311 of that Act (16 U.S.C. 1858, 1859, 1860, and 1861) were incorporated into and made a part of this chapter.

(c) Jurisdiction of the courts

(1) In general

Subject to paragraphs (2) and (3), the district courts of the United States shall have jurisdiction over any case or controversy arising under this chapter, and any such court may at any time—

- (A) enter restraining orders or prohibitions;
- (B) issue warrants, process in rem, or other process;
- (C) prescribe and accept satisfactory bonds or other security; and
- (D) take such other actions as are in the interest of justice.

(2) Hawaii and Pacific insular areas

In the case of Hawaii or any possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Hawaii, except that—

- (A) in the case of Guam and Wake Island, the appropriate court is the United States District Court for the District of Guam; and
- (B) in the case of the Northern Mariana Islands, the appropriate court is the United States District Court for the District of the Northern Mariana Islands.

(3) Construction

Each violation shall be a separate offense and the offense is deemed to have been committed not only in the district where the violation first occurred, but also in any other district authorized by law. Any offense not committed in any district is subject to the venue provisions of section 3238 of title 18.

(d) Confidentiality

(1) In general

Any information submitted to the Secretary in compliance with any requirement under this chapter, and information submitted under any requirement of this chapter that may be necessary to implement the Convention, including information submitted before December 16, 2016, shall be confidential and may not be disclosed, except—

- (A) to a Federal employee who is responsible for administering, implementing, or enforcing this chapter;
- (B) to the Commission, in accordance with requirements in the North Pacific Fisheries

Convention and decisions of the Commission, and, insofar as possible, in accordance with an agreement with the Commission that prevents public disclosure of the identity or business of any person;

(C) to State, Council, or marine fisheries commission employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person;

(D) when required by court order; or

(E) when the Secretary has obtained written authorization from the person submitting such information to release such information to another person for a reason not otherwise provided for in this paragraph, and such release does not violate other requirements of this chapter.

(2) Use of information

(A) In general

Except as provided in subparagraph (B), the Secretary shall promulgate regulations regarding the procedures the Secretary considers necessary to preserve the confidentiality of information submitted under this chapter.

(B) Exception

The Secretary may release or make public information submitted under this chapter if the information is in any aggregate or summary form that does not directly or indirectly disclose the identity or business of any person.

(3) Rule of construction

Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary of any information submitted under this chapter.

(Pub. L. 114-327, title I, §105, Dec. 16, 2016, 130 Stat. 1980.)

REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (b), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, which is classified principally to chapter 38 (§1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

§ 7706. Prohibited acts

It is unlawful for any person—

(1) to violate this chapter or any regulation or permit issued under this chapter;

(2) to use any fishing vessel to engage in fishing activities without, or after the revocation or during the period of suspension of, an applicable permit issued pursuant to this chapter;

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

(4) to assault, resist, oppose, impede, intimidate, or interfere with any such authorized of-