

NATIONAL
OCEANIC
AND

ATMOSPHERIC
ADMINISTRATION

April 10, 1974

Mr. Robert W. Schoning
Director
National Marine Fisheries Service
National Oceans and Atmospheres Admin.
U.S. Department of Commerce
Washington, D. D. 20235

Dear Bob,

Sorry for the delay in my remarks on House Resolution 4760. As you know, NACOA is in support of the high seas conservation act and the Alaska legislature has passed a resolution which I'll include, also supporting it. I don't really feel a change of title is necessary as proposed, but it wouldn't change my support for the bill.

Items 2,3,4, and 5-don't have any objection to these. I like number 6, the change is basically one I would support. No remarks on 7,8,9,10,11, or 12.& 13 and 14-I somewhat object to 15 being removed. Civil penalties really in many cases scare people more than criminal penalties, and you don't have to prove intent--but again, this wouldn't affect my support. 16 is good. 17, I think the old wording is best, but still have no objection.

Sorry this is so late, but I'll get it off right now.

Sincerely,

Clem Tillion

cc-Harry Rietze

Director - Alaska
Nat'l Marine Fisheries Service
Box 1662
Juneau, Ak 99801



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Washington, D.C. 20235

MAR 11 1974

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Honorable Clement Tillion
Alaska House of Representatives
Pouch V
Juneau, Alaska 99801

Dear Clem:

We have been requested by the House Subcommittee on Fisheries and Wildlife Conservation and the Environment to provide a drafting service consolidating many of the original comments received from the States, the industry and other interested persons on H.R. 4760 (High Seas Fisheries Conservation Act). The Subcommittee has asked us to circulate prospective amendments for additional comment from those persons who responded to our initial request and possibly others.

There are two points which I hope you will bear in mind. First, these proposed amendments do not necessarily represent any official Administration position. In the interest of time, no effort has been made to obtain such approval. Instead, we are responding to a Subcommittee request. These amendments merely reflect our best judgment of the consensus from the 70 or so respondents who provided us with the original comments.

The second point which I would wish to impress upon you is that time is critical. Consequently, if you wish to make further suggestions concerning these proposed amendments and possibly other ways in which you feel that this legislation can be improved, please let us have your comments as soon as possible. We have been asked to report back to the Subcommittee as soon as possible.

I appreciate your splendid cooperation.

Sincerely,

Bob

Robert W. Schoning
Director

Enclosure



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
P. O. BOX 1668 - JUNEAU, ALASKA 99801

March 6, 1974

Hon. Clem Tillion
Halibut Cove, Alaska 99603

Clem
Dear Mr. Tillion:

Enclosed is a summary of the proposed amendments to H.R. 4760, the High Seas Fisheries Conservation Act, and a copy of the act as it would be amended. The amendments do not represent an official position of the Administration, but embody suggestions made to the House of Representatives, Subcommittee on Fish and Wildlife. At the request of the Subcommittee our Service is circulating these proposed amendments for additional comments. If the amendments generally cover the suggestions made to the subcommittee, we believe Congress will respond favorably to the amended bill because this kind of legislation is needed to improve fisheries management.

We would appreciate it if you would review the summary and the bill at your earliest convenience, and let us have your thoughts either by collect call or the enclosed, self-addressed envelope. We wish to emphasize that time is critical, for our Service must report to the Subcommittee as soon as possible.

We are particularly interested in whether you would support the bill as it is amended.

Our office telephone number is 586-7221. We look forward to hearing from you.

Sincerely,

Bob McVey
for Harry L. Rietze,
Director, Alaska Region

Attachments

SUMMARY OF PROPOSED AMENDMENTS TO
H.R. 4760 (HIGH SEAS FISHERIES CONSERVATION ACT)

1. Page 1, line 3.

disagree
The title of the bill was said to be misleading since it implied that foreign vessels might be subject to U.S. regulations on the high seas. By deleting the words "High Seas", this objection is eliminated.

2. Page 1, line 4.

Deletes the year 1973, substituting the year 1974 because although the bill was introduced in 1973 it did not become law during that year.

3. Page 2, line 7.

The definition of activities in support of fishing as originally drafted was broad enough to include various shore activities. By inserting the words "at sea" between the words "activity" and "in", this definition was narrowed to exclude any shore activities in support of fishing.

4. Page 2, line 22.

The Act of October 14, 1966 (80 Stat. 908) defines the fisheries zone as extending 9 nautical miles seaward from the outer limits of the territorial sea. The language proposed in the amendment would merely take account of any future extension of the fisheries zone.

5. Page 3, line 20.

It was felt by some respondents that biological consideration had not received sufficient attention in the bill. It was also felt that inclusion of the word "nutritional" might give FDA an opportunity to place overly severe regulations on sea food. By substituting the word "biological" for "nutritional", both problems are removed.

6. Pages 3 and 4, lines 22-5 (paragraph iii).

Good
There were many objections to the subsection dealing with the prohibition of fishing in waters found by the Secretary, in consultation with the Food and Drug Administration, the Environmental Protection Agency and State sanitation authorities, to be unsanitary. Therefore, this amendment proposes deleting the entire subsection.

7. Page 4, line 6.

The reference to paragraphs (ii) and (iii) had to be changed since paragraph (iii) described in the previous paragraph was deleted.

8. Page 4, line 16.

It was proposed that the language "except that such permits shall not be used for revenue purposes" be deleted because it is entirely possible that under some kind of extended fisheries jurisdiction, foreign fishermen might be permitted to fish for certain species. If this were to happen, there should be authority to charge suitable user fees to defray the costs of management.

9. Page 4, line 17.

A major problem, which developed when the States, industry and fishermen reviewed the original draft of H.R. 4760, was the concern that U.S. fishermen might be subjected to "high seas" regulations which foreign fishermen operating in the same fishery would not be required to obey. The language which appears on page 4, beginning on line 17 meets this problem by explicitly prohibiting the Secretary from enforcing any regulations over U.S. fishermen in those fisheries where foreign fishermen are also meaningfully engaged, if the foreigners are not similarly regulated.

10. Page 4, line 25.

There was concern expressed about the language "to the extent practicable" in the subsection describing consultations the Secretary would have with States, industry persons and others before promulgating regulations. Many people felt this language would pave the way for unilateral action by the Secretary. Consequently, the objectionable phrase would be moved by this proposed amendment so that it would only apply with respect to "persons generally interested in the conservation of fish in these waters..." (see item below).

11. Page 4, line 26.

Reflects the same objection mentioned above. By deleting "with persons" and adding "with the commercial and recreational fishing industries, and to the extent practicable, with persons generally"; it was believed that greater public participation would be obtained in the rule-making process.

12. Page 5, line 15.

"Thirty days" was the time period in which interested persons could file objections or comments before regulations could be promulgated. Some comments, however, expressed concern that the 30-day period might be too brief a time for appropriate responses to be prepared. Consequently, an alternate of 45-days has been proposed.

13. Page 7, line 6.

There was concern that arbitrary, and perhaps unreasonable, regulations might be promulgated. Therefore, the words "including a statement of the reasons therefore" were added to the language which requires the Secretary to make his determinations public.

14. Page 12, lines 22 and 23.

This amendment increases the possible penalty for second offences by making provision for vessel forfeiture or the value of the vessel as determined by the court.

15. Page 13-14, lines 21-8.

Should be left
This subsection, which provided for a civil penalty, was deleted because of the belief that all matters involving possible criminal behavior should be handled by the courts.

16. Page 15, line 20.

This proposed amendment would permit seizure of the vessel as well as fish and fishing gear. This amendment is technical since the court could not forfeit any vessel over which it did not have jurisdiction. This amendment would provide that jurisdiction

17. Page 17, line 20.

old wording best
This amendment is intended to clarify the fact that nothing in this bill is intended to modify any existing or prospective State jurisdiction.

93D CONGRESS
1ST SESSION

H. R. 4760

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 1973

Mr. DINGELL (for himself, Mr. GROVER, Mr. LEGGETT, Mr. MAILLIARD, Mr. METCALFE, Mr. RUPPE, Mr. GOODLING, Mr. McCLOSKEY, Mr. STEELE, Mr. FORTSYTHE, Mr. MILLS of Maryland, and Mr. COHEN) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

A BILL

To provide for the conservation and management of fisheries and for other purposes

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "~~High Seas~~ Fisheries
4 Conservation Act of 197³."

DEFINITIONS

5
6 SEC. 2. For the purposes of this Act, the term—

7 (a) "International Fishery Agreement" means any bi-
8 lateral or multilateral agreement to which the United States
9 is a party, dealing with fishery management or conservation,

1 but does not include those provisions of any agreement which
2 deal solely with methods of enforcement at sea.

3 (b) "Contracting party" means any government party
4 to an international fishery agreement ;

5 (c) "Fishing" means the catching, taking, harvesting,
6 or attempted catching, taking or harvesting of any species of
7 fish for any purpose, and any activity at sea in support of such
8 taking, catching, or harvesting.

9 (d) "Fish" includes mollusks, crustaceans, marine
10 mammals (except polar bears, walrus, and sea otter) and
11 all other forms of marine animal or plant life, exclusive of
12 birds, including the Continental Shelf fishery resource as de-
13 fined in the Act of May 20, 1964 (78 Stat. 196) ;

14 (e) "Vessel" means every description of watercraft or
15 other contrivance which is used or is capable of use on water
16 for fishing purposes ;

17 (f) "Owner or operator" means any individual, firm,
18 corporation, association, partnership, government or govern-
19 ment enterprise which owns, operates, or charters a vessel ;

20 (g) "Fisheries Zone" means the zone contiguous to the
21 territorial sea of the United States which was established by
22 the Act of October 14, 1966 (80 Stat. 908) as the same may be amended ;

23 (h) "Secretary" means the Secretary of Commerce ;

24 (i) "State" means the several States of the United

1 States; the Commonwealth of Puerto Rico, American Samoa,
2 the Virgin Islands, and Guam;

3 (j) "Person" means any individual, corporation, part-
4 nership, association, or organization.

5 REGULATIONS

6 SEC. 3. (a) The Secretary is authorized to promulgate
7 regulations governing fishing in the fisheries zone and all
8 high seas seaward of such zone by vessels of a party to an
9 international fishery agreement with the United States, pur-
10 suant to and for the purposes of such agreement.

11 (b) The Secretary is also authorized to promulgate regu-
12 lations governing fishing in the fisheries zone and all high
13 seas seaward of such zone by vessels documented under the
14 laws of the United States, or otherwise registered under the
15 laws of any State, for the purposes of—

16 (i) fulfilling the international obligations of the
17 United States under any international fishery agreement;

18 (ii) conserving and managing the fish in such
19 waters in such manner as the Secretary determines will
20 result in the optimum overall biological ~~nutritional~~ economic, and
21 social benefits; and

22 ~~(iii) controlling or prohibiting the fishing for fish~~
23 ~~which the Secretary determines, in consultation with the~~
24 ~~Food and Drug Administration, the Environmental Pro-~~

1 ~~tection Agency, and State sanitation authorities, to be~~
2 ~~unsanitary for the purpose for which they are intended,~~
3 ~~on the basis of examination of the fish or the water~~
4 ~~quality of the marine environment from which such fish~~
5 ~~were taken.~~

6 Regulations under paragraphs (ii) ~~and (iii)~~ of the subsection (b) may
7 designate zones where, and establish periods when, no fishing shall be
8 permitted; establish size and catch limits for any species of fish;
9 prohibit the use of certain types of fishing gear, and prescribe such
10 other measures as the Secretary deems appropriate to carry out such
11 purposes. In making any determination as to appropriate conservation
12 and management measures, the Secretary may take into account relevant
13 economic and social factors, and shall consider whether such measures
14 will unreasonably limit competition. The Secretary may provide by
15 regulation for the issuance of permits related to and in furtherance of
16 such measures, ~~except that such permits shall not be used for revenue~~
17 ~~purposes.~~ The Secretary shall not impose or enforce any regulations in
18 areas beyond the fisheries zone if he determines that the species of fish
19 which he desires to manage is being harvested on a meaningful basis by
20 vessels not subject to the jurisdiction of the United States unless such
21 vessels will be subject to the same or similar regulations.

22 (c) The promulgation of regulations under this section shall be
23 governed by the following rules:

24 (i) Before any regulations are promulgated under this section,
25 the Secretary shall, ~~to the extent practicable,~~ consult with other
26 agencies, with the interested States, ~~with persons~~ with the
27 commercial and recreational fishing industries, and to the extent
28 practicable, with persons generally interested in the conservation
29 of fish in these waters, and in the enhancement of all aspects of

1 the marine fisheries of the United States, for the purpose
2 of obtaining adequate information to develop reasonable
3 and effective regulations: *Provided, however,* that inso-
4 far as such regulations are applicable to foreign vessels
5 beyond the fisheries zone, the Secretary shall consult
6 with the Secretary of State, and *Provided further,* that
7 insofar as such regulations involve methods and proce-
8 dures for enforcement at sea, the Secretary shall consult
9 with the Secretary of the Department in which the Coast
10 Guard is operating.

11 (ii) The Secretary shall publish in the Federal
12 Register the regulations which he proposes to promul-
13 gate for all of part of the waters of the fisheries zone and
14 all high seas seaward of such zone. Interested persons
15 shall be afforded a period of not less than ~~thirty days~~ ^{forty-five}
16 after such publication within which to submit written
17 data, views, or comments. Except as provided in para-
18 graph (iii) of this subsection, the Secretary may, after
19 the expiration of such period and after consideration
20 of all relevant matters presented, promulgate the regula-
21 tions with such modifications, if any, as he deems
22 appropriate.

23 (iii) On or before the last day of a period fixed for
24 the submission of written data, views, or comments, any
25 person who, or State which, may be adversely affected by

1 such proposed regulations may file with the Secretary
2 written objections to the specific provisions of such pro-
3 posed regulations, stating the grounds therefor, and
4 may request a public hearing on such objections. If the
5 Secretary determines that the person filing objections
6 may be adversely affected, or if a State requests a hear-
7 ing, the Secretary shall not promulgate regulations with
8 respect to which such objections have been filed until he
9 has taken a final action upon them as provided in para-
10 graph (iv) of this subsection.

11 (iv) As soon as practicable after the period of
12 filing objections has expired, if the Secretary deter-
13 mines that the person filing objections may be adversely
14 affected, or if a State requests a hearing, the Secretary
15 shall publish in the Federal Register a notice specifying
16 the time and place at which a public hearing shall be
17 held, and the provisions of the regulations to which such
18 objections have been filed and such other provisions as
19 he may designate for consideration and shall hold a pub-
20 lic hearing in accordance with title 5, United States
21 Code, section 553 for the purpose of receiving informa-
22 tion relevant to the matters identified in the notice
23 of hearing. If two or more persons or States request hear-
24 ings within the prescribed period and the Secretary
25 deems such hearing appropriate, the Secretary may, as

1 he deems appropriate, consolidate such hearings in the
2 interests of time and economy. At the hearing any inter-
3 ested person or State may be heard. As soon as prac-
4 ticable after the completion of the hearing, the Secretary
5 shall act upon such objections and make his deter-
6 minations public, including a statement of the reasons therefor,
7 with such modifications, if any, as he deems appropriate.

8 (v) The Secretary may from time to time revise
9 such regulations in accordance with the procedures pre-
10 scribed in paragraphs (i) through (iv) of this
11 subsection.

12 (vi) Notwithstanding the provisions of paragraphs
13 (ii) through (v) of this subsection, the Secretary may
14 waive the requirements for notice and public hearing
15 detailed herein, if he finds (and incorporates the finding
16 and a brief statement of the reasons therefor in the pub-
17 lication of the rule) that, due to an emergency situation,
18 notice and hearing thereon are impracticable, unneces-
19 sary, or contrary to the public interest. Written objections
20 may be submitted within thirty days of the effective date
21 of the emergency regulation. If any such written ob-
22 jection is so received, the Secretary shall, not later than
23 forty days after the effective date of the emergency
24 regulation, initiate the procedures in paragraphs (ii)
25 through (iv). The emergency regulation shall remain

1 in effect for ninety days beyond the date on which the
2 Secretary publishes the notice of proposed rulemaking
3 required in paragraph (ii), unless the Secretary
4 terminates the regulation by notice in the Federal
5 Register at any earlier date.

6 APPLICATION TO OTHER TREATIES, CONVENTIONS, AND
7 LAWS

8 SEC. 4. The provisions of this Act shall be deemed to be
9 in addition to and not in contravention of the provisions of
10 any existing international fishery agreement, or any statute
11 implementing the same, which may apply to the subject
12 matter of this Act.

13 STATE REGULATIONS

14 SEC. 5. (a) In the exercise of his powers under sub-
15 section 3 (b), and subject to subsection (c) of this section,
16 the Secretary may, at any time, adopt as Federal regulations
17 the regulations of any State or group of States regarding
18 fishing adjacent to such State or States in the fisheries zone
19 or in all high seas seaward of such zone, if he finds that such
20 regulations will achieve the objectives of subsection 3 (b),
21 taking into account, as he deems appropriate, uniformity
22 with other regulations.

23 (b) Any regulations adopted pursuant to this section
24 shall become Federal regulations, and shall be subject to
25 modification, amendment, revision, or revocation in the same

1 manner as regulations adopted pursuant to subsection 3 (c)
2 of this Act.

3 (c) For the purposes of subsection (a) of this section,
4 any State or group of States may submit regulations to the
5 Secretary for adoption. The Secretary shall within one-hun-
6 dred and eighty days indicate his approval or disapproval of
7 such regulations with notice thereof to the State or group of
8 States which submitted them. In the event of disapproval,
9 such notice shall specify the reason therefor, and the State or
10 group of States which submitted the regulations shall be
11 entitled, within sixty days of the receipt of notice of dis-
12 approval, to request a hearing on the matter. All interested
13 parties may be heard at such hearing, and evidence may be
14 offered. The burden shall be on the State or group of States
15 to show that the regulations should be approved. Unless the
16 Secretary shall have indicated his disapproval of such regula-
17 tions within the one-hundred-and-eighty-day period specified
18 above, he shall proceed promptly with respect to such regula-
19 tions in accordance with the procedures set forth in subsection
20 3 (c) of this Act.

21 (d) The Congress hereby consents to any compact or
22 agreement which is not in conflict with any law or treaty
23 in force of the United States, between any two or more
24 States for the purpose of preparing regulations for submis-
25 sion to the Secretary in accordance with this section. The

1 right to alter, amend, or repeal this subsection or the consent
2 granted herein is expressly reserved to the Congress.

3 AGREEMENTS WITH FOREIGN COUNTRIES

4 SEC. 6. (a) The Secretary of State, in consultation with
5 the Secretary, and when appropriate, with the Secretary of
6 the Department in which the Coast Guard is operating, may
7 engage in negotiations with any contracting party to the
8 Convention on Fishing and Conservation of the Living Re-
9 sources of the High Seas in regard to measures for the con-
10 servation of the living resources of the high seas, when such
11 negotiations are necessary to carry out the purposes of
12 articles 4, 6, 7, 8, and 12 of the aforesaid Convention and
13 with any contracting party to any other international fishery
14 agreement.

15 (b) The Secretary of State shall notify the Secre-
16 tary of receipt of the following pursuant to the aforesaid
17 Convention:

18 (1) Communications from the Director-General of
19 the Food and Agriculture Organization of the United
20 Nations, as provided in article 5 (1) of the Convention;

21 (2) Notice of the adoption of conservation measures
22 by any contracting party pursuant to article 7 (1) of the
23 Convention;

24 (3) Notice of findings of a Special Commission pro-
25 vided for by article 9 of the Convention;

1 (4) Notification of the withdrawal of a conservation
2 measure by the contracting party initially adopting such
3 measures; and

4 (5) All other communications related to the duties
5 of the Secretary under the Convention.

6 (c) The Secretary of State shall, upon notification from
7 the Secretary of the promulgation of regulations pursuant to
8 subsection 3 (a) of this Act for waters of the high seas sea-
9 ward of the fisheries zone, notify the Director-General of the
10 Food and Agriculture Organization of the United Nations
11 and any Contracting party to the aforesaid Convention whose
12 nationals fish in the waters covered by such regulations of
13 their contents. The Secretary of State, in consultation with
14 the Secretary, is authorized to enter into agreements with
15 any contracting party to the aforesaid Convention for the im-
16 plementation of regulations adopted by the United States or
17 by such contracting party pursuant to the aforesaid Conven-
18 tion in waters beyond the respective jurisdiction of any such
19 contracting party. Such agreements may provide for author-
20 ization of designated personnel of a contracting party to act
21 as enforcement officers in implementing such regulations.

22 (d) The Secretary of State, in consultation with the Sec-
23 retary, may, with regard to the aforesaid Convention:

24 (1) Enter into an agreement with any contracting
25 party for the establishment of a Special Commission pur-

1 suant to article 9 of the Convention, and for the payment
2 of costs and expenses of such Special Commission.

3 (2) Appoint the United States member to the
4 Special Commission; and

5 (3) Appoint, upon the request of any contracting
6 party to the Convention or upon the request of the Secre-
7 tary-General of the United Nations, members to a Spe-
8 cial Commission invoked to resolve a dispute between
9 contracting parties to the Convention and to which dis-
10 pute the United States is not a party.

11 PROHIBITIONS- PENALTIES

12 Sec. 7. In the case of vessel not documented under the
13 laws of the United States or otherwise registered under the
14 laws of any State, penalties or prohibitions with respect to
15 fishing in all high seas seaward of the fisheries zone will only
16 be applied if pursuant to and for the purposes of an applicable
17 international fishery agreement.

18 (a) Any owner or operator of a vessel who knowingly
19 engages in fishing in violation of any regulation pursuant
20 to this Act shall, upon conviction, be fined not more than
21 \$25,000, and for each subsequent offense of a similar
22 nature, in addition to a fine, the fish or such vessel, including its
23 ~~board such vessel~~ fishing gear ~~on~~
24 as determined by the court, may also be ordered forfeited

1 in whole or in part to the United States or otherwise dis-
2 posed of by the court.

3 (b) Whoever knowingly ships, transports, purchases,
4 sells, offers for sale, imports, exports, or has in custody,
5 possession or control any fish taken in violation of such
6 regulations shall, upon conviction, be fined not more than
7 \$5,000, and for each subsequent offense of a similar nature,
8 not more than \$10,000.

9 (c) Whoever knowingly—

10 (1) fails to make, keep, submit, or furnish any
11 record or report required by regulation to be made,
12 kept, submitted, or furnished;

13 (2) refuses to permit anyone authorized pursuant
14 to section 8 to board a vessel for the purposes of
15 inspecting the catch and fishing gear, or resists any
16 lawful arrest;

17 (3) refuses to permit anyone authorized pursuant
18 to section 8 to inspect any record or report required
19 by regulation to be made, kept, submitted, or furnished,
20 shall, upon conviction, be fined not more than \$10,000⁺

21 ~~(d) Any vessel used in fishing in violation of any regula-~~
22 ~~tion promulgated under this Act shall be liable for a civil~~
23 ~~penalty of not more than \$10,000. Such penalty shall be~~
24 ~~assessed by the Federal district court in the district having~~

1 ~~jurisdiction over the vessel. Clearance of a vessel against~~
2 ~~which a penalty has been assessed, from a port of the United~~
3 ~~States may be withheld until such penalty is paid or until~~
4 ~~a bond or otherwise satisfactory surety is posted. Such pen-~~
5 ~~alty shall constitute a maritime lien on such vessel which~~
6 ~~may be recovered by action in rem in the Federal district~~
7 ~~court of the United States having jurisdiction over the~~
8 ~~vessel.~~

9 . ENFORCEMENT

10 SEC. 8. This section applies only under the express terms
11 of Section 3. For vessels other than those documented under
12 the laws of the United States or otherwise registered under
13 the laws of any State, enforcement on all high seas beyond
14 the fisheries zone is authorized only when pursuant to and
15 for the purposes of an applicable international fishery
16 agreement.

17 (a) The provisions of this Act and the regulations issued
18 thereunder shall be enforced by the Secretary, and the Sec-
19 retary of the Department in which the Coast Guard is operat-
20 ing. The Secretary and the Secretary of the Department
21 in which the Coast Guard is operating may utilize by agree-
22 ment, with or without reimbursement, the personnel, services,
23 and facilities of any other Federal agency or, for the purpose
24 of enforcement with respect to any vessel in the fisheries
25 zone, or, wherever found, with respect to any vessel docu-

1 mented under the laws of the United States or otherwise
2 registered under the laws of any State, any State agency, in
3 carrying out the provisions of this Act and the regulations
4 issued thereunder, including those relating to enforcement.

5 (b) Anyone authorized pursuant to subsection (a) of
6 this section to enforce the provisions of this Act and the regu-
7 lations issued thereunder may—

8 (1) Board and inspect any vessel documented un-
9 der the laws of the United States or otherwise registered
10 under the laws of any State or any other vessel subject
11 to the jurisdiction of the United States pursuant to sub-
12 section 3 (a), and its catch and gear upon the waters
13 of the fisheries zone or upon all high seas seaward of
14 such zone;

15 (2) Arrest any person, with or without a warrant,
16 when he has reasonable cause to believe that such person
17 has violated this Act or any regulation issued hereunder.

18 (3) Execute any warrant or other process issued
19 by an officer or court of competent jurisdiction; and

20 (4) ~~Seize the vessel, including all fish and fishing~~
~~gear~~ ~~Seize all fish and fishing gear found on board~~
21 ~~any vessel~~ which violates the provisions of this Act or

22 any regulations issued thereunder and any fish taken in
23 violation of this Act or the regulations issued thereunder
24 wherever found. Any fish and fishing gear so seized may
25 be disposed of pursuant to an order of a court of com-

1 petent jurisdiction, or, if perishable in a manner pre-
2 scribed by regulations.

3 (c) State officers authorized pursuant to subsection (a)
4 to function as Federal law enforcement agents shall not be
5 considered to be Federal employees of the United States
6 for the purposes of any laws administered by the Civil Serv-
7 ice Commission.

8 (d) The Federal district courts shall have exclusive
9 jurisdiction over all cases arising under this Act, and may
10 issue all warrants or other processes as may be necessary.
11 In the case of Guam, actions arising under this Act may be
12 brought in the district court of Guam, and in the case of the
13 Virgin Islands such actions may be brought in the district
14 court of the Virgin Islands. In the case of American Samoa,
15 such actions may be brought in the District Court of the
16 United States for the District of Hawaii and such court shall
17 have jurisdiction of such actions.

18 (e) Notwithstanding the provisions of section 2464 of
19 title 28, when a warrant of arrest or other process in rem is
20 issued in any cause under this section, the marshal or other
21 officer shall stay the execution of such process, or discharge
22 any fish seized if the process has been levied, on receiving
23 from the respondent or claimant of the fish a bond or other
24 surety satisfactory to the court, conditioned to deliver the
25 fish seized, if condemned, without impairment in value or, in

1 the discretion of the court, to pay its equivalent value in money or
2 otherwise to answer the decree of the court in such case. Such bond or
3 other surety shall be returned to the court and judgment thereon against
4 both the principal and sureties may be recovered in event of any breach
5 of the conditions thereof as determined by the court. In the discretion
6 of the accused, and subject to the direction of the court, the fish may
7 be sold for not less than its reasonable market value and the proceeds
8 of such sale placed in the registry of the court pending judgment in
9 the case.

10 STATE JURISDICTION

11 ~~SEC. 9. Nothing in this Act shall be construed to~~

12 ~~(a) restrict the authority of any State to regulate its~~
13 ~~citizens regarding fishery matters where such regulation is~~
14 ~~not contrary to regulations adopted pursuant to this Act;~~

15 ~~(b) extend the jurisdiction of the States to the natural~~
16 ~~resources beneath and in the waters beyond the territorial seas~~
17 ~~of the United States, or to diminish their jurisdiction to such~~
18 ~~resources beneath and in the waters of the territorial seas of~~
19 ~~the United States.~~

20 SEC. 9. Nothing in this Act shall be construed to extend or
21 diminish the jurisdiction of any State seaward of the coastline of
22 the United States.

23 APPROPRIATIONS

24 SEC. 10. There are authorized to be appropriated such sums
25 as may be necessary to carry out the provisions of this Act.

SEVERABILITY

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SEC. 11. The provisions of this Act shall be severable

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and if any part of the Act is declared unconstitutional or the

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applicability thereof is held invalid, the constitutionality of

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the remainder and the applicability thereof shall not be

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affected thereby.