

113TH CONGRESS  
1ST SESSION

# S. 269

To establish uniform administrative and enforcement authorities for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2013

Mr. ROCKEFELLER (for himself, Mr. BEGICH, Ms. MURKOWSKI, Mr. SCHATZ, Ms. CANTWELL, Mr. WHITEHOUSE, Mr. WYDEN, Ms. HIRONO, Mr. MERKLEY, and Mr. NELSON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To establish uniform administrative and enforcement authorities for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, 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 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “International Fisheries Stewardship and Enforcement  
6 Act”.

1 (b) TABLE OF CONTENTS.—The table of contents of  
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ADMINISTRATION AND ENFORCEMENT OF CERTAIN  
 FISHERY AND RELATED STATUTES

Sec. 101. Authority of the Secretary of Commerce to enforce statutes.  
 Sec. 102. Conforming, minor, and technical amendments.  
 Sec. 103. Illegal, unreported, or unregulated fishing.  
 Sec. 104. Liability.

TITLE II—LAW ENFORCEMENT AND INTERNATIONAL  
 OPERATIONS

Sec. 201. International fisheries enforcement.  
 Sec. 202. International cooperation and assistance.

TITLE III—MISCELLANEOUS AMENDMENTS

Sec. 301. Atlantic Tunas Convention Act of 1975.  
 Sec. 302. Data sharing.  
 Sec. 303. Permits under the High Seas Fishing Compliance Act of 1995.  
 Sec. 304. Committee on scientific cooperation for Pacific salmon agreement.

TITLE IV—IMPLEMENTATION OF THE ANTIGUA CONVENTION

Sec. 401. Short title; references to the Tuna Conventions Act of 1950.  
 Sec. 402. Definitions.  
 Sec. 403. Commissioners; number, appointment, and qualifications.  
 Sec. 404. General advisory committee and scientific advisory subcommittee.  
 Sec. 405. Rulemaking.  
 Sec. 406. Prohibited acts.  
 Sec. 407. Enforcement.  
 Sec. 408. Reduction of bycatch.  
 Sec. 409. Repeal of Eastern Pacific Tuna Licensing Act of 1984.

3 **TITLE I—ADMINISTRATION AND**  
 4 **ENFORCEMENT OF CERTAIN**  
 5 **FISHERY AND RELATED STAT-**  
 6 **UTES**

7 **SEC. 101. AUTHORITY OF THE SECRETARY OF COMMERCE**  
 8 **TO ENFORCE STATUTES.**

9 (a) IN GENERAL.—

1           (1) ENFORCEMENT.—The Secretary of Com-  
2 merce and the Secretary of the department in which  
3 the Coast Guard is operating shall enforce the Acts  
4 to which this section applies in accordance with the  
5 provisions of this section.

6           (2) NONDEPARTMENTAL RESOURCES.—The  
7 Secretary of Commerce may, by agreement, on a re-  
8 imburseable basis or otherwise, utilize the personnel  
9 services, equipment (including aircraft and vessels),  
10 and facilities of any other Federal agency, including  
11 all elements of the Department of Defense, and of  
12 any State agency, in carrying out this section.

13           (3) APPLICATION.—This section applies to—

14                 (A) the High Seas Driftnet Fishing Mora-  
15 torium Protection Act (16 U.S.C. 1826d et  
16 seq.);

17                 (B) the Pacific Salmon Treaty Act of 1985  
18 (16 U.S.C. 3631 et seq.);

19                 (C) the Dolphin Protection Consumer In-  
20 formation Act (16 U.S.C. 1385);

21                 (D) the Tuna Conventions Act of 1950 (16  
22 U.S.C. 951 et seq.);

23                 (E) the North Pacific Anadromous Stocks  
24 Act of 1992 (16 U.S.C. 5001 et seq.);

1 (F) the South Pacific Tuna Act of 1988  
2 (16 U.S.C. 973 et seq.);

3 (G) the Antarctic Marine Living Resources  
4 Convention Act of 1984 (16 U.S.C. 2431 et  
5 seq.);

6 (H) the Atlantic Tunas Convention Act of  
7 1975 (16 U.S.C. 971 et seq.);

8 (I) the Northwest Atlantic Fisheries Con-  
9 vention Act of 1995 (16 U.S.C. 5601 et seq.);

10 (J) the Western and Central Pacific Fish-  
11 eries Convention Implementation Act (16  
12 U.S.C. 6901 et seq.);

13 (K) the Northern Pacific Halibut Act of  
14 1982 (16 U.S.C. 773 et seq.);

15 (L) the Antigua Convention Implementing  
16 Act of 2013; and

17 (M) any other Act in pari materia, so des-  
18 igned by the Secretary after notice and an op-  
19 portunity for a hearing.

20 (b) ADMINISTRATION AND ENFORCEMENT.—The  
21 Secretary of Commerce shall prevent any person from vio-  
22 lating any Act to which this section applies in the same  
23 manner, by the same means, and with the same jurisdic-  
24 tion, powers, and duties as though sections 308 through  
25 311 of the Magnuson-Stevens Fishery Conservation and

1 Management Act (16 U.S.C. 1858 through 1861) were in-  
2 corporated into and made a part of each such Act. Except  
3 as provided in subsection (c), any person that violates any  
4 Act to which this section applies shall be subject to the  
5 penalties, and entitled to the privileges and immunities,  
6 provided in the Magnuson-Stevens Fishery Conservation  
7 and Management Act (16 U.S.C. 1801 et seq.) in the same  
8 manner and by the same means as though sections 308  
9 through 311 of that Act (16 U.S.C. 1858 through 1861)  
10 were incorporated into and made a part of each such Act.

11 (c) SPECIAL RULES.—

12 (1) IN GENERAL.—Notwithstanding the incor-  
13 poration by reference of certain sections of the Mag-  
14 nuson-Stevens Fishery Conservation and Manage-  
15 ment Act under subsection (b), if there is a conflict  
16 between a provision of this subsection and the cor-  
17 responding provision of any section of the Magnu-  
18 son-Stevens Fishery Conservation and Management  
19 Act so incorporated, the provision of this subsection  
20 shall apply.

21 (2) ADDITIONAL ENFORCEMENT AUTHORITY.—

22 In addition to the powers of officers authorized pur-  
23 suant to subsection (b), any officer who is author-  
24 ized by the Secretary, or the head of any Federal or  
25 State agency that has entered into an agreement

1 with the Secretary under subsection (a) to enforce  
2 the provisions of any Act to which this section ap-  
3 plies may, with the same jurisdiction, powers, and  
4 duties as though section 311 of the Magnuson-Ste-  
5 vens Fishery Conservation and Management Act (16  
6 U.S.C. 1861) were incorporated into and made a  
7 part of each such Act—

8 (A) search or inspect any facility or con-  
9 veyance used or employed in, or which reason-  
10 ably appears to be used or employed in, the  
11 storage, processing, transport, or trade of fish  
12 or fish products;

13 (B) inspect records pertaining to the stor-  
14 age, processing, transport, or trade of fish or  
15 fish products;

16 (C) detain, for a period of up to 14 days,  
17 any shipment of fish or fish product imported  
18 into, landed on, introduced into, exported from,  
19 or transported within the jurisdiction of the  
20 United States, or, if such fish or fish product  
21 is deemed to be perishable, sell and retain the  
22 proceeds therefrom for a period of up to 14  
23 days;

24 (D) make an arrest, in accordance with  
25 any guidelines which may be issued by the At-

1           torney General, for any offense under the laws  
2           of the United States committed in the person's  
3           presence, or for the commission of any felony  
4           under the laws of the United States, if the per-  
5           son has reasonable grounds to believe that the  
6           person to be arrested has committed or is com-  
7           mitting a felony;

8           (E) search and seize, in accordance with  
9           any guidelines which may be issued by the At-  
10          torney General; and

11          (F) execute and serve any subpoena, arrest  
12          warrant, search warrant issued in accordance  
13          with rule 41 of the Federal Rules of Criminal  
14          Procedure, or other warrant or civil or criminal  
15          process issued by any officer or court of com-  
16          petent jurisdiction.

17          (3) INFORMATION COLLECTION, MAINTENANCE  
18          AND USE.—

19          (A) IN GENERAL.—The Secretary of Com-  
20          merce and the head of each department and  
21          agency providing personnel for the task force  
22          under section 201, to the maximum extent per-  
23          missible under law, shall share all applicable in-  
24          formation, intelligence, and data, related to the  
25          harvest, transportation, or trade of fish and fish

1 product for the purposes under section  
2 201(a)(2).

3 (B) COORDINATION OF DATA.—The Sec-  
4 retary of Commerce, through the task force  
5 under section 201, shall coordinate the collec-  
6 tion, storage, analysis, and dissemination of all  
7 applicable information, intelligence, and data  
8 related to the harvest, transportation, or trade  
9 of fish and fish product collected or maintained  
10 by a member agency of the task force.

11 (C) CONFIDENTIALITY.—The Secretary of  
12 Commerce, through the task force under section  
13 201, shall ensure the protection and confiden-  
14 tiality required by law for information, intel-  
15 ligence, and data related to the harvest, trans-  
16 portation, or trade of fish and fish product ob-  
17 tained by the task force.

18 (D) DATA STANDARDIZATION.—The Sec-  
19 retary of Commerce and the head of each de-  
20 partment and agency providing personnel for  
21 the task force, to the maximum extent prac-  
22 ticable, shall develop data standardization for  
23 fisheries related data for each member agency  
24 of the task force under section 201 and with



1 international fisheries enforcement databases as  
2 appropriate.

3 (E) ASSISTANCE FROM INTELLIGENCE  
4 COMMUNITY.—Upon request of the Secretary of  
5 Commerce, elements of the intelligence commu-  
6 nity (as defined in section 3(4) of the National  
7 Security Act of 1947 (50 U.S.C. 401a(4))) shall  
8 collect information related to illegal, unre-  
9 ported, or unregulated fishing activity outside  
10 the United States about individuals who are not  
11 United States persons (as defined in section  
12 105A(c)(2) of such Act (50 U.S.C. 403–  
13 5a(c)(2))). Such elements of the intelligence  
14 community shall collect and share such infor-  
15 mation with the Secretary through the task  
16 force under section 201 of this Act for law en-  
17 forcement purposes in order to detect and in-  
18 vestigate illegal, unreported, or unregulated  
19 fishing activities and to carry out the provisions  
20 of this Act. All collection and sharing of infor-  
21 mation shall be in accordance with the National  
22 Security Act of 1947 (50 U.S.C. 401 et seq.).

23 (F) INFORMATION SHARING.—

24 (i) IN GENERAL.—Subject to clause

25 (ii), the Secretary of Commerce, through

1 the task force under section 201, shall  
2 have authority to share fisheries-related  
3 data with—

4 (I) other Federal or State gov-  
5 ernment agencies;

6 (II) foreign governments;

7 (III) the Food and Agriculture  
8 Organization formed at Quebec, Can-  
9 ada, on October 16, 1945; or

10 (IV) the secretariat or equivalent  
11 of an international fisheries manage-  
12 ment organization or arrangement  
13 made pursuant to an international  
14 fishery agreement.

15 (ii) LIMITATIONS.—An entity listed  
16 under clause (i) may receive data under  
17 this subparagraph if—

18 (I) the entity has policies and  
19 procedures to safeguard such data  
20 from unintended or unauthorized dis-  
21 closure; and

22 (II) the exchange of information  
23 is necessary—

24 (aa) to ensure compliance  
25 with any law (including regula-

1 tions) enforced or administered  
2 by the Secretary of Commerce;

3 (bb) to administer or enforce  
4 treaties to which the United  
5 States is a party;

6 (cc) to administer or enforce  
7 binding conservation measures  
8 adopted by any international or-  
9 ganization or arrangement to  
10 which the United States is a  
11 party;

12 (dd) to assist in investiga-  
13 tive, judicial, or administrative  
14 enforcement proceedings in the  
15 United States; or

16 (ee) to assist in any fisheries  
17 or living marine resource related  
18 law enforcement action under-  
19 taken by a law enforcement agen-  
20 cy of a foreign government, or in  
21 relation to a legal proceeding un-  
22 dertaken by a foreign govern-  
23 ment.

24 (d) DISTRICT COURT JURISDICTION.—The several  
25 district courts of the United States shall have jurisdiction

1 over any actions arising under this section. For the pur-  
2 pose of this section, American Samoa shall be included  
3 within the judicial district of the District Court of the  
4 United States for the District of Hawaii. Each violation  
5 shall be a separate offense and the offense shall be deemed  
6 to have been committed not only in the district where the  
7 violation first occurred, but also in any other district as  
8 authorized by law. Any offenses not committed in any dis-  
9 trict are subject to the venue provisions of section 3238  
10 of title 18, United States Code.

11 (e) PROHIBITED ACTS.—For purposes of this section  
12 and each Act to which this section applies, it is unlawful  
13 for any person—

14 (1) to violate any provision of this section or  
15 any Act to which this section applies or any regula-  
16 tion promulgated thereunder;

17 (2) to refuse to permit any authorized enforce-  
18 ment officer to board, search, or inspect a vessel,  
19 conveyance, or shoreside facility that is subject to  
20 the person's control for purposes of conducting any  
21 search, investigation, or inspection in connection  
22 with the enforcement of this section or any Act to  
23 which this section applies or any regulation promul-  
24 gated thereunder;

1           (3) to forcibly assault, resist, oppose, impede,  
2           intimidate, or interfere with any such authorized of-  
3           ficer in the conduct of any search, investigation, or  
4           inspection described in paragraph (2);

5           (4) to resist a lawful arrest for any act prohib-  
6           ited by this section or any Act to which this section  
7           applies;

8           (5) to interfere with, delay, or prevent, by any  
9           means, the apprehension, arrest, or detection of an-  
10          other person, knowing that such person has com-  
11          mitted any act prohibited by this section or any Act  
12          to which this section applies;

13          (6) to forcibly assault, resist, oppose, impede,  
14          intimidate, sexually harass, bribe, or interfere with  
15          any observer on a vessel under this section or any  
16          Act to which this section applies, or any data col-  
17          lector employed by or under contract to the National  
18          Marine Fisheries Service to carry out responsibilities  
19          under this section or any Act to which this section  
20          applies;

21          (7) to import, export, transport, sell, receive,  
22          acquire, or purchase in interstate or foreign com-  
23          merce any fish or fish product taken, possessed,  
24          transported, or sold in violation of any treaty or  
25          binding conservation measure adopted pursuant to

1 an international agreement or organization to which  
2 the United States is a party; or

3 (8) to make or submit any false record, ac-  
4 count, or label for, or any false identification of, any  
5 fish or fish product (including false identification of  
6 the species, harvesting vessel or nation, or the loca-  
7 tion where harvested) which has been, or is intended  
8 to be imported, exported, transported, sold, offered  
9 for sale, purchased, or received in interstate or for-  
10 eign commerce.

11 (f) REGULATIONS.—The Secretary of Commerce may  
12 promulgate such regulations, in accordance with section  
13 553 of title 5, United States Code, as may be necessary  
14 to carry out this section or any Act to which this section  
15 applies.

16 **SEC. 102. CONFORMING, MINOR, AND TECHNICAL AMEND-**  
17 **MENTS.**

18 (a) HIGH SEAS DRIFTNET FISHING MORATORIUM  
19 PROTECTION ACT.—

20 (1) Section 606 of the High Seas Driftnet Fish-  
21 ing Moratorium Protection Act (16 U.S.C. 1826g) is  
22 amended—

23 (A) by inserting “(a) DETECTING, MONI-  
24 TORING, AND PREVENTING VIOLATIONS.—” be-  
25 fore “The President”; and

1 (B) by adding at the end the following:

2 “(b) ENFORCEMENT.—This Act shall be enforced  
3 under section 101 of the International Fisheries Steward-  
4 ship and Enforcement Act.”.

5 (2) Section 607(2) of the High Seas Driftnet  
6 Fishing Moratorium Protection Act (16 U.S.C.  
7 1826h(2)) is amended by striking “whose vessels”  
8 and inserting “that”.

9 (3) Section 609(a) of the High Seas Driftnet  
10 Fishing Moratorium Protection Act (16 U.S.C.  
11 1826j(a)) is amended to read as follows:

12 “(a) IDENTIFICATION.—

13 “(1) IN GENERAL.—The Secretary shall iden-  
14 tify, and list in the report under section 607, a na-  
15 tion if that nation is engaged, or has been engaged  
16 at any time during the preceding 3 years, in illegal,  
17 unreported, or unregulated fishing and—

18 “(A) such fishing undermines the effective-  
19 ness of measures required under the relevant  
20 international fishery management organization;

21 “(B) the relevant international fishery  
22 management organization has failed to imple-  
23 ment effective measures to end the illegal, unre-  
24 ported, or unregulated fishing activity by ves-  
25 sels of that nation, or the nation is not a party

1 to, or does not maintain cooperating status  
2 with, such organization; or

3 “(C) there is no international fishery man-  
4 agement organization with a mandate to regu-  
5 late the fishing activity in question.

6 “(2) OTHER IDENTIFYING ACTIVITIES.—The  
7 Secretary shall also identify, and list in the report  
8 under section 607, a nation if—

9 “(A) it is violating, or has violated at any  
10 time during the preceding 3 years, conservation  
11 and management measures required under an  
12 international fishery management agreement to  
13 which the United States is a party and the vio-  
14 lations undermine the effectiveness of such  
15 measures, taking into account the factors de-  
16 scribed in paragraph (1); or

17 “(B) it is failing, or has failed at any time  
18 during the preceding 3 years, to effectively ad-  
19 dress or regulate illegal, unreported, or unregu-  
20 lated fishing.

21 “(3) TREATMENT OF CERTAIN ENTITIES AS IF  
22 THEY WERE NATIONS.—Where the provisions of this  
23 Act apply to the act, or failure to act, of a nation,  
24 they shall also be applicable, as appropriate, to any



1 other entity that is competent to enter into an inter-  
2 national fishery management agreement.”.

3 (4) Section 609(d)(1) of the High Seas Driftnet  
4 Fishing Moratorium Protection Act (16 U.S.C.  
5 1826j(d)(1)) is amended by striking “of its fishing  
6 vessels” each place it appears.

7 (5) Section 609(d)(2) of the High Seas Driftnet  
8 Fishing Moratorium Protection Act (16 U.S.C.  
9 1826j(d)(2)) is amended—

10 (A) by striking “procedure for certifi-  
11 cation,” and inserting “procedure,”;

12 (B) by striking “basis of fish” and insert-  
13 ing “basis, for allowing importation of fish”;  
14 and

15 (C) by striking “harvesting nation not cer-  
16 tified under paragraph (1)” and inserting “na-  
17 tion issued a negative certification under para-  
18 graph (1)”.

19 (6) Section 610(a)(1) of the High Seas Driftnet  
20 Fishing Moratorium Protection Act (16 U.S.C.  
21 1826k(a)(1)) is amended—

22 (A) by striking “calendar year” and insert-  
23 ing “3 years”; and

24 (B) by striking “practices;” and inserting  
25 “practices—”.

1 (b) DOLPHIN PROTECTION CONSUMER INFORMATION  
2 ACT.—Section 901 of the Dolphin Protection Consumer  
3 Information Act (16 U.S.C. 1385) is amended—

4 (1) by adding at the end of subsection (d) the  
5 following:

6 “(4) It is a violation of section 101 of the Inter-  
7 national Fisheries Stewardship and Enforcement Act  
8 for any person to assault, resist, oppose, impede, in-  
9 timidate, or interfere with an authorized officer in  
10 the conduct of any search, investigation or inspec-  
11 tion under this Act.” and

12 (2) by amending subsection (e) to read as fol-  
13 lows:

14 “(e) ENFORCEMENT.—This Act shall be enforced  
15 under section 101 of the International Fisheries Steward-  
16 ship and Enforcement Act.”.

17 (c) NORTH PACIFIC ANADROMOUS STOCKS ACT OF  
18 1992.—

19 (1) UNLAWFUL ACTIVITIES.—Section 810 of  
20 the North Pacific Anadromous Stocks Act of 1992  
21 (16 U.S.C. 5009) is amended—

22 (A) by striking “purchases” in paragraph  
23 (5) and inserting “purposes”;

1 (B) by striking “search or inspection” in  
 2 paragraph (5) and inserting “search, investiga-  
 3 tion, or inspection”; and

4 (C) by striking “search or inspection” in  
 5 paragraph (6) and inserting “search, investiga-  
 6 tion, or inspection”.

7 (2) ADMINISTRATION AND ENFORCEMENT.—  
 8 Section 811 of the North Pacific Anadromous  
 9 Stocks Act of 1992 (16 U.S.C. 5010) is amended to  
 10 read as follows:

11 **“SEC. 811. ADMINISTRATION AND ENFORCEMENT.**

12 “This Act shall be enforced under section 101 of the  
 13 International Fisheries Stewardship and Enforcement  
 14 Act.”.

15 (d) PACIFIC SALMON TREATY ACT OF 1985.—

16 (1) Section 8 of the Pacific Salmon Treaty Act  
 17 of 1985 (16 U.S.C. 3637) is amended—

18 (A) in subsection (a)—

19 (i) by striking “search or inspection”  
 20 in paragraph (2) and inserting “search, in-  
 21 vestigation, or inspection”; and

22 (ii) by striking “search or inspection”  
 23 in paragraph (3) and inserting “search, in-  
 24 vestigation, or inspection”; and

1 (B) by striking subsections (b) through (f)  
2 and inserting the following:

3 “(b) ADMINISTRATION AND ENFORCEMENT.—This  
4 Act shall be enforced under section 101 of the Inter-  
5 national Fisheries Stewardship and Enforcement Act.”.

6 (2) Section 16(d)(2)(A) of the Pacific Salmon  
7 Treaty Act of 1985 (16 U.S.C. 3645(d)(2)(A)) is  
8 amended by striking “and” between “2002,” and  
9 “2003”.

10 (e) SOUTH PACIFIC TUNA ACT OF 1988.—

11 (1) PROHIBITED ACTS.—Section 5(a) of the  
12 South Pacific Tuna Act of 1988 (16 U.S.C. 973c(a))  
13 is amended—

14 (A) by striking “a search or inspection” in  
15 paragraph (8) and inserting “any search, inves-  
16 tigation, or inspection”; and

17 (B) by striking “a search or inspection” in  
18 paragraph (10)(A) and inserting “any search,  
19 investigation, or inspection”.

20 (2) ADMINISTRATION AND ENFORCEMENT.—  
21 The South Pacific Tuna Act of 1988 (16 U.S.C. 973  
22 et seq.) is amended by striking sections 7 and 8 (16  
23 U.S.C. 973e and 973f) and inserting the following:

1 **“SEC. 7. ADMINISTRATION AND ENFORCEMENT.**

2 “This Act shall be enforced under section 101 of the  
3 International Fisheries Stewardship and Enforcement  
4 Act.”.

5 (f) ANTARCTIC MARINE LIVING RESOURCES CON-  
6 VENTION ACT OF 1984.—

7 (1) UNLAWFUL ACTIVITIES.—Section 306 of  
8 the Antarctic Marine Living Resources Convention  
9 Act (16 U.S.C. 2435) is amended—

10 (A) in paragraph (3), by striking “which  
11 he knows, or reasonably should have known,  
12 was”;

13 (B) in paragraph (4), by striking “search  
14 or inspection” and inserting “search, investiga-  
15 tion, or inspection”; and

16 (C) in paragraph (5), by striking “search  
17 or inspection” and inserting “search, investiga-  
18 tion, or inspection”.

19 (2) REGULATIONS.—Section 307 of the Ant-  
20 arctic Marine Living Resources Convention Act (16  
21 U.S.C. 2436) is amended by inserting after “title.”  
22 the following: “Notwithstanding the provisions of  
23 subsections (b), (c), and (d) of section 553 of title  
24 5, United States Code, the Secretary of Commerce  
25 may publish in the Federal Register a final rule to  
26 implement conservation measures, described in sec-

1 tion 305(a) of this Act, that are in effect for 12  
 2 months or less, adopted by the Commission, and not  
 3 objected to by the United States within the time pe-  
 4 riod allotted under Article IX of the Convention.  
 5 Upon publication in the Federal Register, such con-  
 6 servation measures shall be in force with respect to  
 7 the United States.”.

8 (3) PENALTIES AND ENFORCEMENT.—The Ant-  
 9 arctic Marine Living Resources Convention Act (16  
 10 U.S.C. 2431 et seq.) is amended—

11 (A) by striking sections 308 and 309 (16  
 12 U.S.C. 2437 and 2438); and

13 (B) in section 310 (16 U.S.C. 2439)—

14 (i) by striking subsections (b), (c),  
 15 and (d);

16 (ii) by redesignating subsection (e) as  
 17 subsection (c); and

18 (iii) by inserting after subsection (a)  
 19 the following:

20 “(b) ADMINISTRATION AND ENFORCEMENT.—This  
 21 title shall be enforced under section 101 of the Inter-  
 22 national Fisheries Stewardship and Enforcement Act.”.

23 (g) ATLANTIC TUNAS CONVENTION ACT OF 1975.—

1           (1) VIOLATIONS.—Section 7 of the Atlantic  
2 Tunas Convention Act of 1975 (16 U.S.C. 971e) is  
3 amended—

4           (A) by striking subsections (e) and (f); and  
5           (B) by redesignating subsection (g) as sub-  
6 section (e).

7           (2) ENFORCEMENT.—Section 8 of the Atlantic  
8 Tunas Convention Act of 1975 (16 U.S.C. 971f) is  
9 amended—

10           (A) by striking subsections (a) and (c);

11           (B) by striking “(b) INTERNATIONAL EN-  
12 FORCEMENT.—” in subsection (b) and inserting  
13 “This Act shall be enforced under section 101  
14 of the International Fisheries Stewardship and  
15 Enforcement Act.”; and

16           (C) by striking “shall have the authority to  
17 carry out the enforcement activities specified in  
18 section 8(a) of this Act” each place it appears  
19 and inserting “shall enforce this Act”.

20           (h) NORTHWEST ATLANTIC FISHERIES CONVENTION  
21 ACT OF 1995.—Section 207 of the Northwest Atlantic  
22 Fisheries Convention Act of 1995 (16 U.S.C. 5606) is  
23 amended—

1           (1) in the section heading, by striking “**AND**  
2           **PENALTIES.**” and inserting “**AND ENFORCE-**  
3           **MENT.**”;

4           (2) in subsection (a)—

5                 (A) by striking “search or inspection” in  
6                 paragraph (2) and inserting “search, investiga-  
7                 tion, or inspection”; and

8                 (B) by striking “search or inspection” in  
9                 paragraph (3) and inserting “search, investiga-  
10                tion, or inspection”; and

11           (3) by striking subsections (b) through (f) and  
12           inserting the following:

13           “(b) **ADMINISTRATION AND ENFORCEMENT.**—This  
14           title shall be enforced under section 101 of the Inter-  
15           national Fisheries Stewardship and Enforcement Act.”.

16           (i) **WESTERN AND CENTRAL PACIFIC FISHERIES**  
17           **CONVENTION IMPLEMENTATION ACT.**—

18                 (1) **ADMINISTRATION AND ENFORCEMENT.**—  
19                 Section 506(c) of the Western and Central Pacific  
20                 Fisheries Convention Implementation Act (16 U.S.C.  
21                 6905(c)) is amended to read as follows:

22                 “(c) **ADMINISTRATION AND ENFORCEMENT.**—This  
23                 title shall be enforced under section 101 of the Inter-  
24                 national Fisheries Stewardship and Enforcement Act.”.



1           (2) PROHIBITED ACTS.—Section 507(a)(2) of  
2 the Western and Central Pacific Fisheries Conven-  
3 tion Implementation Act (16 U.S.C. 6906(a)(2)) is  
4 amended by striking “suspension, on” and inserting  
5 “suspension of”.

6 (j) NORTHERN PACIFIC HALIBUT ACT OF 1982.—

7           (1) PROHIBITED ACTS.—Section 7 of the  
8 Northern Pacific Halibut Act of 1982 (16 U.S.C.  
9 773e) is amended—

10           (A) by redesignating paragraphs (1)  
11 through (6) of subsection (a), as subparagraphs  
12 (A) through (F), respectively;

13           (B) by redesignating subsections (a) and  
14 (b) as paragraphs (1) and (2), respectively;

15           (C) in paragraph (1)(B), as redesignated,  
16 by striking “search or inspection” and inserting  
17 “search, investigation, or inspection”; and

18           (D) in paragraph (1)(C), as redesignated,  
19 by striking “search or inspection described in  
20 paragraph (2)” and inserting “search, inves-  
21 tigation, or inspection described in subpara-  
22 graph (B)”.

23           (2) ADMINISTRATION AND ENFORCEMENT.—

24 The Northern Pacific Halibut Act of 1982 (16  
25 U.S.C. 773 et seq.) is amended—

1 (A) by striking sections 3, 9, and 10 (16  
2 U.S.C. 773f, 773g, and 773h); and

3 (B) by striking subsections (b) through (f)  
4 of section 11 (16 U.S.C. 773i) and inserting the  
5 following:

6 “(b) ADMINISTRATION AND ENFORCEMENT.—This  
7 Act shall be enforced under section 101 of the Inter-  
8 national Fisheries Stewardship and Enforcement Act.”.

9 **SEC. 103. ILLEGAL, UNREPORTED, OR UNREGULATED FISH-**  
10 **ING.**

11 (a) AMENDMENT OF THE HIGH SEAS DRIFTNET  
12 FISHING MORATORIUM PROTECTION ACT.—

13 (1) Section 608 of the High Seas Driftnet Fish-  
14 ing Moratorium Protection Act (16 U.S.C. 1826i),  
15 as amended by section 302(a) of this Act, is further  
16 amended by adding at the end the following:

17 “(c) VESSELS AND VESSEL OWNERS ENGAGED IN IL-  
18 LEGAL, UNREPORTED, OR UNREGULATED FISHING.—The  
19 Secretary may—

20 “(1) develop, maintain, and make public a list  
21 of vessels and vessel owners engaged in illegal, unre-  
22 ported, or unregulated fishing, including vessels or  
23 vessel owners identified by an international fishery  
24 management organization or arrangement made pur-  
25 suant to an international fishery agreement, whether

1 or not the United States is a party to such organiza-  
2 tion or arrangement;

3 “(2) take appropriate action against listed ves-  
4 sels and vessel owners, including action against fish,  
5 fish parts, or fish products from such vessels, in ac-  
6 cordance with applicable United States law and con-  
7 sistent with applicable international law, including  
8 principles, rights, and obligations established in ap-  
9 plicable international fishery management and trade  
10 agreements; and

11 “(3) provide notification to the public of vessels  
12 and vessel owners identified by international fishery  
13 management organizations or arrangements made  
14 pursuant to an international fishery agreement as  
15 having been engaged in illegal, unreported, or un-  
16 regulated fishing, as well as any measures adopted  
17 by such organizations or arrangements to address il-  
18 legal, unreported, or unregulated fishing.

19 “(d) RESTRICTIONS ON PORT ACCESS OR USE.—Ac-  
20 tion taken by the Secretary under subsection (c)(2) that  
21 includes measures to restrict use of or access to ports or  
22 port services shall apply to all ports of the United States  
23 and its territories.

24 “(e) REGULATIONS.—The Secretary may promulgate  
25 regulations to implement subsections (c) and (d).”.

1           (2) Section 609 of the High Seas Driftnet Fish-  
2           ing Moratorium Protection Act (16 U.S.C. 1826j) is  
3           amended—

4                   (A) in subsection (d)(3)(A)(i), by striking  
5           “that has not been certified by the Secretary  
6           under this subsection, or”; and

7                   (B) in subsection (e)(3)—

8                           (i) by striking “and” at the end of  
9           subparagraph (B);

10                           (ii) by striking “agreement.” and in-  
11           serting “agreement; and”; and

12                           (iii) by adding at the end the fol-  
13           lowing:

14                   “(D) to the extent possible—

15                           “(i) fishing activities conducted in  
16           waters under the jurisdiction of a nation  
17           without permission of that nation; and

18                           “(ii) fishing activities conducted in  
19           contravention of a nation’s laws (including  
20           regulations), including fishing activity that  
21           has not been reported or that has been  
22           misreported to the relevant national au-  
23           thority of a nation in contravention of that  
24           nation’s laws (including regulations).”.

1           (3) Section 610(e)(5) of the High Seas Driftnet  
2 Fishing Moratorium Protection Act (16 U.S.C.  
3 1826k(e)(5)) is amended by striking “that has not  
4 been certified by the Secretary under this sub-  
5 section, or”.

6           (b) AMENDMENT OF THE HIGH SEAS DRIFTNET  
7 FISHERIES ENFORCEMENT ACT.—

8           (1) Section 101 of the High Seas Driftnet Fish-  
9 eries Enforcement Act (16 U.S.C. 1826a) is amend-  
10 ed—

11                   (A) in subsection (a), by striking para-  
12 graph (2) and inserting the following:

13                   “(2) DENIAL OF PORT PRIVILEGES.—The Sec-  
14 retary of the Treasury shall, in accordance with rec-  
15 ognized principles of international law—

16                           “(A) withhold or revoke the clearance re-  
17 quired by section 60105 of title 46, United  
18 States Code, for—

19                                   “(i) any large-scale driftnet fishing  
20 vessel that is documented under the law of  
21 the United States or of a nation included  
22 on a list published under paragraph (1); or

23                                   “(ii) any fishing vessel of a nation  
24 that receives a negative certification under  
25 section 609(d) or 610(e) of the High Seas

1           Driftnet Fishing Moratorium Protection  
2           Act (16 U.S.C. 1826j(d) or 1826k(e)); and

3           “(B) deny entry of that vessel to any place  
4           in the United States and to the navigable  
5           waters of the United States, except for the pur-  
6           pose of inspecting the vessel, conducting an in-  
7           vestigation, or taking other appropriate enforce-  
8           ment action.”; and

9           (B) in subsection (b)—

10           (i) by striking “or illegal, unreported,  
11           or unregulated fishing” each place it ap-  
12           pears in paragraphs (1) and (2);

13           (ii) by striking paragraph (3)(A) and  
14           inserting the following:

15           “(A) PROHIBITION.—The President shall  
16           direct the Secretary of the Treasury to prohibit  
17           the importation into the United States of fish  
18           and fish products and sport fishing equipment  
19           (as that term is defined in section 4162 of the  
20           Internal Revenue Code of 1986 (26 U.S.C.  
21           4162)) from a nation—

22           “(i) upon receipt of notification of the  
23           identification of the nation under para-  
24           graph (1)(A);

1 “(ii) if the consultations with the gov-  
2 ernment of the nation under paragraph (2)  
3 are not satisfactorily concluded within  
4 ninety days; or

5 “(iii) upon receipt of notification of a  
6 negative certification under section  
7 609(d)(1) or 610(e)(1) of the High Seas  
8 Driftnet Fishing Moratorium Protection  
9 Act (16 U.S.C. 1826j(d)(1) and  
10 1826k(c)(1)).”;

11 (iii) by inserting “or after issuing a  
12 negative certification under section  
13 609(d)(1) or 610(e)(1) of the High Seas  
14 Driftnet Fishing Moratorium Protection  
15 Act (16 U.S.C. 1826j(d)(1) and  
16 1826k(c)(1)),” after “paragraph (1),” in  
17 paragraph (4)(A); and

18 (iv) by striking paragraph (4)(A)(i)  
19 and inserting the following:

20 “(i) any prohibition established under  
21 paragraph (3) is insufficient to cause that  
22 nation—

23 “(I) to terminate large-scale  
24 driftnet fishing conducted by its na-

1                   tionals and vessels beyond the exclu-  
2                   sive economic zone of any nation;

3                   “(II) to address illegal, unre-  
4                   ported, or unregulated fishing activi-  
5                   ties for which a nation has been iden-  
6                   tified under section 609 of the High  
7                   Seas Driftnet Fishing Moratorium  
8                   Protection Act (16 U.S.C. 1826j); or

9                   “(III) to address bycatch of a  
10                  protected living marine resource for  
11                  which a nation has been identified  
12                  under section 610 of such Act (16  
13                  U.S.C. 1826k); or”.

14                 (2) Section 102 of the High Seas Driftnet Fish-  
15                 eries Enforcement Act (16 U.S.C. 1826b) is amend-  
16                 ed by striking “such nation has terminated large-  
17                 scale driftnet fishing or illegal, unreported, or un-  
18                 regulated fishing by its nationals and vessels beyond  
19                 the exclusive economic zone of any nation.” and in-  
20                 serting “such nation—

21                 “(1) has terminated large-scale driftnet fishing  
22                 by its nationals and vessels beyond the exclusive eco-  
23                 nomic zone of any nation;

24                 “(2) has addressed illegal, unreported, or un-  
25                 regulated fishing activities for which a nation has



1       been identified under section 609 of the High Seas  
2       Driftnet Fishing Moratorium Protection Act (16  
3       U.S.C. 1826j); or

4               “(3) has addressed bycatch of a protected living  
5       marine resource for which a nation has been identi-  
6       fied under section 610 of the High Seas Driftnet  
7       Fishing Moratorium Protection Act (16 U.S.C.  
8       1826k).”.

9       **SEC. 104. LIABILITY.**

10       Any claims arising from the actions of any officer,  
11       authorized by the Secretary of Commerce or the Secretary  
12       of the department in which the Coast Guard is operating  
13       to enforce the provisions of this Act or any Act to which  
14       this Act applies, taken pursuant to any scheme for at-sea  
15       boarding and inspection authorized under any inter-  
16       national agreement to which the United States is a party  
17       may be pursued under chapter 171 of title 28, United  
18       States Code, or such other legal authority as may be perti-  
19       nent.

20       **TITLE II—LAW ENFORCEMENT**  
21       **AND INTERNATIONAL OPER-**  
22       **ATIONS**

23       **SEC. 201. INTERNATIONAL FISHERIES ENFORCEMENT.**

24       (a) ESTABLISHMENT OF INTERNATIONAL FISHERIES  
25       ENFORCEMENT TASK FORCE.—

1           (1) IN GENERAL.—Not later than 12 months  
2 after the date of enactment of this Act, the Sec-  
3 retary of Commerce shall establish, through the Na-  
4 tional Marine Fisheries Service’s international en-  
5 forcement program, an interagency International  
6 Fisheries Enforcement Task Force.

7           (2) PURPOSES.—The purposes of the task force  
8 shall be—

9                   (A) to detect and investigate illegal, unre-  
10 ported, or unregulated fishing activity and traf-  
11 ficking in the resulting fish or fish product; and

12                   (B) to enforce the provisions of this Act or  
13 any Act to which section 101 applies.

14           (3) MEMBERSHIP.—The task force shall include  
15 permanent representation from—

16                   (A) the National Marine Fisheries Serv-  
17 ice’s international enforcement program;

18                   (B) the U.S. Coast Guard;

19                   (C) U.S. Customs and Border Protection;

20                   (D) the U.S. Food and Drug Administra-  
21 tion; and

22                   (E) such other Federal agencies as the  
23 Secretary considers appropriate and necessary  
24 to carry out the purposes under paragraph (2).

25           (b) TASK FORCE ORGANIZATION.—

1           (1) STAFFING AND OTHER RESOURCES.—The  
2 Secretary of Commerce and the head of each depart-  
3 ment and agency identified under subsection (a)(3)  
4 shall—

5           (A) by agreement, on a reimbursable basis  
6 or otherwise, provide permanent representation  
7 to the task force;

8           (B) by agreement, on a reimbursable basis  
9 or otherwise, share personnel, services, equip-  
10 ment (including aircraft and vessels), and facili-  
11 ties with the task force for the purposes under  
12 subsection (a)(2); and

13           (C) to the extent possible, and consistent  
14 with other applicable law, extend the authorities  
15 provided under their enabling legislation to the  
16 other departments and agencies participating in  
17 the task force.

18           (2) BUDGET.—The Secretary of Commerce and  
19 the head of each department and agency providing  
20 personnel for the task force, at their discretion, may  
21 develop interagency plans and budgets and engage in  
22 interagency financing for such purposes.

23           (3) 5-YEAR STRATEGIC PLAN.—Not later than  
24 180 days after the date on which the task force is  
25 established under subsection (a), the Secretary of

1 Commerce shall develop a 5-year strategic plan for  
2 guiding interagency and intergovernmental inter-  
3 national fisheries enforcement efforts to carry out  
4 the provisions of this Act. The Secretary shall up-  
5 date the plan periodically as necessary, but at least  
6 once every 5 years.

7 (4) COOPERATIVE ACTIVITIES.—The Secretary,  
8 in coordination with the head of each department  
9 and agency providing personnel for the task force—

10 (A) may conduct one or more joint oper-  
11 ations for the purposes under subsection (a)(2);

12 (B) shall, to the maximum extent permis-  
13 sible under law, create and participate in com-  
14 mittees or other working groups with other  
15 Federal, State, or local governments, and with  
16 the governments of other nations for the pur-  
17 poses under subsection (a)(2);

18 (C) may enter into agreements with other  
19 Federal, State, or local governments, and with  
20 the governments of other nations, on a reim-  
21 bursable basis or otherwise, for the purposes  
22 under subsection (a)(2).

23 (c) POWERS OF AUTHORIZED OFFICERS.—Notwith-  
24 standing any other provision of law, while operating under  
25 an agreement with the Secretary of Commerce entered

1 into under section 101, or while conducting a joint oper-  
2 ation under subsection (b)(4) of this section, each author-  
3 ized officer shall have the powers and authority provided  
4 in section 101.

5 **SEC. 202. INTERNATIONAL COOPERATION AND ASSIST-**  
6 **ANCE.**

7 (a) INTERNATIONAL COOPERATION AND ASSIST-  
8 ANCE.—The Secretary of Commerce may provide inter-  
9 national cooperation and assistance for international ca-  
10 pacity building efforts.

11 (b) AUTHORIZED ACTIVITIES.—In carrying out this  
12 section, the Secretary may—

13 (1) provide technical expertise to other nations  
14 to assist them in addressing illegal, unreported, or  
15 unregulated fishing activities;

16 (2) provide technical expertise to other nations  
17 to assist them in reducing the loss and environ-  
18 mental impacts of derelict fishing gears, reducing  
19 the bycatch of living marine resources, and pro-  
20 moting international marine resource conservation;

21 (3) provide technical expertise, and training, in  
22 cooperation with the International Fisheries En-  
23 forcement Task Force under section 201 of this Act,  
24 to other nations to aid them in building capacity for  
25 enhanced fisheries management, fisheries moni-

1 toring, catch and trade tracking activities, enforce-  
 2 ment, and international marine resource conserva-  
 3 tion;

4 (4) establish partnerships with other Federal  
 5 agencies, as appropriate, to ensure that fisheries de-  
 6 velopment assistance to other nations is directed to-  
 7 ward efforts that promote sustainable fisheries; and

8 (5) conduct outreach and education efforts in  
 9 order to promote public and private sector awareness  
 10 of international fisheries sustainability issues, in-  
 11 cluding the need to combat illegal, unreported, or  
 12 unregulated fishing activity and to promote inter-  
 13 national marine resource conservation.

14 (c) GUIDELINES.—The Secretary may establish  
 15 guidelines as necessary to implement this section.

16 **TITLE III—MISCELLANEOUS**  
 17 **AMENDMENTS**

18 **SEC. 301. ATLANTIC TUNAS CONVENTION ACT OF 1975.**

19 Section 6 of the Atlantic Tunas Convention Act of  
 20 1975 (16 U.S.C. 971d(c)(2)) is amended—

21 (1) by inserting “(A)” after “(2)”;

22 (2) by striking “(A) submission” and inserting  
 23 “the presentation”;

24 (3) by striking “arguments, and (B) oral pres-  
 25 entation at a public hearing. Such” and inserting

1 “written or oral statements at a public hearing.  
2 After consideration of such presentations, the”; and

3 (4) by adding at the end thereof the following:

4 “(B) The Secretary may issue final regula-  
5 tions to implement Commission recommenda-  
6 tions referred to in paragraph (1) of this sub-  
7 section concerning trade restrictive measures  
8 against nations or fishing entities without re-  
9 gard to the requirements of subparagraph (A)  
10 of this paragraph and subsections (b) and (c) of  
11 section 553 of title 5, United States Code.”.

12 **SEC. 302. DATA SHARING.**

13 (a) HIGH SEAS DRIFTNET FISHING MORATORIUM  
14 PROTECTION ACT.—Section 608 of the High Seas  
15 Driftnet Fishing Moratorium Protection Act (16 U.S.C.  
16 1826i) is amended—

17 (1) by inserting “(a) IN GENERAL.—” before  
18 “The Secretary,”;

19 (2) by striking “organizations” the first place it  
20 appears and inserting, “organizations, or arrange-  
21 ments made pursuant to an international fishery  
22 agreement (as defined in section 3(24) of the Mag-  
23 nuson-Stevens Fishery Conservation and Manage-  
24 ment Act (16 U.S.C. 1802(24))),”;

1           (3) by striking “and” after the semicolon in  
2 paragraph (3);

3           (4) by striking “territories.” in paragraph (4)  
4 and inserting “territories; and”; and

5           (5) by adding at the end thereof the following:

6           “(5) urging other nations, through the regional  
7 fishery management organizations of which the  
8 United States is a member, bilaterally and otherwise  
9 to seek and foster the sharing of accurate, relevant,  
10 and timely information—

11           “(A) to improve the scientific under-  
12 standing of marine ecosystems;

13           “(B) to improve fisheries management de-  
14 cisions;

15           “(C) to promote the conservation of pro-  
16 tected living marine resources;

17           “(D) to combat illegal, unreported, and un-  
18 regulated fishing; and

19           “(E) to improve compliance with conserva-  
20 tion and management measures in international  
21 waters.

22           “(b) INFORMATION SHARING.—In carrying out this  
23 section, the Secretary may disclose, as necessary and ap-  
24 propriate, information to the Food and Agriculture Orga-  
25 nization formed at Quebec, Canada, on October 16, 1945,



1 international fishery management organizations, or ar-  
2 rangements made pursuant to an international fishery  
3 agreement, if such organizations or arrangements have  
4 policies and procedures to safeguard such information  
5 from unintended or unauthorized disclosure.”.

6 (b) CONFORMING AMENDMENT.—Section 402(b)(1)  
7 of the Magnuson-Stevens Fishery Conservation and Man-  
8 agement Act (16 U.S.C. 1881a(b)(1)) is amended—

9 (1) by striking “or” after the semicolon in sub-  
10 paragraph (G);

11 (2) by redesignating subparagraph (H) as sub-  
12 paragraph (J); and

13 (3) by inserting after subparagraph (G) the fol-  
14 lowing:

15 “(H) to the Food and Agriculture Organi-  
16 zation formed at Quebec, Canada, on October  
17 16, 1945, international fishery management or-  
18 ganizations, or arrangements made pursuant to  
19 an international fishery agreement as provided  
20 under section 608(b) of the High Seas Driftnet  
21 Fishing Moratorium Protection Act (16 U.S.C.  
22 1826i(b));

23 “(I) to any other Federal or State govern-  
24 ment agency, foreign government, the Food and  
25 Agriculture Organization formed at Quebec,

1 Canada, on October 16, 1945, or the secretariat  
2 or equivalent of an international fisheries man-  
3 agement organization or arrangement made  
4 pursuant to an international fishery agreement,  
5 as provided under section 101(c)(9) of the  
6 International Fisheries Stewardship and En-  
7 forcement Act; or”.

8 **SEC. 303. PERMITS UNDER THE HIGH SEAS FISHING COM-**  
9 **PLIANCE ACT OF 1995.**

10 Section 104(f) of the High Seas Fishing Compliance  
11 Act (16 U.S.C. 5503(f)) is amended to read as follows:

12 “(f) VALIDITY.—A permit issued under this section  
13 is void if—

14 “(1) 1 or more permits or authorizations re-  
15 quired for a vessel to fish, in addition to a permit  
16 issued under this section, expire, are revoked, or are  
17 suspended; or

18 “(2) the vessel is no longer eligible for United  
19 States documentation, such documentation is re-  
20 voked or denied, or the vessel is deleted from such  
21 documentation.”.

22 **SEC. 304. COMMITTEE ON SCIENTIFIC COOPERATION FOR**  
23 **PACIFIC SALMON AGREEMENT.**

24 Section 11 of the Pacific Salmon Treaty Act of 1985  
25 (16 U.S.C. 3640) is amended—

1           (1) by redesignating subsections (c) and (d) as  
2           subsections (d) and (e), respectively;

3           (2) by inserting after subsection (b) the fol-  
4           lowing:

5           “(c) COMPENSATION OF COMMITTEE ON SCIENTIFIC  
6 COOPERATION MEMBERS.—Members of the Committee on  
7 Scientific Cooperation who are not State or Federal em-  
8 ployees shall receive compensation at a rate equivalent to  
9 the rate payable for level IV of the Executive Schedule  
10 under section 5315 of title 5, United States Code, when  
11 engaged in actual performance of duties for the Commis-  
12 sion.”; and

13           (3) by striking “71” in subsection (e), as redesi-  
14           gnated, and inserting “171”.

15       **TITLE IV—IMPLEMENTATION OF**  
16       **THE ANTIGUA CONVENTION**

17       **SEC. 401. SHORT TITLE; REFERENCES TO THE TUNA CON-**  
18       **VENTIONS ACT OF 1950.**

19           (a) SHORT TITLE.—This title may be cited as the  
20 “Antigua Convention Implementing Act of 2013”.

21           (b) REFERENCES TO THE TUNA CONVENTIONS ACT  
22 OF 1950.—Except as otherwise expressly provided, when-  
23 ever in this title an amendment or repeal is expressed in  
24 terms of an amendment to, or repeal of, a section or other  
25 provision, the reference shall be considered to be made to

1 a section or other provision of the Tuna Conventions Act  
2 of 1950 (16 U.S.C. 951 et seq.).

3 **SEC. 402. DEFINITIONS.**

4 Section 2 (16 U.S.C. 951) is amended to read as fol-  
5 lows:

6 **“SEC. 2. DEFINITIONS.**

7 “In this Act:

8 “(1) ANTIGUA CONVENTION.—The term ‘Anti-  
9 gua Convention’ means the Convention for the  
10 Strengthening of the Inter-American Tropical Tuna  
11 Commission Established by the 1949 Convention  
12 Between the United States of America and the Re-  
13 public of Costa Rica, signed at Washington, Novem-  
14 ber 14, 2003.

15 “(2) COMMISSION.—The term ‘Commission’  
16 means the Inter-American Tropical Tuna Commis-  
17 sion provided for by the Convention.

18 “(3) CONVENTION.—The term ‘Convention’  
19 means—

20 “(A) the Convention for the Establishment  
21 of an Inter-American Tropical Tuna Commis-  
22 sion, signed at Washington, May 31, 1949, by  
23 the United States of America and the Republic  
24 of Costa Rica;

1           “(B) the Antigua Convention, upon its  
2           entry into force for the United States, and any  
3           amendments thereto that are in force for the  
4           United States; or

5           “(C) both subparagraphs (A) and (B), as  
6           the context requires.

7           “(4) IMPORT.—The term ‘import’ means to  
8           land on, bring into, or introduce into, or attempt to  
9           land on, bring into, or introduce into, any place sub-  
10          ject to the jurisdiction of the United States, whether  
11          or not such landing, bringing, or introduction con-  
12          stitutes an importation within the meaning of the  
13          customs laws of the United States.

14          “(5) PERSON.—The term ‘person’ means an in-  
15          dividual, partnership, corporation, or association  
16          subject to the jurisdiction of the United States.

17          “(6) UNITED STATES.—The term ‘United  
18          States’ includes all areas under the sovereignty of  
19          the United States.

20          “(7) UNITED STATES COMMISSIONERS.—The  
21          term ‘United States Commissioners’ means the  
22          members of the Commission.

23          “(8) UNITED STATES SECTION.—The term  
24          ‘United States Section’ means the United States

1       Commissioners to the Commission and a designee of  
2       the Secretary of State.”.

3       **SEC. 403. COMMISSIONERS; NUMBER, APPOINTMENT, AND**  
4                                   **QUALIFICATIONS.**

5       Section 3 (16 U.S.C. 952) is amended to read as fol-  
6       lows:

7       **“SEC. 3. COMMISSIONERS.**

8           “(a) COMMISSIONERS.—The United States shall be  
9       represented on the Commission by 5 United States Com-  
10       missioners. The President shall appoint individuals to  
11       serve on the Commission at the pleasure of the President.  
12       In making the appointments, the President shall select  
13       Commissioners from among individuals who are knowl-  
14       edgeable or experienced concerning highly migratory fish  
15       stocks in the eastern tropical Pacific Ocean, 1 of which  
16       shall be an officer or employee of the Department of Com-  
17       merce, 1 of which shall be the chairman or a member of  
18       the Western Pacific Fishery Management Council, and 1  
19       of which shall be the chairman or a member of the Pacific  
20       Fishery Management Council. Not more than 2 Commis-  
21       sioners may be appointed who reside in a State other than  
22       a State whose vessels maintain a substantial fishery in the  
23       area of the Convention.

24           “(b) ALTERNATE UNITED STATES COMMIS-  
25       SIONERS.—The Secretary of State, in consultation with

1 the Secretary, may designate from time to time and for  
2 periods of time deemed appropriate Alternate United  
3 States Commissioners to the Commission. Any Alternate  
4 United States Commissioner may exercise, at any meeting  
5 of the Commission or of the General Advisory Committee  
6 or Scientific Advisory Subcommittee established pursuant  
7 to section 4(b), all powers and duties of a United States  
8 Commissioner in the absence of any Commissioner ap-  
9 pointed pursuant to subsection (a) of this section for what-  
10 ever reason. The number of such Alternate United States  
11 Commissioners that may be designated for any such meet-  
12 ing shall be limited to the number of United States Com-  
13 missioners appointed pursuant to subsection (a) of this  
14 section who will not be present at such meeting.

15 “(c) ADMINISTRATIVE MATTERS.—

16 “(1) EMPLOYMENT STATUS.—Individuals serv-  
17 ing as such Commissioners, other than officers or  
18 employees of the United States Government, shall  
19 not be considered Federal employees except for the  
20 purposes of injury compensation or tort claims liabil-  
21 ity as provided in chapter 81 of title 5, United  
22 States Code, and chapter 171 of title 28, United  
23 States Code.

24 “(2) COMPENSATION.—The United States Com-  
25 missioners or Alternate United States Commis-

1 sioners, although officers of the United States while  
 2 so serving, shall receive no compensation for their  
 3 services as such United States Commissioners or Al-  
 4 ternate United States Commissioners.

5 “(3) TRAVEL EXPENSES.—

6 “(A) The Secretary of State shall pay the  
 7 necessary travel expenses of United States  
 8 Commissioners and Alternate United States  
 9 Commissioners to meetings of the Commission  
 10 and other meetings the Secretary deems nec-  
 11 essary to fulfill their duties, in accordance with  
 12 the Federal Travel Regulations and sections  
 13 5701, 5702, 5704 through 5708, and 5731 of  
 14 title 5, United States Code.

15 “(B) The Secretary may reimburse the  
 16 Secretary of State for amounts expended by the  
 17 Secretary of State under this subsection.”.

18 **SEC. 404. GENERAL ADVISORY COMMITTEE AND SCI-**  
 19 **ENTIFIC ADVISORY SUBCOMMITTEE.**

20 Section 4 (16 U.S.C. 953) is amended—

21 (1) by striking subsection (a) and inserting the  
 22 following:

23 “(a) GENERAL ADVISORY COMMITTEE.—

24 “(1) APPOINTMENTS; PUBLIC PARTICIPA-  
 25 TION.—



1           “(A) APPOINTMENTS.—The Secretary, in  
2           consultation with the Secretary of State, shall  
3           appoint a General Advisory Committee which  
4           shall consist of not more than 25 individuals  
5           who shall be representative of the various  
6           groups concerned with the fisheries covered by  
7           the Convention, including nongovernmental con-  
8           servation organizations, providing to the max-  
9           imum extent practicable an equitable balance  
10          among such groups. Members of the General  
11          Advisory Committee will be eligible to partici-  
12          pate as members of the U.S. delegation to the  
13          Commission and its working groups to the ex-  
14          tent the Commission rules and space for delega-  
15          tions allow.

16          “(B) ADDITIONAL MEMBERS.—The chair  
17          of the Pacific Fishery Management Council’s  
18          Advisory Subpanel for Highly Migratory Fish-  
19          eries and the chair of the Western Pacific Fish-  
20          ery Management Council’s Advisory Committee  
21          shall be members of the General Advisory Com-  
22          mittee by virtue of their positions in those  
23          Councils.

24          “(C) TERMS.—Each member of the Gen-  
25          eral Advisory Committee appointed under sub-

1 paragraph (A) shall serve for a term of 3 years  
2 and shall be eligible for reappointment.

3 “(D) NON-EXECUTIVE MEETINGS OF THE  
4 UNITED STATES SECTION.—The General Advi-  
5 sory Committee shall be invited to attend all  
6 non-executive meetings of the United States  
7 Section and at such meetings shall be given op-  
8 portunity to examine and to be heard on all  
9 proposed programs of investigation, reports,  
10 recommendations, and regulations of the Com-  
11 mission.

12 “(E) PUBLIC PARTICIPATION.—The Gen-  
13 eral Advisory Committee shall determine its or-  
14 ganization, and prescribe its practices and pro-  
15 cedures for carrying out its functions under this  
16 chapter, the Magnuson-Stevens Fishery Con-  
17 servation and Management Act (16 U.S.C.  
18 1801 et seq.), and the Convention. The General  
19 Advisory Committee shall publish and make  
20 available to the public a statement of its organi-  
21 zation, practices and procedures. Meetings of  
22 the General Advisory Committee, except when  
23 in executive session, shall be open to the public,  
24 and prior notice of meetings shall be made pub-  
25 lic in timely fashion. The General Advisory

1           Committee shall not be subject to the Federal  
2           Advisory Committee Act (5 U.S.C. App.).

3           “(2) INFORMATION SHARING.—The Secretary  
4           and the Secretary of State shall furnish the General  
5           Advisory Committee with relevant information con-  
6           cerning fisheries and international fishery agree-  
7           ments.

8           “(3) ADMINISTRATIVE MATTERS.—

9           “(A) IN GENERAL.—The Secretary shall  
10          provide to the General Advisory Committee in a  
11          timely manner such administrative and tech-  
12          nical support services as are necessary for its  
13          effective functioning.

14          “(B) COMPENSATION.—An individual ap-  
15          pointed to serve as a member of the General  
16          Advisory Committee—

17                 “(i) shall serve without pay, but while  
18                 away from home or regular place of busi-  
19                 ness to attend meetings of the General Ad-  
20                 visory Committee shall be allowed travel  
21                 expenses, including per diem in lieu of sub-  
22                 sistence, in the same manner as a person  
23                 employed intermittently in the Government  
24                 service is allowed expenses under section  
25                 5703 of title 5, United States Code; and

1                   “(ii) shall not be considered a Federal  
2                   employee except for the purposes of injury  
3                   compensation or tort claims liability as  
4                   provided in chapter 81 of title 5, United  
5                   States Code, and chapter 171 of title 28,  
6                   United States Code.”; and

7                   (2) by striking so much of subsection (b) as  
8                   precedes paragraph (2) and inserting the following:

9                   “(b) SCIENTIFIC ADVISORY SUBCOMMITTEE.—

10                  “(c) IN GENERAL.—The Secretary, in consultation  
11 with the Secretary of State, shall appoint a Scientific Ad-  
12 visory Subcommittee of not less than 5 nor more than 15  
13 qualified scientists with balanced representation from the  
14 public and private sectors, including nongovernmental con-  
15 servation organizations.”.

16 **SEC. 405. RULEMAKING.**

17                  Section 6 (16 U.S.C. 955) is amended—

18                  (1) by striking the section heading and insert-  
19                  ing the following:

20 **“SEC. 6. RULEMAKING.”;**

21                  and

22                  (2) by striking subsections (a) and (b) and in-  
23                  serting the following:

24                  “(a) REGULATIONS.—The Secretary, in consultation  
25 with the Secretary of State and, with respect to enforce-

1 ment measures, the Secretary of the Department in which  
2 the Coast Guard is operating, may promulgate such regu-  
3 lations as may be necessary to carry out the United States  
4 international obligations under the Convention and this  
5 Act, including recommendations and decisions adopted by  
6 the Commission. In cases where the Secretary has discre-  
7 tion in the implementation of one or more measures adopt-  
8 ed by the Commission that would govern fisheries under  
9 the authority of a Regional Fishery Management Council,  
10 the Secretary may, to the extent practicable within the im-  
11 plementation schedule of the Convention and any rec-  
12 ommendations and decisions adopted by the Commission,  
13 promulgate such regulations in accordance with the proce-  
14 dures established by the Magnuson-Stevens Fishery Con-  
15 servation and Management Act (16 U.S.C. 1801 et seq.).

16 “(b) JURISDICTION.—The Secretary may promulgate  
17 regulations applicable to all vessels and persons subject  
18 to the jurisdiction of the United States, including United  
19 States flag vessels wherever they may be operating, on  
20 such date as the Secretary shall prescribe.”.

21 **SEC. 406. PROHIBITED ACTS.**

22 Section 8 (16 U.S.C. 957) is amended to read as fol-  
23 lows:

24 **“SEC. 8. PROHIBITED ACTS.**

25 “It is unlawful for any person—

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

3           “(2) to use any fishing vessel to engage in fish-  
4 ing after the revocation, or during the period of sus-  
5 pension, of an applicable permit issued pursuant to  
6 this Act;

7           “(3) to refuse to permit any officer authorized  
8 to enforce the provisions of this Act (as provided for  
9 in section 10) to board a fishing vessel subject to  
10 such person’s control for the purposes of conducting  
11 any search, investigation or inspection in connection  
12 with the enforcement of this Act or any regulation,  
13 permit, or the Convention;

14           “(4) to forcibly assault, resist, oppose, impede,  
15 intimidate, sexually harass, bribe, or interfere with  
16 any such authorized officer in the conduct of any  
17 search, investigations or inspection in connection  
18 with the enforcement of this Act or any regulation,  
19 permit, or the Convention;

20           “(5) to resist a lawful arrest for any act prohib-  
21 ited by this Act;

22           “(6) to ship, transport, offer for sale, sell, pur-  
23 chase, import, export, or have custody, control, or  
24 possession of, any fish taken or retained in violation

1 of this Act or any regulation, permit, or agreement  
2 referred to in paragraph (1) or (2);

3 “(7) to interfere with, delay, or prevent, by any  
4 means, the apprehension or arrest of another person,  
5 knowing that such other person has committed any  
6 act prohibited by this section;

7 “(8) to knowingly and willfully submit to the  
8 Secretary false information regarding any matter  
9 that the Secretary is considering in the course of  
10 carrying out this Act;

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

17 “(10) to engage in fishing in violation of any  
18 regulation adopted pursuant to section 6 of this Act;

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

23 “(12) to fail to make, keep, or furnish any  
24 catch returns, statistical records, or other reports as

1 are required by regulations adopted pursuant to this  
2 Act to be made, kept, or furnished;

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

6 “(14) to import, in violation of any regulation  
7 adopted pursuant to section 6 of this Act, any fish  
8 in any form of those species subject to regulation  
9 pursuant to a recommendation, resolution, or deci-  
10 sion of the Commission, or any tuna in any form not  
11 under regulation but under investigation by the  
12 Commission, during the period such fish have been  
13 denied entry in accordance with the provisions of  
14 section 6 of this Act, unless such person provides  
15 such proof as the Secretary of Commerce may re-  
16 quire that a fish described in this paragraph offered  
17 for entry into the United States is not ineligible for  
18 such entry under the terms of section 6 of this  
19 Act.”.

20 **SEC. 407. ENFORCEMENT.**

21 Section 10 (16 U.S.C. 959) is amended to read as  
22 follows:



1 **“SEC. 10. ENFORCEMENT.**

2       “**This Act shall be enforced under section 101 of the**  
3 **International Fisheries Stewardship and Enforcement**  
4 **Act.”.**

5 **SEC. 408. REDUCTION OF BYCATCH.**

6       Section 15 (16 U.S.C. 962) is amended by striking  
7 “vessel” and inserting “vessels”.

8 **SEC. 409. REPEAL OF EASTERN PACIFIC TUNA LICENSING**

9                   **ACT OF 1984.**

10       The Eastern Pacific Tuna Licensing Act of 1984 (16  
11 U.S.C. 972 et seq.) is repealed.

○