

(2) Administrative matters**(A) Support services**

The Secretary shall provide to the Advisory Committee in a timely manner such administrative and technical support services as are necessary to function effectively.

(B) Compensation; status; expenses

An individual appointed to serve as a member of the Advisory Committee—

- (i) shall serve without pay; and
- (ii) shall not be considered a Federal employee, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 171 of title 28.

(Pub. L. 114-327, title II, §202, Dec. 16, 2016, 130 Stat. 1987.)

REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (d)(1)(C)(i), 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 Federal Advisory Committee Act, referred to in subsec. (d)(1)(C)(iv), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 7803. Authority and responsibility of the Secretary of State

The Secretary of State may—

- (1) receive and transmit, on behalf of the United States, reports, requests, recommendations, proposals, decisions, and other communications of and to the Commission;
- (2) in consultation with the Secretary, act upon, or refer to other appropriate authority, any communication pursuant to paragraph (1); and
- (3) with the concurrence of the Secretary, and in accordance with the South Pacific Fishery Resources Convention, object to decisions of the Commission.

(Pub. L. 114-327, title II, §203, Dec. 16, 2016, 130 Stat. 1989.)

§ 7804. Responsibility of the Secretary and rule-making authority**(a) Responsibilities**

The Secretary may—

- (1) administer this chapter and any regulations issued under this chapter, except to the extent otherwise provided for in this chapter;
- (2) issue permits to vessels subject to the jurisdiction of the United States, and to owners and operators of such vessels, to fish in the Convention Area, under such terms and conditions as the Secretary may prescribe; and
- (3) if recommended by the United States Commissioners, assess and collect 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.

(b) Promulgation of regulations**(1) In general**

The Secretary, in consultation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, may promulgate such regulations as may be necessary and appropriate to carry out the international obligations of the United States under the South Pacific Fishery Resources Convention and this chapter, including decisions adopted by the Commission.

(2) Applicability

Regulations promulgated under this subsection shall be applicable only to a person or fishing vessel that is or has engaged in fishing, and fishery resources covered by the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean under this chapter.

(c) 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).

(d) 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 or the action is published in the Federal Register, as applicable.

(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 II, §204, Dec. 16, 2016, 130 Stat. 1989.)

REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (c), 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. (c), 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. (c), 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. (c), 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. (c), is Pub. L. 102-567, Oct. 29, 1992, 106 Stat. 4270. For complete classification of this Act to the Code, see Tables.

§ 7805. Enforcement**(a) Responsibility**

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

(b) Administration and enforcement

The Secretary and the Secretary of the department in which the Coast Guard is operating shall prevent any person from violating this chapter 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 through 1861) were incorporated into and made a part of this chapter. Any person that violates this chapter shall be 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 and by the same means as though sections 308 through 311 of that Act (16 U.S.C. 1858 through 1861) were incorporated into and made a part of this chapter.

(c) District court jurisdiction**(1) In general**

The district courts of the United States shall have jurisdiction over any actions arising under this section.

(2) Hawaii and Pacific insular areas

Notwithstanding subsection (b), for the purpose of this section, for 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 as authorized by law. Any offenses not committed in any district are subject to the venue provisions of section 3238 of title 18.

(Pub. L. 114-327, title II, §205, Dec. 16, 2016, 130 Stat. 1990.)

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.

§ 7806. Prohibited acts.

It is unlawful for any person—

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

(2) to use any fishing vessel to engage in fishing without a valid permit or after the revocation, or during the period of suspension, of an applicable permit 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 investigation or inspection in connection with the enforcement of this chapter;

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

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

(6) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fishery resources taken or retained in violation of this chapter or any regulation or permit referred to in paragraph (1) or (2);