

(4) working with communities to develop secure and safe methods of sharing information with enforcement officials;

(5) providing technical assistance to support land use stewardship plans to improve the economic, environmental, and social outcomes in community-owned or -managed lands;

(6) supporting community anti-poaching efforts, including policing and informant networks;

(7) working with community and national governments to develop relevant policy and regulatory frameworks to enable and promote community conservation programs, including supporting law enforcement engagement with wildlife protection authorities to promote information-sharing; and

(8) working with national governments to ensure that communities have timely and effective support from national authorities to mitigate risks that communities may face when engaging in anti-poaching and anti-trafficking activities.

(Pub. L. 114-231, title IV, § 404, Oct. 7, 2016, 130 Stat. 955.)

CHAPTER 96—NORTH PACIFIC FISHERIES CONVENTION

Sec.	
7701.	Definitions.
7702.	United States participation in the North Pacific Fisheries Convention.
7703.	Authority and responsibility of the Secretary of State.
7704.	Authority of the Secretary of Commerce.
7705.	Enforcement.
7706.	Prohibited acts.
7707.	Cooperation in carrying out Convention.
7708.	Territorial participation.
7709.	Exclusive economic zone notification.
7710.	Authorization of appropriations.

§ 7701. Definitions

In this chapter:

(1) Commission

The term “Commission” means the North Pacific Fisheries Commission established in accordance with the North Pacific Fisheries Convention.

(2) Commissioner

The term “Commissioner” means a United States Commissioner appointed under section 7702(a) of this title.

(3) Convention Area

The term “Convention Area” means the area to which the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean applies under Article 4 of such Convention.

(4) Council

The term “Council” means the North Pacific Fishery Management Council, the Pacific Fishery Management Council, or the Western Pacific Fishery Management Council established under section 1852 of this title, as the context requires.

(5) Exclusive economic zone

The term “exclusive economic zone” means—

(A) with respect to the United States, the zone established by Presidential Proclamation Numbered 5030 of March 10, 1983 (16 U.S.C. 1453 note); and

(B) with respect to a foreign country, a designated zone similar to the zone referred to in subparagraph (A) for that country, consistent with international law.

(6) Fisheries resources

(A) In general

Except as provided in subparagraph (B), the term “fisheries resources” means all fish, mollusks, crustaceans, and other marine species caught by a fishing vessel within the Convention Area, as well as any products thereof.

(B) Exclusions

The term “fisheries resources” does not include—

(i) sedentary species insofar as they are subject to the sovereign rights of coastal nations consistent with Article 77, paragraph 4 of the 1982 Convention and indicator species of vulnerable marine ecosystems as listed in, or adopted pursuant to, Article 13, paragraph 5 of the North Pacific Fisheries Convention;

(ii) catadromous species;

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

(iv) other marine species already covered by preexisting international fisheries management instruments within the area of competence of such instruments.

(7) Fishing activities

(A) In general

The term “fishing activities” means—

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

(ii) engaging in any activity that can reasonably be expected to result in the locating, catching, taking, or harvesting of fisheries resources for any purpose;

(iii) the processing of fisheries resources at sea;

(iv) the transshipment of fisheries resources at sea or in port; or

(v) any operation at sea in direct support of, or in preparation for, any activity described in clauses (i) through (iv), including transshipment.

(B) Exclusions

The term “fishing activities” does not include any operation related to an emergency involving the health or safety of a crew member or the safety of a fishing vessel.

(8) Fishing vessel

The term “fishing vessel” means any vessel used or intended for use for the purpose of engaging in fishing activities, including a processing vessel, a support ship, a carrier vessel, or any other vessel directly engaged in such fishing activities.

(9) High seas

The term “high seas” does not include an area that is within the exclusive economic

zone of the United States or of any other country.

(10) North Pacific Fisheries Convention

The term “North Pacific Fisheries Convention” means the Convention on the Conservation and Management of the High Seas Fisheries Resources in the North Pacific Ocean (including any annexes, amendments, or protocols that are in force, or have come into force) for the United States, which was adopted at Tokyo on February 24, 2012.

(11) Person

The term “person” means—

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

(B) any corporation, partnership, association, or other entity, whether or not organized or existing under the laws of any State; or

(C) any Federal, State, local, tribal, or foreign government or any entity of such government.

(12) Secretary

Except as otherwise specifically provided, the term “Secretary” means the Secretary of Commerce.

(13) State

The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and any other commonwealth, territory, or possession of the United States.

(14) Straddling stock

The term “straddling stock” means a stock of fisheries resources that migrates between, or occurs in, the economic exclusion zone of one or more parties to the Convention and the Convention Area.

(15) Transshipment

The term “transshipment” means the unloading of any fisheries resources taken in the Convention Area from one fishing vessel to another fishing vessel either at sea or in port.

(16) 1982 convention

The term “1982 Convention” means the United Nations Convention on the Law of the Sea of 10 December 1982.

(Pub. L. 114-327, title I, §101, Dec. 16, 2016, 130 Stat. 1974.)

SHORT TITLE

Pub. L. 114-327, §1, Dec. 16, 2016, 130 Stat. 1974, provided that: “This Act [enacting this chapter, chapter 97, and section 6909a of this title, amending sections 1826g, 1826h, 1826j, 1826k, 5003, 5004, 5601 to 5604, 5606, 5607, 5609, 5610, 6902, and 6910 of this title, section 1541 of Title 15, Commerce and Trade, and section 3103 of Title 33, Navigation and Navigable Waters, repealing section 5612 of this title, enacting provisions set out as a note under section 5601 of this title, and amending provisions set out as a note under section 1823 of this title] may be cited as the ‘Ensuring Access to Pacific Fisheries Act.’”

§ 7702. United States participation in the North Pacific Fisheries Convention

(a) United States Commissioners

(1) Number of Commissioners

The United States shall be represented on the Commission by five United States Commissioners.

(2) Selection of commissioners

The Commissioners shall be as follows:

(A) Appointment by the President

(i) In general

Two of the Commissioners shall be appointed by the President and shall be an officer or employee of—

(I) the Department of Commerce;

(II) the Department of State; or

(III) the Coast Guard.

(ii) Selection criteria

In making each appointment under clause (i), the President shall select a Commissioner from among individuals who are knowledgeable or experienced concerning fisheries resources in the North Pacific Ocean.

(B) North Pacific Fishery Management Council

One Commissioner shall be the chairman of the North Pacific Fishery Management Council or a designee of such chairman.

(C) Pacific Fishery Management Council

One Commissioner shall be the chairman of the Pacific Fishery Management Council or a designee of such chairperson.

(D) Western Pacific Fishery Management Council

One Commissioner shall be the chairman of the Western Pacific Fishery Management Council or a designee of such chairperson.

(b) Alternate Commissioners

In the event of a vacancy in a position as a Commissioner appointed under subsection (a), the Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time considered appropriate an alternate Commissioner to the Commission. An alternate Commissioner may exercise all powers and duties of a Commissioner in the absence of a Commissioner appointed under subsection (a), and shall serve the remainder of the term of the absent Commissioner for which designated.

(c) Administrative matters

(1) Employment status

An individual serving as a Commissioner, or an alternative Commissioner, other than an officer or employee of the United States Government, 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.

(2) Compensation

An individual serving as a Commissioner or an alternate Commissioner, although an offi-