

note) (relating to Pacific albacore tuna), and the Atlantic Tunas Convention Act (16 U.S.C. 971 [et seq.]).

**(c) Actions by the Secretary**

The Secretary 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 all applicable terms and provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) were incorporated into and made a part of this chapter. Any person that violates any provision of 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 all applicable terms and provisions of that Act were incorporated into and made a part of this chapter.

**(d) Confidentiality**

**(1) In general**

Any information submitted to the Secretary in compliance with any requirement under this Act shall be confidential and shall not be disclosed, except—

(A) to Federal employees who are responsible for administering, implementing, and enforcing this Act;

(B) to the Commission, in accordance with requirements in the 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 or Marine Fisheries Commission employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business or 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 persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act.

**(2) Use of information**

The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve the confidentiality of information submitted in compliance with any requirement or regulation under this Act, except that the Secretary may release or make public any such information in any aggregate or summary form that does not directly or indirectly disclose the identity or business of any person. 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 in compliance with any requirement or regulation under this Act.

(Pub. L. 109-479, title V, § 506, Jan. 12, 2007, 120 Stat. 3640.)

REFERENCES IN TEXT

This Act, referred to in subsections. (a)(1), (b), and (d), is Pub. L. 109-479, Jan. 12, 2007, 120 Stat. 3575, known as the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. For complete classification of this Act to the Code, see Short Title of 2007 Amendment note set out under section 1801 of this title and Tables.

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsections. (b) and (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, referred to in subsection. (b), probably means the Tuna Conventions Act of 1950, 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, referred to in subsection. (b), probably means the South Pacific Tuna Act of 1988, 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 Atlantic Tunas Convention Act, referred to in subsection. (b), probably means the Atlantic Tunas Convention Act of 1975, Pub. L. 94-70, Aug. 5, 1975, 89 Stat. 385, which is classified generally to chapter 16A (§ 971 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 971 of this title and Tables.

**§ 6906. Prohibited acts**

**(a) In general**

It is unlawful for any person—

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

(2) to use any fishing vessel to engage in fishing after the revocation, or during the period of suspension, on an applicable permit issued pursuant to this chapter;

(3) to refuse to permit any officer authorized to enforce the provisions of 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 Convention;

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

(5) to resist a lawful arrest for any act prohibited by this chapter;

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

(7) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any chapter<sup>1</sup> prohibited by this section;

<sup>1</sup> So in original.

(8) to knowingly and willfully submit to the Secretary false information (including false information regarding the capacity and extent to which a United States fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishery vessels of the United States), regarding any matter that the Secretary is considering in the course of carrying out this chapter;

(9) to forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer on a vessel under this chapter, or any data collector employed by the National Marine Fisheries Service or under contract to any person to carry out responsibilities under this chapter;

(10) to engage in fishing in violation of any regulation adopted pursuant to section 6905(a) of this title;

(11) to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of such regulations;

(12) to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this chapter to be made, kept, or furnished;

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

(14) to import, in violation of any regulation adopted pursuant to section 6905(a) of this title, any fish in any form of those species subject to regulation pursuant to a recommendation, resolution, or decision of the Commission, or any tuna in any form not under regulation but under investigation by the Commission, during the period such fish have been denied entry in accordance with the provisions of section 6905(a) of this title.

**(b) Entry certification**

In the case of any fish described in subsection (a) offered for entry into the United States, the Secretary of Commerce shall require proof satisfactory to the Secretary that such fish is not ineligible for such entry under the terms of section 6905(a) of this title.

(Pub. L. 109-479, title V, §507, Jan. 12, 2007, 120 Stat. 3641.)

**§ 6907. Cooperation in carrying out convention**

**(a) Federal and State agencies; private institutions and organizations**

The Secretary may cooperate with agencies of the United States government,<sup>1</sup> any public or private institutions or organizations within the United States or abroad, and, through the Secretary of State, the duly authorized officials of the government of any party to the WCPFC Convention, in carrying out responsibilities under this chapter.

**(b) Scientific and other programs; facilities and personnel**

All Federal agencies are authorized, upon the request of the Secretary, to cooperate in the

conduct of scientific and other programs and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the WCPFC Convention.

**(c) Sanctioned fishing operations and biological experiments**

Nothing in this chapter, or in the laws or regulations of any State, prevents the Secretary or the Commission from—

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

(2) discharging any other duties prescribed by the WCPFC Convention.

**(d) State jurisdiction not affected**

Except as provided in subsection (e) of this section, nothing in this chapter shall be construed to diminish or to increase the jurisdiction of any State in the territorial sea of the United States.

**(e) Application of regulations**

**(1) In general**

Regulations promulgated under section 6905(a) of this title shall apply within the boundaries of any State bordering on the Convention area if the Secretary has provided notice to such State, the State does not request an agency hearing, and the Secretary determines that the State—

(A) has not, within a reasonable period of time after the promulgation of regulations pursuant to this chapter, enacted laws or promulgated regulations that implement the recommendations of the Commission within the boundaries of such State; or

(B) has enacted laws or promulgated regulations that implement the recommendations of the commission within the boundaries of such State that—

(i) are less restrictive than<sup>2</sup> the regulations promulgated under section 6905(a) of this title; or

(ii) are not effectively enforced.

**(2) Determination by Secretary**

The regulations promulgated pursuant to section 6905(a) of this title shall apply until the Secretary determines that the State is effectively enforcing within its boundaries measures that are not less restrictive than the regulations promulgated under section 6905(a) of this title.

**(3) Hearing**

If a State requests a formal agency hearing, the Secretary shall not apply the regulations promulgated pursuant<sup>3</sup> section 6905(a) of this title within that State's boundaries unless the hearing record supports a determination under paragraph (1)(A) or (B).

**(f) Review of State laws and regulations**

To ensure that the purposes of subsection (e) are carried out, the Secretary shall undertake a continuing review of the laws and regulations of all States to which subsection (e) applies or may

<sup>1</sup> So in original. Probably should be capitalized.

<sup>2</sup> So in original. Probably should be "than".

<sup>3</sup> So in original. Probably should be followed by "to".