

**Calendar No. 263**113TH CONGRESS  
1ST SESSION**S. 269****[Report No. 113–127]**

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, Mr. NELSON, Mrs. BOXER, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 17, 2013

Reported by Mr. ROCKEFELLER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

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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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

5 (b) **TABLE OF CONTENTS.**—The table of contents of  
 6 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.

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

5 **SEC. 101. AUTHORITY OF THE SECRETARY OF COMMERCE**  
6 **TO ENFORCE STATUTES.**

7 (a) IN GENERAL.—

8 (1) ENFORCEMENT.—The Secretary of Com-  
9 merce and the Secretary of the department in which  
10 the Coast Guard is operating shall enforce the Acts  
11 to which this section applies in accordance with the  
12 provisions of this section.

13 (2) NONDEPARTMENTAL RESOURCES.—The  
14 Secretary of Commerce may, by agreement, on a re-  
15 imburseable basis or otherwise, utilize the personnel  
16 services, equipment (including aircraft and vessels),  
17 and facilities of any other Federal agency, including  
18 all elements of the Department of Defense, and of  
19 any State agency, in carrying out this section.

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

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

24 (B) the Pacific Salmon Treaty Act of 1985  
25 (16 U.S.C. 3631 et seq.);

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

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

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

7           (F) the South Pacific Tuna Act of 1988  
8           (16 U.S.C. 973 et seq.);

9           (G) the Antarctic Marine Living Resources  
10          Convention Act of 1984 (16 U.S.C. 2431 et  
11          seq.);

12          (H) the Atlantic Tunas Convention Act of  
13          1975 (16 U.S.C. 971 et seq.);

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

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

19          (K) the Northern Pacific Halibut Act of  
20          1982 (16 U.S.C. 773 et seq.);

21          (L) the Antigua Convention Implementing  
22          Act of 2013; and

23          (M) any other Act in pari materia, so des-  
24          ignated by the Secretary after notice and an op-  
25          portunity for a hearing.

1       (b) ADMINISTRATION AND ENFORCEMENT.—The  
2 Secretary of Commerce shall prevent any person from vio-  
3 lating any Act to which this section applies in the same  
4 manner, by the same means, and with the same jurisdic-  
5 tion, powers, and duties as though sections 308 through  
6 311 of the Magnuson-Stevens Fishery Conservation and  
7 Management Act (16 U.S.C. 1858 through 1861) were in-  
8 corporated into and made a part of each such Act. Except  
9 as provided in subsection (e), any person that violates any  
10 Act to which this section applies shall be subject to the  
11 penalties, and entitled to the privileges and immunities,  
12 provided in the Magnuson-Stevens Fishery Conservation  
13 and Management Act (16 U.S.C. 1801 et seq.) in the same  
14 manner and by the same means as though sections 308  
15 through 311 of that Act (16 U.S.C. 1858 through 1861)  
16 were incorporated into and made a part of each such Act.

17       (e) SPECIAL RULES.—

18           (1) IN GENERAL.—Notwithstanding the incor-  
19 poration by reference of certain sections of the Mag-  
20 nuson-Stevens Fishery Conservation and Manage-  
21 ment Act under subsection (b), if there is a conflict  
22 between a provision of this subsection and the cor-  
23 responding provision of any section of the Magnu-  
24 son-Stevens Fishery Conservation and Management

1 Act so incorporated, the provision of this subsection  
2 shall apply.

3 ~~(2) ADDITIONAL ENFORCEMENT AUTHORITY.—~~

4 In addition to the powers of officers authorized pur-  
5 suant to subsection (b), any officer who is author-  
6 ized by the Secretary, or the head of any Federal or  
7 State agency that has entered into an agreement  
8 with the Secretary under subsection (a) to enforce  
9 the provisions of any Act to which this section ap-  
10 plies may, with the same jurisdiction, powers, and  
11 duties as though section 311 of the Magnuson-Ste-  
12 vens Fishery Conservation and Management Act (16  
13 U.S.C. 1861) were incorporated into and made a  
14 part of each such Act—

15 ~~(A) search or inspect any facility or con-~~  
16 ~~veyance used or employed in, or which reason-~~  
17 ~~ably appears to be used or employed in, the~~  
18 ~~storage, processing, transport, or trade of fish~~  
19 ~~or fish products;~~

20 ~~(B) inspect records pertaining to the stor-~~  
21 ~~age, processing, transport, or trade of fish or~~  
22 ~~fish products;~~

23 ~~(C) detain, for a period of up to 14 days,~~  
24 ~~any shipment of fish or fish product imported~~  
25 ~~into, landed on, introduced into, exported from,~~

1 or transported within the jurisdiction of the  
2 United States, or, if such fish or fish product  
3 is deemed to be perishable, sell and retain the  
4 proceeds therefrom for a period of up to 14  
5 days;

6 (D) make an arrest, in accordance with  
7 any guidelines which may be issued by the At-  
8 torney General, for any offense under the laws  
9 of the United States committed in the person's  
10 presence, or for the commission of any felony  
11 under the laws of the United States, if the per-  
12 son has reasonable grounds to believe that the  
13 person to be arrested has committed or is com-  
14 mitting a felony;

15 (E) search and seize, in accordance with  
16 any guidelines which may be issued by the At-  
17 torney General; and

18 (F) execute and serve any subpoena, arrest  
19 warrant, search warrant issued in accordance  
20 with rule 41 of the Federal Rules of Criminal  
21 Procedure, or other warrant or civil or criminal  
22 process issued by any officer or court of com-  
23 petent jurisdiction.

24 (3) INFORMATION COLLECTION, MAINTENANCE  
25 AND USE.—

1           (A) IN GENERAL.—The Secretary of Com-  
2 merce and the head of each department and  
3 agency providing personnel for the task force  
4 under section 201, to the maximum extent per-  
5 missible under law, shall share all applicable in-  
6 formation, intelligence, and data, related to the  
7 harvest, transportation, or trade of fish and fish  
8 product for the purposes under section  
9 201(a)(2).

10           (B) COORDINATION OF DATA.—The Sec-  
11 retary of Commerce, through the task force  
12 under section 201, shall coordinate the collec-  
13 tion, storage, analysis, and dissemination of all  
14 applicable information, intelligence, and data  
15 related to the harvest, transportation, or trade  
16 of fish and fish product collected or maintained  
17 by a member agency of the task force.

18           (C) CONFIDENTIALITY.—The Secretary of  
19 Commerce, through the task force under section  
20 201, shall ensure the protection and confiden-  
21 tiality required by law for information, intel-  
22 ligence, and data related to the harvest, trans-  
23 portation, or trade of fish and fish product ob-  
24 tained by the task force.



1           (D) DATA STANDARDIZATION.—The Sec-  
2           retary of Commerce and the head of each de-  
3           partment and agency providing personnel for  
4           the task force, to the maximum extent prac-  
5           ticable, shall develop data standardization for  
6           fisheries related data for each member agency  
7           of the task force under section 201 and with  
8           international fisheries enforcement databases as  
9           appropriate.

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

1 fishing activities and to carry out the provisions  
2 of this Act. All collection and sharing of infor-  
3 mation shall be in accordance with the National  
4 Security Act of 1947 (50 U.S.C. 401 et seq.):

5 (F) INFORMATION SHARING.—

6 (i) IN GENERAL.—Subject to clause  
7 (ii), the Secretary of Commerce, through  
8 the task force under section 201, shall  
9 have authority to share fisheries-related  
10 data with—

11 (I) other Federal or State gov-  
12 ernment agencies;

13 (II) foreign governments;

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

17 (IV) the secretariat or equivalent  
18 of an international fisheries manage-  
19 ment organization or arrangement  
20 made pursuant to an international  
21 fishery agreement.

22 (ii) LIMITATIONS.—An entity listed  
23 under clause (i) may receive data under  
24 this subparagraph if—

1 (I) the entity has policies and  
2 procedures to safeguard such data  
3 from unintended or unauthorized dis-  
4 closure; and

5 (II) the exchange of information  
6 is necessary—

7 (aa) to ensure compliance  
8 with any law (including regula-  
9 tions) enforced or administered  
10 by the Secretary of Commerce;

11 (bb) to administer or enforce  
12 treaties to which the United  
13 States is a party;

14 (cc) to administer or enforce  
15 binding conservation measures  
16 adopted by any international or-  
17 ganization or arrangement to  
18 which the United States is a  
19 party;

20 (dd) to assist in investiga-  
21 tive, judicial, or administrative  
22 enforcement proceedings in the  
23 United States; or

24 (ee) to assist in any fisheries  
25 or living marine resource related

1 law enforcement action under-  
2 taken by a law enforcement agen-  
3 cy of a foreign government, or in  
4 relation to a legal proceeding un-  
5 dertaken by a foreign govern-  
6 ment.

7 (d) DISTRICT COURT JURISDICTION.—The several  
8 district courts of the United States shall have jurisdiction  
9 over any actions arising under this section. For the pur-  
10 pose of this section, American Samoa shall be included  
11 within the judicial district of the District Court of the  
12 United States for the District of Hawaii. Each violation  
13 shall be a separate offense and the offense shall be deemed  
14 to have been committed not only in the district where the  
15 violation first occurred, but also in any other district as  
16 authorized by law. Any offenses not committed in any dis-  
17 trict are subject to the venue provisions of section 3238  
18 of title 18, United States Code.

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

22 (1) to violate any provision of this section or  
23 any Act to which this section applies or any regula-  
24 tion promulgated thereunder;

1           (2) to refuse to permit any authorized enforce-  
2           ment officer to board, search, or inspect a vessel,  
3           conveyance, or shoreside facility that is subject to  
4           the person's control for purposes of conducting any  
5           search, investigation, or inspection in connection  
6           with the enforcement of this section or any Act to  
7           which this section applies or any regulation promul-  
8           gated thereunder;

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

13          (4) to resist a lawful arrest for any act prohib-  
14          ited by this section or any Act to which this section  
15          applies;

16          (5) to interfere with, delay, or prevent, by any  
17          means, the apprehension, arrest, or detection of an-  
18          other person, knowing that such person has com-  
19          mitted any act prohibited by this section or any Act  
20          to which this section applies;

21          (6) to forcibly assault, resist, oppose, impede,  
22          intimidate, sexually harass, bribe, or interfere with  
23          any observer on a vessel under this section or any  
24          Act to which this section applies, or any data col-  
25          lector employed by or under contract to the National

1 Marine Fisheries Service to carry out responsibilities  
2 under this section or any Act to which this section  
3 applies;

4 (7) to import, export, transport, sell, receive,  
5 acquire, or purchase in interstate or foreign com-  
6 merce any fish or fish product taken, possessed,  
7 transported, or sold in violation of any treaty or  
8 binding conservation measure adopted pursuant to  
9 an international agreement or organization to which  
10 the United States is a party; or

11 (8) to make or submit any false record, ac-  
12 count, or label for, or any false identification of, any  
13 fish or fish product (including false identification of  
14 the species, harvesting vessel or nation, or the loca-  
15 tion where harvested) which has been, or is intended  
16 to be imported, exported, transported, sold, offered  
17 for sale, purchased, or received in interstate or for-  
18 eign commerce.

19 (f) REGULATIONS.—The Secretary of Commerce may  
20 promulgate such regulations, in accordance with section  
21 553 of title 5, United States Code, as may be necessary  
22 to carry out this section or any Act to which this section  
23 applies.

1 **SEC. 102. CONFORMING, MINOR, AND TECHNICAL AMEND-**  
 2 **MENTS.**

3 (a) HIGH SEAS DRIFTNET FISHING MORATORIUM  
 4 PROTECTION ACT.—

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

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

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

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

15 (2) Section 607(2) of the High Seas Driftnet  
 16 Fishing Moratorium Protection Act (16 U.S.C.  
 17 1826h(2)) is amended by striking “whose vessels”  
 18 and inserting “that”.

19 (3) Section 609(a) of the High Seas Driftnet  
 20 Fishing Moratorium Protection Act (16 U.S.C.  
 21 1826j(a)) is amended to read as follows:

22 “(a) IDENTIFICATION.—

23 “(1) IN GENERAL.—The Secretary shall iden-  
 24 tify, and list in the report under section 607, a na-  
 25 tion if that nation is engaged, or has been engaged

1 at any time during the preceding 3 years, in illegal,  
2 unreported, or unregulated fishing and—

3 “(A) such fishing undermines the effective-  
4 ness of measures required under the relevant  
5 international fishery management organization;

6 “(B) the relevant international fishery  
7 management organization has failed to imple-  
8 ment effective measures to end the illegal, unre-  
9 ported, or unregulated fishing activity by ves-  
10 sels of that nation, or the nation is not a party  
11 to, or does not maintain cooperating status  
12 with, such organization; or

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

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

19 “(A) it is violating, or has violated at any  
20 time during the preceding 3 years, conservation  
21 and management measures required under an  
22 international fishery management agreement to  
23 which the United States is a party and the vio-  
24 lations undermine the effectiveness of such



1           measures, taking into account the factors de-  
2           scribed in paragraph (1); or

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

7           “(3) TREATMENT OF CERTAIN ENTITIES AS IF  
8           THEY WERE NATIONS.—Where the provisions of this  
9           Act apply to the act, or failure to act, of a nation,  
10          they shall also be applicable, as appropriate, to any  
11          other entity that is competent to enter into an inter-  
12          national fishery management agreement.”.

13          (4) Section 609(d)(1) of the High Seas Driftnet  
14          Fishing Moratorium Protection Act (16 U.S.C.  
15          1826j(d)(1)) is amended by striking “of its fishing  
16          vessels” each place it appears.

17          (5) Section 609(d)(2) of the High Seas Driftnet  
18          Fishing Moratorium Protection Act (16 U.S.C.  
19          1826j(d)(2)) is amended—

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

22                 (B) by striking “basis of fish” and insert-  
23                 ing “basis, for allowing importation of fish”;  
24                 and

1           (C) by striking “harvesting nation not cer-  
 2           tified under paragraph (1)” and inserting “na-  
 3           tion issued a negative certification under para-  
 4           graph (1)”.

5           (6) Section 610(a)(1) of the High Seas Driftnet  
 6           Fishing Moratorium Protection Act (16 U.S.C.  
 7           1826k(a)(1)) is amended—

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

10          (B) by striking “practices;” and inserting  
 11          “practices—”.

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

15          (1) by adding at the end of subsection (d) the  
 16          following:

17               “(4) It is a violation of section 101 of the Inter-  
 18               national Fisheries Stewardship and Enforcement Act  
 19               for any person to assault, resist, oppose, impede, in-  
 20               timidate, or interfere with an authorized officer in  
 21               the conduct of any search, investigation or inspec-  
 22               tion under this Act.” and

23          (2) by amending subsection (e) to read as fol-  
 24          lows:

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

4       (e) NORTH PACIFIC ANADROMOUS STOCKS ACT OF  
5 1992.—

6           (1) UNLAWFUL ACTIVITIES.—Section 810 of  
7 the North Pacific Anadromous Stocks Act of 1992  
8 (16 U.S.C. 5009) is amended—

9                   (A) by striking “purchases” in paragraph  
10                   (5) and inserting “purposes”;

11                   (B) by striking “search or inspection” in  
12                   paragraph (5) and inserting “search, investiga-  
13                   tion, or inspection”; and

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

17           (2) ADMINISTRATION AND ENFORCEMENT.—  
18 Section 811 of the North Pacific Anadromous  
19 Stocks Act of 1992 (16 U.S.C. 5010) is amended to  
20 read as follows:

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

22       “~~This Act shall be enforced under section 101 of the~~  
23 ~~International Fisheries Stewardship and Enforcement~~  
24 ~~Act.~~”.

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

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

3           (A) in subsection (a)—

4           (i) by striking “search or inspection”  
5 in paragraph (2) and inserting “search, in-  
6 vestigation, or inspection”; and

7           (ii) by striking “search or inspection”  
8 in paragraph (3) and inserting “search, in-  
9 vestigation, or inspection”; and

10          (B) by striking subsections (b) through (f)

11 and inserting the following:

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

15          (2) Section 16(d)(2)(A) of the Pacific Salmon  
16 Treaty Act of 1985 (16 U.S.C. 3645(d)(2)(A)) is  
17 amended by striking “and” between “2002,” and  
18 “2003”.

19          (c) SOUTH PACIFIC TUNA ACT OF 1988.—

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

23          (A) by striking “a search or inspection” in  
24 paragraph (8) and inserting “any search, inves-  
25 tigation, or inspection”; and

1           (B) by striking “a search or inspection” in  
2           paragraph (10)(A) and inserting “any search,  
3           investigation, or inspection”.

4           (2) ADMINISTRATION AND ENFORCEMENT.—

5           The South Pacific Tuna Act of 1988 (16 U.S.C. 973  
6           et seq.) is amended by striking sections 7 and 8 (16  
7           U.S.C. 973e and 973f) and inserting the following:

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

9           “**This Act shall be enforced under section 101 of the**  
10           **International Fisheries Stewardship and Enforcement**  
11           **Act.”.**

12           (f) ANTARCTIC MARINE LIVING RESOURCES CON-  
13           VENTION ACT OF 1984.—

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

17           (A) in paragraph (3), by striking “which  
18           he knows, or reasonably should have known,  
19           was”;

20           (B) in paragraph (4), by striking “search  
21           or inspection” and inserting “search, investiga-  
22           tion, or inspection”; and

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

1           (2) REGULATIONS.—Section 307 of the Ant-  
 2           arctic Marine Living Resources Convention Act (16  
 3           U.S.C. 2436) is amended by inserting after “title.”  
 4           the following: “Notwithstanding the provisions of  
 5           subsections (b), (c), and (d) of section 553 of title  
 6           5, United States Code, the Secretary of Commerce  
 7           may publish in the Federal Register a final rule to  
 8           implement conservation measures, described in sec-  
 9           tion 305(a) of this Act, that are in effect for 12  
 10          months or less, adopted by the Commission, and not  
 11          objected to by the United States within the time pe-  
 12          riod allotted under Article IX of the Convention.  
 13          Upon publication in the Federal Register, such con-  
 14          servation measures shall be in force with respect to  
 15          the United States.”.

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

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

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

22                         (i) by striking subsections (b), (c),  
 23                         and (d);

24                         (ii) by redesignating subsection (e) as  
 25                         subsection (c); and

1 (iii) by inserting after subsection (a)  
2 the following:

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

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

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

10 (A) by striking subsections (e) and (f); and

11 (B) by redesignating subsection (g) as sub-  
12 section (e).

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

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

17 (B) by striking “(b) INTERNATIONAL EN-  
18 FORCEMENT.—” in subsection (b) and inserting  
19 “This Act shall be enforced under section 101  
20 of the International Fisheries Stewardship and  
21 Enforcement Act.”; and

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

1           (h) NORTHWEST ATLANTIC FISHERIES CONVENTION  
 2 ACT OF 1995.—Section 207 of the Northwest Atlantic  
 3 Fisheries Convention Act of 1995 (16 U.S.C. 5606) is  
 4 amended—

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

8           (2) in subsection (a)—

9           (A) by striking “search or inspection” in  
 10 paragraph (2) and inserting “search, investiga-  
 11 tion, or inspection”; and

12           (B) by striking “search or inspection” in  
 13 paragraph (3) and inserting “search, investiga-  
 14 tion, or inspection”; and

15           (3) by striking subsections (b) through (f) and  
 16 inserting the following:

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

20           (i) WESTERN AND CENTRAL PACIFIC FISHERIES  
 21 CONVENTION IMPLEMENTATION ACT.—

22           (1) ADMINISTRATION AND ENFORCEMENT.—  
 23 Section 506(e) of the Western and Central Pacific  
 24 Fisheries Convention Implementation Act (16 U.S.C.  
 25 6905(e)) is amended to read as follows:



1       “(e) ADMINISTRATION AND ENFORCEMENT.—This  
2 title shall be enforced under section 101 of the Inter-  
3 national Fisheries Stewardship and Enforcement Act.”.

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

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

10           (1) PROHIBITED ACTS.—Section 7 of the  
11 Northern Pacific Halibut Act of 1982 (16 U.S.C.  
12 773e) is amended—

13           (A) by redesignating paragraphs (1)  
14 through (6) of subsection (a), as subparagraphs  
15 (A) through (F), respectively;

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

18           (C) in paragraph (1)(B), as redesignated,  
19 by striking “search or inspection” and inserting  
20 “search, investigation, or inspection”; and

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

1           (2) ADMINISTRATION AND ENFORCEMENT.—  
 2           The Northern Pacific Halibut Act of 1982 (16  
 3           U.S.C. 773 et seq.) is amended—

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

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

9           “~~(b) ADMINISTRATION AND ENFORCEMENT.—~~This  
 10 Act shall be enforced under section 101 of the Inter-  
 11 national Fisheries Stewardship and Enforcement Act.”.

12 **SEC. 103. ILLEGAL, UNREPORTED, OR UNREGULATED FISH-**  
 13 **ING.**

14           (a) AMENDMENT OF THE HIGH SEAS DRIFTNET  
 15 FISHING MORATORIUM PROTECTION ACT.—

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

20                     “~~(c) VESSELS AND VESSEL OWNERS ENGAGED IN IL-~~  
 21 ~~LEGAL, UNREPORTED, OR UNREGULATED FISHING.—~~The  
 22 Secretary may—

23                             “(1) develop, maintain, and make public a list  
 24                             of vessels and vessel owners engaged in illegal, unre-  
 25                             ported, or unregulated fishing, including vessels or

1 vessel owners identified by an international fishery  
2 management organization or arrangement made pur-  
3 suant to an international fishery agreement, whether  
4 or not the United States is a party to such organiza-  
5 tion or arrangement;

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

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

22 “(d) RESTRICTIONS ON PORT ACCESS OR USE.—Ac-  
23 tion taken by the Secretary under subsection (e)(2) that  
24 includes measures to restrict use of or access to ports or

1 port services shall apply to all ports of the United States  
2 and its territories.

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

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

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

11 (B) in subsection (e)(3)—

12 (i) by striking “and” at the end of  
13 subparagraph (B);

14 (ii) by striking “agreement.” and in-  
15 serting “agreement, and”; and

16 (iii) by adding at the end the fol-  
17 lowing:

18 “(D) to the extent possible—

19 “(i) fishing activities conducted in  
20 waters under the jurisdiction of a nation  
21 without permission of that nation; and

22 “(ii) fishing activities conducted in  
23 contravention of a nation’s laws (including  
24 regulations), including fishing activity that  
25 has not been reported or that has been

1 misreported to the relevant national au-  
 2 thority of a nation in contravention of that  
 3 nation's laws (including regulations).”.

4 ~~(3) Section 610(c)(5) of the High Seas Driftnet~~  
 5 ~~Fishing Moratorium Protection Act (16 U.S.C.~~  
 6 ~~1826k(c)(5)) is amended by striking “that has not~~  
 7 ~~been certified by the Secretary under this sub-~~  
 8 ~~section, or”.~~

9 (b) AMENDMENT OF THE HIGH SEAS DRIFTNET  
 10 FISHERIES ENFORCEMENT ACT.—

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

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

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

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

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

1           “(ii) any fishing vessel of a nation  
2           that receives a negative certification under  
3           section 609(d) or 610(e) of the High Seas  
4           Driftnet Fishing Moratorium Protection  
5           Act (16 U.S.C. 1826j(d) or 1826k(e)); and

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

12          (B) in subsection (b)—

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

16                 (ii) by striking paragraph (3)(A) and  
17                 inserting the following:

18                 “(A) PROHIBITION.—The President shall  
19                 direct the Secretary of the Treasury to prohibit  
20                 the importation into the United States of fish  
21                 and fish products and sport fishing equipment  
22                 (as that term is defined in section 4162 of the  
23                 Internal Revenue Code of 1986 (26 U.S.C.  
24                 4162)) from a nation—

1           “(i) upon receipt of notification of the  
2 identification of the nation under para-  
3 graph (1)(A);

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

8           “(iii) upon receipt of notification of a  
9 negative certification under section  
10 609(d)(1) or 610(e)(1) of the High Seas  
11 Driftnet Fishing Moratorium Protection  
12 Act (16 U.S.C. 1826j(d)(1) and  
13 1826k(e)(1)).”;

14           (iii) by inserting “or after issuing a  
15 negative certification under section  
16 609(d)(1) or 610(e)(1) of the High Seas  
17 Driftnet Fishing Moratorium Protection  
18 Act (16 U.S.C. 1826j(d)(1) and  
19 1826k(e)(1)),” after “paragraph (1),” in  
20 paragraph (4)(A); and

21           (iv) by striking paragraph (4)(A)(i)  
22 and inserting the following:

23           “(i) any prohibition established under  
24 paragraph (3) is insufficient to cause that  
25 nation—

1           “(I) to terminate large-scale  
2           driftnet fishing conducted by its na-  
3           tionals and vessels beyond the exclu-  
4           sive economic zone of any nation;

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

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

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

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



1           “(2) has addressed illegal, unreported, or un-  
2 regulated fishing activities for which a nation has  
3 been identified under section 609 of the High Seas  
4 Driftnet Fishing Moratorium Protection Act (16  
5 U.S.C. 1826j); or

6           “(3) has addressed bycatch of a protected living  
7 marine resource for which a nation has been identi-  
8 fied under section 610 of the High Seas Driftnet  
9 Fishing Moratorium Protection Act (16 U.S.C.  
10 1826k).”.

11 **SEC. 104. LIABILITY.**

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

1 **TITLE II—LAW ENFORCEMENT**  
 2 **AND INTERNATIONAL OPER-**  
 3 **ATIONS**

4 **SEC. 201. INTERNATIONAL FISHERIES ENFORCEMENT.**

5 (a) ESTABLISHMENT OF INTERNATIONAL FISHERIES  
 6 ENFORCEMENT TASK FORCE.—

7 (1) IN GENERAL.—Not later than 12 months  
 8 after the date of enactment of this Act, the Sec-  
 9 retary of Commerce shall establish, through the Na-  
 10 tional Marine Fisheries Service's international en-  
 11 forcement program, an interagency International  
 12 Fisheries Enforcement Task Force.

13 (2) PURPOSES.—The purposes of the task force  
 14 shall be—

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

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

20 (3) MEMBERSHIP.—The task force shall include  
 21 permanent representation from—

22 (A) the National Marine Fisheries Serv-  
 23 ice's international enforcement program;

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

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

1           ~~(D)~~ the U.S. Food and Drug Administra-  
2           tion; and

3           ~~(E)~~ such other Federal agencies as the  
4           Secretary considers appropriate and necessary  
5           to carry out the purposes under paragraph ~~(2)~~.

6           ~~(b) TASK FORCE ORGANIZATION.—~~

7           ~~(1) STAFFING AND OTHER RESOURCES.—~~The  
8           Secretary of Commerce and the head of each depart-  
9           ment and agency identified under subsection ~~(a)(3)~~  
10          shall—

11           ~~(A)~~ by agreement, on a reimbursable basis  
12           or otherwise, provide permanent representation  
13           to the task force;

14           ~~(B)~~ by agreement, on a reimbursable basis  
15           or otherwise, share personnel, services, equip-  
16           ment (including aircraft and vessels), and facili-  
17           ties with the task force for the purposes under  
18           subsection ~~(a)(2)~~; and

19           ~~(C)~~ to the extent possible, and consistent  
20           with other applicable law, extend the authorities  
21           provided under their enabling legislation to the  
22           other departments and agencies participating in  
23           the task force.

24           ~~(2) BUDGET.—~~The Secretary of Commerce and  
25           the head of each department and agency providing

1 personnel for the task force, at their discretion, may  
2 develop interagency plans and budgets and engage in  
3 interagency financing for such purposes.

4 (3) 5-YEAR STRATEGIC PLAN.—Not later than  
5 180 days after the date on which the task force is  
6 established under subsection (a), the Secretary of  
7 Commerce shall develop a 5-year strategic plan for  
8 guiding interagency and intergovernmental inter-  
9 national fisheries enforcement efforts to carry out  
10 the provisions of this Act. The Secretary shall up-  
11 date the plan periodically as necessary, but at least  
12 once every 5 years.

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

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

18 (B) shall, to the maximum extent permis-  
19 sible under law, create and participate in com-  
20 mittees or other working groups with other  
21 Federal, State, or local governments, and with  
22 the governments of other nations for the pur-  
23 poses under subsection (a)(2);

24 (C) may enter into agreements with other  
25 Federal, State, or local governments, and with

1 the governments of other nations, on a reim-  
 2 bursable basis or otherwise, for the purposes  
 3 under subsection (a)(2).

4 (c) POWERS OF AUTHORIZED OFFICERS.—Notwith-  
 5 standing any other provision of law, while operating under  
 6 an agreement with the Secretary of Commerce entered  
 7 into under section 101, or while conducting a joint oper-  
 8 ation under subsection (b)(4) of this section, each author-  
 9 ized officer shall have the powers and authority provided  
 10 in section 101.

11 **SEC. 202. INTERNATIONAL COOPERATION AND ASSIST-**  
 12 **ANCE.**

13 (a) INTERNATIONAL COOPERATION AND ASSIST-  
 14 ANCE.—The Secretary of Commerce may provide inter-  
 15 national cooperation and assistance for international ca-  
 16 pacity building efforts.

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

19 (1) provide technical expertise to other nations  
 20 to assist them in addressing illegal, unreported, or  
 21 unregulated fishing activities;

22 (2) provide technical expertise to other nations  
 23 to assist them in reducing the loss and environ-  
 24 mental impacts of derelict fishing gears, reducing

1 the bycatch of living marine resources, and pro-  
2 moting international marine resource conservation;

3 ~~(3)~~ provide technical expertise, and training, in  
4 cooperation with the International Fisheries En-  
5 forcement Task Force under section 201 of this Act,  
6 to other nations to aid them in building capacity for  
7 enhanced fisheries management, fisheries moni-  
8 toring, catch and trade tracking activities, enforce-  
9 ment, and international marine resource conserva-  
10 tion;

11 ~~(4)~~ establish partnerships with other Federal  
12 agencies, as appropriate, to ensure that fisheries de-  
13 velopment assistance to other nations is directed to-  
14 ward efforts that promote sustainable fisheries; and

15 ~~(5)~~ conduct outreach and education efforts in  
16 order to promote public and private sector awareness  
17 of international fisheries sustainability issues, in-  
18 cluding the need to combat illegal, unreported, or  
19 unregulated fishing activity and to promote inter-  
20 national marine resource conservation.

21 ~~(c)~~ GUIDELINES.—The Secretary may establish  
22 guidelines as necessary to implement this section.

1           **TITLE III—MISCELLANEOUS**  
 2                           **AMENDMENTS**

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

4           Section 6 of the Atlantic Tunas Convention Act of  
 5 1975 (16 U.S.C. 971d(c)(2)) is amended—

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

7                   (2) by striking “(A) submission” and inserting  
 8 “the presentation”;

9                   (3) by striking “arguments; and (B) oral pres-  
 10 entation at a public hearing. Such” and inserting  
 11 “written or oral statements at a public hearing.  
 12 After consideration of such presentations, the”; and

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

14                           “(B) The Secretary may issue final regula-  
 15 tions to implement Commission recommenda-  
 16 tions referred to in paragraph (1) of this sub-  
 17 section concerning trade restrictive measures  
 18 against nations or fishing entities without re-  
 19 gard to the requirements of subparagraph (A)  
 20 of this paragraph and subsections (b) and (c) of  
 21 section 553 of title 5, United States Code.”.

22   **SEC. 302. DATA SHARING.**

23           (a) **HIGH SEAS DRIFTNET FISHING MORATORIUM**  
 24 **PROTECTION ACT.**—Section 608 of the High Seas

1 Driftnet Fishing Moratorium Protection Act (16 U.S.C.  
2 1826i) is amended—

3           (1) by inserting “(a) IN GENERAL.—” before  
4           “‘The Secretary,’”;

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

11          (3) by striking “and” after the semicolon in  
12          paragraph (3);

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

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

16           “(5) urging other nations, through the regional  
17           fishery management organizations of which the  
18           United States is a member, bilaterally and otherwise  
19           to seek and foster the sharing of accurate, relevant,  
20           and timely information—

21                   “(A) to improve the scientific under-  
22                   standing of marine ecosystems;

23                   “(B) to improve fisheries management de-  
24                   cisions;



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

3           “(D) to combat illegal, unreported, and un-  
4           regulated fishing; and

5           “(E) to improve compliance with conserva-  
6           tion and management measures in international  
7           waters.

8           “(b) INFORMATION SHARING.—In carrying out this  
9           section, the Secretary may disclose, as necessary and ap-  
10          propriate, information to the Food and Agriculture Orga-  
11          nization formed at Quebec, Canada, on October 16, 1945,  
12          international fishery management organizations, or ar-  
13          rangements made pursuant to an international fishery  
14          agreement, if such organizations or arrangements have  
15          policies and procedures to safeguard such information  
16          from unintended or unauthorized disclosure.”.

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

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

22                 (2) by redesignating subparagraph (H) as sub-  
23                 paragraph (J); and

24                 (3) by inserting after subparagraph (G) the fol-  
25                 lowing:

1           “(H) to the Food and Agriculture Organi-  
 2           zation formed at Quebec, Canada, on October  
 3           16, 1945, international fishery management or-  
 4           ganizations, or arrangements made pursuant to  
 5           an international fishery agreement as provided  
 6           under section 608(b) of the High Seas Driftnet  
 7           Fishing Moratorium Protection Act (16 U.S.C.  
 8           1826i(b));

9           “(I) to any other Federal or State govern-  
 10          ment agency, foreign government, the Food and  
 11          Agriculture Organization formed at Quebec,  
 12          Canada, on October 16, 1945, or the secretariat  
 13          or equivalent of an international fisheries man-  
 14          agement organization or arrangement made  
 15          pursuant to an international fishery agreement,  
 16          as provided under section 101(c)(9) of the  
 17          International Fisheries Stewardship and En-  
 18          forcement Act; or”.

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

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

23          “(f) **VALIDITY.**—A permit issued under this section  
 24 is void if—

1           “(1) ~~1~~ or more permits or authorizations re-  
 2           quired for a vessel to fish, in addition to a permit  
 3           issued under this section, expire, are revoked, or are  
 4           suspended; or

5           “(2) the vessel is no longer eligible for United  
 6           States documentation; such documentation is re-  
 7           voked or denied; or the vessel is deleted from such  
 8           documentation.”.

9   **SEC. 304. COMMITTEE ON SCIENTIFIC COOPERATION FOR**  
 10                                   **PACIFIC SALMON AGREEMENT.**

11           Section 11 of the Pacific Salmon Treaty Act of 1985  
 12   (16 U.S.C. 3640) is amended—

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

15           (2) by inserting after subsection (b) the fol-  
 16           lowing:

17           “(e) **COMPENSATION OF COMMITTEE ON SCIENTIFIC**  
 18   **COOPERATION MEMBERS.**—Members of the Committee on  
 19   Scientific Cooperation who are not State or Federal em-  
 20   ployees shall receive compensation at a rate equivalent to  
 21   the rate payable for level IV of the Executive Schedule  
 22   under section 5315 of title 5, United States Code, when  
 23   engaged in actual performance of duties for the Commis-  
 24   sion.”; and

1           (3) by striking “71” in subsection (e), as redес-  
 2           ignated, and inserting “171”.

3           **TITLE IV—IMPLEMENTATION OF**  
 4           **THE ANTIGUA CONVENTION**

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

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

9           (b) **REFERENCES TO THE TUNA CONVENTIONS ACT**  
 10          **OF 1950.**—Except as otherwise expressly provided, when-  
 11          ever in this title an amendment or repeal is expressed in  
 12          terms of an amendment to, or repeal of, a section or other  
 13          provision, the reference shall be considered to be made to  
 14          a section or other provision of the Tuna Conventions Act  
 15          of 1950 (16 U.S.C. 951 et seq.).

16          **SEC. 402. DEFINITIONS.**

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

19          **“SEC. 2. DEFINITIONS.**

20                 “In this Act:

21                         “(1) **ANTIGUA CONVENTION.**—The term ‘Anti-  
 22                         gua Convention’ means the Convention for the  
 23                         Strengthening of the Inter-American Tropical Tuna  
 24                         Commission Established by the 1949 Convention  
 25                         Between the United States of America and the Re-

1 public of Costa Rica, signed at Washington, Novem-  
2 ber 14, 2003.

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

6 “(3) CONVENTION.—The term ‘Convention’  
7 means—

8 “(A) the Convention for the Establishment  
9 of an Inter-American Tropical Tuna Commis-  
10 sion, signed at Washington, May 31, 1949, by  
11 the United States of America and the Republic  
12 of Costa Rica;

13 “(B) the Antigua Convention, upon its  
14 entry into force for the United States, and any  
15 amendments thereto that are in force for the  
16 United States; or

17 “(C) both subparagraphs (A) and (B), as  
18 the context requires.

19 “(4) IMPORT.—The term ‘import’ means to  
20 land on, bring into, or introduce into, or attempt to  
21 land on, bring into, or introduce into, any place sub-  
22 ject to the jurisdiction of the United States, whether  
23 or not such landing, bringing, or introduction con-  
24 stitutes an importation within the meaning of the  
25 customs laws of the United States.

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

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

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

10          “(8) UNITED STATES SECTION.—The term  
11          ‘United States Section’ means the United States  
12          Commissioners to the Commission and a designee of  
13          the Secretary of State.”.

14   **SEC. 403. COMMISSIONERS; NUMBER, APPOINTMENT, AND**  
15                           **QUALIFICATIONS.**

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

18   **“SEC. 3. COMMISSIONERS.**

19          “(a) COMMISSIONERS.—The United States shall be  
20          represented on the Commission by 5 United States Com-  
21          missioners. The President shall appoint individuals to  
22          serve on the Commission at the pleasure of the President.  
23          In making the appointments, the President shall select  
24          Commissioners from among individuals who are knowl-  
25          edgeable or experienced concerning highly migratory fish

1 stocks in the eastern tropical Pacific Ocean, 1 of which  
2 shall be an officer or employee of the Department of Com-  
3 merce, 1 of which shall be the chairman or a member of  
4 the Western Pacific Fishery Management Council, and 1  
5 of which shall be the chairman or a member of the Pacific  
6 Fishery Management Council. Not more than 2 Commis-  
7 sioners may be appointed who reside in a State other than  
8 a State whose vessels maintain a substantial fishery in the  
9 area of the Convention.

10       “(b) ALTERNATE UNITED STATES COMMIS-  
11 SIONERS.—The Secretary of State, in consultation with  
12 the Secretary, may designate from time to time and for  
13 periods of time deemed appropriate Alternate United  
14 States Commissioners to the Commission. Any Alternate  
15 United States Commissioner may exercise, at any meeting  
16 of the Commission or of the General Advisory Committee  
17 or Scientific Advisory Subcommittee established pursuant  
18 to section 4(b), all powers and duties of a United States  
19 Commissioner in the absence of any Commissioner ap-  
20 pointed pursuant to subsection (a) of this section for what-  
21 ever reason. The number of such Alternate United States  
22 Commissioners that may be designated for any such meet-  
23 ing shall be limited to the number of United States Com-  
24 missioners appointed pursuant to subsection (a) of this  
25 section who will not be present at such meeting.

1       “(c) ADMINISTRATIVE MATTERS.—

2               “(1) EMPLOYMENT STATUS.—Individuals serv-  
3       ing as such Commissioners, other than officers or  
4       employees of the United States Government, shall  
5       not be considered Federal employees except for the  
6       purposes of injury compensation or tort claims liabil-  
7       ity as provided in chapter 81 of title 5, United  
8       States Code, and chapter 171 of title 28, United  
9       States Code.

10              “(2) COMPENSATION.—The United States Com-  
11       missioners or Alternate United States Commis-  
12       sioners, although officers of the United States while  
13       so serving, shall receive no compensation for their  
14       services as such United States Commissioners or Al-  
15       ternate United States Commissioners.

16              “(3) TRAVEL EXPENSES.—

17                      “(A) The Secretary of State shall pay the  
18       necessary travel expenses of United States  
19       Commissioners and Alternate United States  
20       Commissioners to meetings of the Commission  
21       and other meetings the Secretary deems nec-  
22       essary to fulfill their duties, in accordance with  
23       the Federal Travel Regulations and sections  
24       5701, 5702, 5704 through 5708, and 5731 of  
25       title 5, United States Code.



1           “(B) The Secretary may reimburse the  
2           Secretary of State for amounts expended by the  
3           Secretary of State under this subsection.”.

4 **SEC. 404. GENERAL ADVISORY COMMITTEE AND SCI-**  
5 **ENTIFIC ADVISORY SUBCOMMITTEE.**

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

7           (1) by striking subsection (a) and inserting the  
8           following:

9           “(a) **GENERAL ADVISORY COMMITTEE.—**

10           “(1) **APPOINTMENTS; PUBLIC PARTICIPA-**  
11 **TION.—**

12           “(A) **APPOINTMENTS.—**The Secretary, in  
13           consultation with the Secretary of State, shall  
14           appoint a General Advisory Committee which  
15           shall consist of not more than 25 individuals  
16           who shall be representative of the various  
17           groups concerned with the fisheries covered by  
18           the Convention, including nongovernmental con-  
19           servation organizations, providing to the max-  
20           imum extent practicable an equitable balance  
21           among such groups. Members of the General  
22           Advisory Committee will be eligible to partici-  
23           pate as members of the U.S. delegation to the  
24           Commission and its working groups to the ex-

1           tent the Commission rules and space for delega-  
2           tions allow.

3           “(B) ~~ADDITIONAL MEMBERS.~~—The chair  
4           of the Pacific Fishery Management Council’s  
5           Advisory Subpanel for Highly Migratory Fish-  
6           eries and the chair of the Western Pacific Fish-  
7           ery Management Council’s Advisory Committee  
8           shall be members of the General Advisory Com-  
9           mittee by virtue of their positions in those  
10          Councils.

11          “(C) ~~TERMS.~~—Each member of the Gen-  
12          eral Advisory Committee appointed under sub-  
13          paragraph (A) shall serve for a term of 3 years  
14          and shall be eligible for reappointment.

15          “(D) ~~NON-EXECUTIVE MEETINGS OF THE~~  
16          ~~UNITED STATES SECTION.~~—The General Advi-  
17          sory Committee shall be invited to attend all  
18          non-executive meetings of the United States  
19          Section and at such meetings shall be given op-  
20          portunity to examine and to be heard on all  
21          proposed programs of investigation, reports,  
22          recommendations, and regulations of the Com-  
23          mission.

24          “(E) ~~PUBLIC PARTICIPATION.~~—The Gen-  
25          eral Advisory Committee shall determine its or-

1 organization, and prescribe its practices and pro-  
2 cedures for carrying out its functions under this  
3 chapter, the Magnuson-Stevens Fishery Con-  
4 servation and Management Act (16 U.S.C.  
5 1801 et seq.), and the Convention. The General  
6 Advisory Committee shall publish and make  
7 available to the public a statement of its organi-  
8 zation, practices and procedures. Meetings of  
9 the General Advisory Committee, except when  
10 in executive session, shall be open to the public,  
11 and prior notice of meetings shall be made pub-  
12 lic in timely fashion. The General Advisory  
13 Committee shall not be subject to the Federal  
14 Advisory Committee Act (5 U.S.C. App.).

15 “(2) INFORMATION SHARING.—The Secretary  
16 and the Secretary of State shall furnish the General  
17 Advisory Committee with relevant information con-  
18 cerning fisheries and international fishery agree-  
19 ments.

20 “(3) ADMINISTRATIVE MATTERS.—

21 “(A) IN GENERAL.—The Secretary shall  
22 provide to the General Advisory Committee in a  
23 timely manner such administrative and tech-  
24 nical support services as are necessary for its  
25 effective functioning.

1           “(B) COMPENSATION.—An individual ap-  
 2           pointed to serve as a member of the General  
 3           Advisory Committee—

4           “(i) shall serve without pay, but while  
 5           away from home or regular place of busi-  
 6           ness to attend meetings of the General Ad-  
 7           visory Committee shall be allowed travel  
 8           expenses, including per diem in lieu of sub-  
 9           sistence, in the same manner as a person  
 10          employed intermittently in the Government  
 11          service is allowed expenses under section  
 12          5703 of title 5, United States Code; and

13          “(ii) shall not be considered a Federal  
 14          employee except for the purposes of injury  
 15          compensation or tort claims liability as  
 16          provided in chapter 81 of title 5, United  
 17          States Code, and chapter 171 of title 28,  
 18          United States Code.”; and

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

21          “(b) SCIENTIFIC ADVISORY SUBCOMMITTEE.—

22          “(c) IN GENERAL.—The Secretary, in consultation  
 23          with the Secretary of State, shall appoint a Scientific Ad-  
 24          visory Subcommittee of not less than 5 nor more than 15  
 25          qualified scientists with balanced representation from the

1 public and private sectors, including nongovernmental con-  
2 servation organizations.”.

3 **SEC. 405. RULEMAKING.**

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

5 (1) by striking the section heading and insert-  
6 ing the following:

7 **“SEC. 6. RULEMAKING.”;**

8 and

9 (2) by striking subsections (a) and (b) and in-  
10 serting the following:

11 **“(a) REGULATIONS.—**The Secretary, in consultation  
12 with the Secretary of State and, with respect to enforce-  
13 ment measures, the Secretary of the Department in which  
14 the Coast Guard is operating, may promulgate such regu-  
15 lations as may be necessary to carry out the United States  
16 international obligations under the Convention and this  
17 Act, including recommendations and decisions adopted by  
18 the Commission. In cases where the Secretary has discre-  
19 tion in the implementation of one or more measures adopt-  
20 ed by the Commission that would govern fisheries under  
21 the authority of a Regional Fishery Management Council,  
22 the Secretary may, to the extent practicable within the im-  
23 plementation schedule of the Convention and any rec-  
24 ommendations and decisions adopted by the Commission,  
25 promulgate such regulations in accordance with the proce-

1 dures established by the Magnuson-Stevens Fishery Con-  
 2 servation and Management Act (16 U.S.C. 1801 et seq.).

3 “(b) JURISDICTION.—The Secretary may promulgate  
 4 regulations applicable to all vessels and persons subject  
 5 to the jurisdiction of the United States, including United  
 6 States flag vessels wherever they may be operating, on  
 7 such date as the Secretary shall prescribe.”.

8 **SEC. 406. PROHIBITED ACTS.**

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

11 **“SEC. 8. PROHIBITED ACTS.**

12 “It is unlawful for any person—

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

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

19 “(3) to refuse to permit any officer authorized  
 20 to enforce the provisions of this Act (as provided for  
 21 in section 10) to board a fishing vessel subject to  
 22 such person’s control for the purposes of conducting  
 23 any search, investigation or inspection in connection  
 24 with the enforcement of this Act or any regulation,  
 25 permit, or the Convention;

1           “(4) to forcibly assault, resist, oppose, impede,  
2           intimidate, sexually harass, bribe, or interfere with  
3           any such authorized officer in the conduct of any  
4           search, investigations or inspection in connection  
5           with the enforcement of this Act or any regulation,  
6           permit, or the Convention;

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

9           “(6) to ship, transport, offer for sale, sell, pur-  
10          chase, import, export, or have custody, control, or  
11          possession of, any fish taken or retained in violation  
12          of this Act or any regulation, permit, or agreement  
13          referred to in paragraph (1) or (2);

14          “(7) to interfere with, delay, or prevent, by any  
15          means, the apprehension or arrest of another person,  
16          knowing that such other person has committed any  
17          act prohibited by this section;

18          “(8) to knowingly and willfully submit to the  
19          Secretary false information regarding any matter  
20          that the Secretary is considering in the course of  
21          carrying out this Act;

22          “(9) to forcibly assault, resist, oppose, impede,  
23          intimidate, sexually harass, bribe, or interfere with  
24          any observer on a vessel under this Act, or any data  
25          collector employed by the National Marine Fisheries

1 Service or under contract to any person to carry out  
2 responsibilities under this Act;

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

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

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

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

16 “(14) to import, in violation of any regulation  
17 adopted pursuant to section 6 of this Act, any fish  
18 in any form of those species subject to regulation  
19 pursuant to a recommendation, resolution, or deci-  
20 sion of the Commission, or any tuna in any form not  
21 under regulation but under investigation by the  
22 Commission, during the period such fish have been  
23 denied entry in accordance with the provisions of  
24 section 6 of this Act, unless such person provides  
25 such proof as the Secretary of Commerce may re-



1       quire that a fish described in this paragraph offered  
 2       for entry into the United States is not ineligible for  
 3       such entry under the terms of section 6 of this  
 4       Act.”.

5       **SEC. 407. ENFORCEMENT.**

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

8       **“SEC. 10. ENFORCEMENT.**

9       **“This Act shall be enforced under section 101 of the**  
 10       **International Fisheries Stewardship and Enforcement**  
 11       **Act.”.**

12       **SEC. 408. REDUCTION OF BYCATCH.**

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

15       **SEC. 409. REPEAL OF EASTERN PACIFIC TUNA LICENSING**  
 16       **ACT OF 1984.**

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

19       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

20       (a) *SHORT TITLE.*—*This Act may be cited as the*  
 21       *“International Fisheries Stewardship and Enforcement*  
 22       *Act”.*

23       (b) *TABLE OF CONTENTS.*—*The table of contents of this*  
 24       *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.*  
*Sec. 410. Conforming amendments to the Marine Mammal Protection Act of 1972.*

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

5 ***SEC. 101. AUTHORITY OF THE SECRETARY OF COMMERCE***  
 6 ***TO ENFORCE STATUTES.***

7 (a) *IN GENERAL.*—

8 (1) *ENFORCEMENT.*—*The Secretary of Commerce*  
 9 *and the Secretary of the department in which the*  
 10 *Coast Guard is operating shall enforce the Acts to*

1       *which this section applies in accordance with the pro-*  
2       *visions of this section.*

3               (2) *NONDEPARTMENTAL RESOURCES.*—*The Sec-*  
4       *retary of Commerce may, by agreement, on a reim-*  
5       *bursable basis or otherwise, utilize the personnel serv-*  
6       *ices, equipment (including aircraft and vessels), and*  
7       *facilities of any other Federal agency, including all*  
8       *elements of the Department of Defense, and of any*  
9       *State agency, in carrying out this section.*

10              (3) *APPLICATION.*—*This section applies to—*

11                      (A) *the High Seas Driftnet Fishing Morato-*  
12                      *rium Protection Act (16 U.S.C. 1826d et seq.);*

13                      (B) *the Pacific Salmon Treaty Act of 1985*  
14                      *(16 U.S.C. 3631 et seq.);*

15                      (C) *the Dolphin Protection Consumer Infor-*  
16                      *mation Act (16 U.S.C. 1385);*

17                      (D) *the Tuna Conventions Act of 1950 (16*  
18                      *U.S.C. 951 et seq.);*

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

21                      (F) *the South Pacific Tuna Act of 1988 (16*  
22                      *U.S.C. 973 et seq.);*

23                      (G) *the Antarctic Marine Living Resources*  
24                      *Convention Act of 1984 (16 U.S.C. 2431 et seq.);*

1           (H) *the Atlantic Tunas Convention Act of*  
2           *1975 (16 U.S.C. 971 et seq.);*

3           (I) *the Northwest Atlantic Fisheries Conven-*  
4           *tion Act of 1995 (16 U.S.C. 5601 et seq.);*

5           (J) *the Western and Central Pacific Fish-*  
6           *eries Convention Implementation Act (16 U.S.C.*  
7           *6901 et seq.);*

8           (K) *the Northern Pacific Halibut Act of*  
9           *1982 (16 U.S.C. 773 et seq.);*

10          (L) *the Antigua Convention Implementing*  
11          *Act of 2013; and*

12          (M) *any other Act in pari materia, so des-*  
13          *ignated by the Secretary after notice and an op-*  
14          *portunity for a hearing.*

15          (b) *ADMINISTRATION AND ENFORCEMENT.—The Sec-*  
16          *retary of Commerce shall prevent any person from violating*  
17          *any Act to which this section applies in the same manner,*  
18          *by the same means, and with the same jurisdiction, powers,*  
19          *and duties as though sections 308 through 311 of the Mag-*  
20          *nuson-Stevens Fishery Conservation and Management Act*  
21          *(16 U.S.C. 1858 through 1861) were incorporated into and*  
22          *made a part of each such Act. Except as provided in sub-*  
23          *section (c), any person that violates any Act to which this*  
24          *section applies shall be subject to the penalties, and entitled*  
25          *to the privileges and immunities, provided in the Magnu-*

1 *son-Stevens Fishery Conservation and Management Act (16*  
2 *U.S.C. 1801 et seq.) in the same manner and by the same*  
3 *means as though sections 308 through 311 of that Act (16*  
4 *U.S.C. 1858 through 1861) were incorporated into and*  
5 *made a part of each such Act.*

6 (c) *SPECIAL RULES.—*

7 (1) *IN GENERAL.—Notwithstanding the incorpo-*  
8 *ration by reference of certain sections of the Magnu-*  
9 *son-Stevens Fishery Conservation and Management*  
10 *Act under subsection (b), if there is a conflict between*  
11 *a provision of this subsection and the corresponding*  
12 *provision of any section of the Magnuson-Stevens*  
13 *Fishery Conservation and Management Act so incor-*  
14 *porated, the provision of this subsection shall apply.*

15 (2) *ADDITIONAL ENFORCEMENT AUTHORITY.—In*  
16 *addition to the powers of officers authorized pursuant*  
17 *to subsection (b), any officer who is authorized by the*  
18 *Secretary, or the head of any Federal or State agency*  
19 *that has entered into an agreement with the Secretary*  
20 *under subsection (a) to enforce the provisions of any*  
21 *Act to which this section applies may, with the same*  
22 *jurisdiction, powers, and duties as though section 311*  
23 *of the Magnuson-Stevens Fishery Conservation and*  
24 *Management Act (16 U.S.C. 1861) were incorporated*  
25 *into and made a part of each such Act—*

1           (A) search or inspect any facility or convey-  
2           ance used or employed in, or which reasonably  
3           appears to be used or employed in, the storage,  
4           processing, transport, or trade of fish or fish  
5           products;

6           (B) inspect records pertaining to the stor-  
7           age, processing, transport, or trade of fish or fish  
8           products;

9           (C) detain, for a period of up to 14 days,  
10          any shipment of fish or fish product imported  
11          into, landed on, introduced into, exported from,  
12          or transported within the jurisdiction of the  
13          United States, or, if such fish or fish product is  
14          deemed to be perishable, sell and retain the pro-  
15          ceeds therefrom for a period of up to 14 days;

16          (D) carry firearms and make an arrest, in  
17          accordance with any guidelines which may be  
18          issued by the Attorney General, for any offense  
19          under the laws of the United States committed  
20          in the officer's presence, or for the commission of  
21          any felony under the laws of the United States,  
22          if the officer has reasonable grounds to believe  
23          that the person to be arrested has committed or  
24          is committing a felony;

1           (E) search and seize, in accordance with  
2 any guidelines which may be issued by the Attor-  
3 ney General; and

4           (F) execute and serve any subpoena, arrest  
5 warrant, search warrant issued in accordance  
6 with rule 41 of the Federal Rules of Criminal  
7 Procedure, or other warrant or civil or criminal  
8 process issued by any officer or court of com-  
9 petent jurisdiction.

10           (3) *NORTHERN PACIFIC HALIBUT ACT OF 1982.*—

11       *Notwithstanding the provisions of subsection (b)—*

12           (A) any person who is found by the Sec-  
13 retary, after notice and opportunity for a hear-  
14 ing in accordance with section 554 of title 5,  
15 United States Code, to have committed an act  
16 prohibited under section 7 of the Northern Pa-  
17 cific Halibut Act of 1982 (16 U.S.C. 773e) shall  
18 be liable to the United States for a civil penalty  
19 under section 8 of that Act (16 U.S.C. 773f);

20           (B) any act prohibited under subpara-  
21 graphs (B), (C), (D), or (F) of section 7(1) or  
22 section 7(2) of the Northern Pacific Halibut Act  
23 of 1982 (16 U.S.C. 773e) is punishable under  
24 section 9 of that Act (16 U.S.C. 773g); and

1           (C) *the Secretary, in cooperation with such*  
2 *other agencies as may be appropriate, may con-*  
3 *duct or cause to be conducted investigations in*  
4 *accordance with section 11(d) of the Northern*  
5 *Pacific Halibut Act of 1982 (16 U.S.C. 773i(d))*  
6 *as are deemed necessary to carry out the pur-*  
7 *poses of the Northern Pacific Halibut Act of*  
8 *1982 (16 U.S.C. 773 et seq.).*

9           (4) *INFORMATION COLLECTION, MAINTENANCE*  
10 *AND USE.—*

11           (A) *IN GENERAL.—The Secretary of Com-*  
12 *merce and the head of each department and*  
13 *agency providing personnel for the task force*  
14 *under section 201, to the maximum extent per-*  
15 *missible under law, shall share all applicable in-*  
16 *formation, intelligence, and data, related to the*  
17 *harvest, transportation, or trade of fish and fish*  
18 *product for the purposes under section 201(a)(2).*

19           (B) *COORDINATION OF DATA.—The Sec-*  
20 *retary of Commerce, through the task force under*  
21 *section 201, shall coordinate the collection, stor-*  
22 *age, analysis, and dissemination of all applica-*  
23 *ble information, intelligence, and data related to*  
24 *the harvest, transportation, or trade of fish and*



1 *fish product collected or maintained by a mem-*  
2 *ber agency of the task force.*

3 (C) *CONFIDENTIALITY.*—*The Secretary of*  
4 *Commerce, through the task force under section*  
5 *201, shall ensure the protection and confiden-*  
6 *tiality required by law for information, intel-*  
7 *ligence, and data related to the harvest, trans-*  
8 *portation, or trade of fish and fish product ob-*  
9 *tained by the task force.*

10 (D) *DATA STANDARDIZATION.*—*The Sec-*  
11 *retary of Commerce and the head of each depart-*  
12 *ment and agency providing personnel for the*  
13 *task force, to the maximum extent practicable,*  
14 *shall develop data standardization for fisheries*  
15 *related data for each member agency of the task*  
16 *force under section 201 and with international*  
17 *fisheries enforcement databases as appropriate.*

18 (E) *ASSISTANCE FROM INTELLIGENCE COM-*  
19 *MUNITY.*—*Upon request of the Secretary of Com-*  
20 *merce, elements of the intelligence community (as*  
21 *defined in section 3(4) of the National Security*  
22 *Act of 1947 (50 U.S.C. 401a(4))) shall collect in-*  
23 *formation related to illegal, unreported, or un-*  
24 *regulated fishing activity outside the United*  
25 *States about individuals who are not United*

1 States persons (as defined in section 105A(c)(2)  
2 of such Act (50 U.S.C. 403–5a(c)(2))). Such ele-  
3 ments of the intelligence community shall collect  
4 and share such information with the Secretary  
5 through the task force under section 201 of this  
6 Act for law enforcement purposes in order to de-  
7 tect and investigate illegal, unreported, or un-  
8 regulated fishing activities and to carry out the  
9 provisions of this Act. All collection and sharing  
10 of information shall be in accordance with the  
11 National Security Act of 1947 (50 U.S.C. 401 et  
12 seq.).

13 (F) INFORMATION SHARING.—

14 (i) IN GENERAL.—Subject to clause  
15 (ii), the Secretary of Commerce, through the  
16 task force under section 201, shall have au-  
17 thority to share fisheries-related data  
18 with—

19 (I) other Federal or State govern-  
20 ment agencies;

21 (II) foreign governments;

22 (III) the Food and Agriculture  
23 Organization formed at Quebec, Can-  
24 ada, on October 16, 1945; or

1           (IV) *the secretariat or equivalent*  
2           *of an international fisheries manage-*  
3           *ment organization or arrangement*  
4           *made pursuant to an international*  
5           *fishery agreement.*

6           (ii) *LIMITATIONS.—An entity listed*  
7           *under clause (i) may receive data under*  
8           *this subparagraph if—*

9           (I) *the entity has policies and*  
10           *procedures to safeguard such data from*  
11           *unintended or unauthorized disclosure;*  
12           *and*

13           (II) *the exchange of information*  
14           *is necessary—*

15           (aa) *to ensure compliance*  
16           *with any law (including regula-*  
17           *tions) enforced or administered by*  
18           *the Secretary of Commerce;*

19           (bb) *to administer or enforce*  
20           *treaties to which the United*  
21           *States is a party;*

22           (cc) *to administer or enforce*  
23           *binding conservation measures*  
24           *adopted by any international or-*  
25           *ganization or arrangement to*

1                   *which the United States is a*  
2                   *party;*

3                   *(dd) to assist in investiga-*  
4                   *tive, judicial, or administrative*  
5                   *enforcement proceedings in the*  
6                   *United States; or*

7                   *(ee) to assist in any fisheries*  
8                   *or living marine resource related*  
9                   *law enforcement action under-*  
10                  *taken by a law enforcement agen-*  
11                  *cy of a foreign government, or in*  
12                  *relation to a legal proceeding un-*  
13                  *dertaken by a foreign government.*

14                  *(d) DISTRICT COURT JURISDICTION.—The several dis-*  
15                  *trict courts of the United States shall have jurisdiction over*  
16                  *any actions arising under this section. For the purpose of*  
17                  *this section, American Samoa shall be included within the*  
18                  *judicial district of the District Court of the United States*  
19                  *for the District of Hawaii. Each violation shall be a sepa-*  
20                  *rate offense and the offense shall be deemed to have been*  
21                  *committed not only in the district where the violation first*  
22                  *occurred, but also in any other district as authorized by*  
23                  *law. Any offenses not committed in any district are subject*  
24                  *to the venue provisions of section 3238 of title 18, United*  
25                  *States Code.*

1       (e) *PROHIBITED ACTS.*—*For purposes of this section*  
2 *and each Act to which this section applies, it is unlawful*  
3 *for any person—*

4           (1) *to violate any provision of this section or*  
5 *any Act to which this section applies or any regula-*  
6 *tion promulgated thereunder;*

7           (2) *to refuse to permit any authorized enforce-*  
8 *ment officer to board, search, or inspect a vessel, con-*  
9 *voyance, or shoreside facility that is subject to the*  
10 *person’s control for purposes of conducting any*  
11 *search, investigation, or inspection in connection with*  
12 *the enforcement of this section or any Act to which*  
13 *this section applies or any regulation promulgated*  
14 *thereunder;*

15           (3) *to forcibly assault, resist, oppose, impede, in-*  
16 *timidate, or interfere with any such authorized officer*  
17 *in the conduct of any search, investigation, or inspec-*  
18 *tion described in paragraph (2);*

19           (4) *to resist a lawful arrest for any act prohib-*  
20 *ited by this section or any Act to which this section*  
21 *applies;*

22           (5) *to interfere with, delay, or prevent, by any*  
23 *means, the apprehension, arrest, or detection of an-*  
24 *other person, knowing that such person has committed*

1        *any act prohibited by this section or any Act to which*  
2        *this section applies;*

3            *(6) to forcibly assault, resist, oppose, impede, in-*  
4        *timidate, sexually harass, bribe, or interfere with any*  
5        *observer on a vessel under this section or any Act to*  
6        *which this section applies, or any data collector em-*  
7        *ployed by or under contract to the National Marine*  
8        *Fisheries Service to carry out responsibilities under*  
9        *this section or any Act to which this section applies;*

10           *(7) to import, export, transport, sell, receive, ac-*  
11        *quire, or purchase in interstate or foreign commerce*  
12        *any fish or fish product taken, possessed, transported,*  
13        *or sold in violation of any treaty or binding con-*  
14        *servation measure adopted pursuant to an inter-*  
15        *national agreement or organization to which the*  
16        *United States is a party; or*

17           *(8) to make or submit any false record, account,*  
18        *or label for, or any false identification of, any fish or*  
19        *fish product (including false identification of the spe-*  
20        *cies, harvesting vessel or nation, or the location where*  
21        *harvested) which has been, or is intended to be im-*  
22        *ported, exported, transported, sold, offered for sale,*  
23        *purchased, or received in interstate or foreign com-*  
24        *merce.*

1           (f) *REGULATIONS.*—*The Secretary of Commerce may*  
 2 *promulgate such regulations, in accordance with section*  
 3 *553 of title 5, United States Code, as may be necessary to*  
 4 *carry out this section or any Act to which this section ap-*  
 5 *plies.*

6 **SEC. 102. CONFORMING, MINOR, AND TECHNICAL AMEND-**  
 7 **MENTS.**

8           (a) *HIGH SEAS DRIFTNET FISHING MORATORIUM*  
 9 *PROTECTION ACT.*—

10           (1) *Section 606 of the High Seas Driftnet Fish-*  
 11 *ing Moratorium Protection Act (16 U.S.C. 1826g) is*  
 12 *amended—*

13                   (A) *by inserting “(a) DETECTING, MONI-*  
 14 *TORING, AND PREVENTING VIOLATIONS.—” be-*  
 15 *fore “The President”; and*

16                   (B) *by adding at the end the following:*

17           “(b) *ENFORCEMENT.*—*This Act shall be enforced under*  
 18 *section 101 of the International Fisheries Stewardship and*  
 19 *Enforcement Act.”.*

20           (2) *Section 607 of the High Seas Driftnet Fish-*  
 21 *ing Moratorium Protection Act (16 U.S.C. 1826h) is*  
 22 *amended by inserting “not later than June 1” after*  
 23 *“2006, and”.*

24           (3) *Section 607(2) of the High Seas Driftnet*  
 25 *Fishing Moratorium Protection Act (16 U.S.C.*

1       1826h(2)) is amended by striking “whose vessels” and  
2       inserting “that”.

3               (4) Section 609(a) of the High Seas Driftnet  
4       Fishing Moratorium Protection Act (16 U.S.C.  
5       1826j(a)) is amended to read as follows:

6       “(a) IDENTIFICATION.—

7               “(1) IN GENERAL.—The Secretary shall identify,  
8       and list in the report under section 607, a nation if  
9       that nation is engaged, or has been engaged at any  
10      time during the preceding 3 years, in illegal, unre-  
11      ported, or unregulated fishing and—

12              “(A) such fishing undermines the effective-  
13      ness of measures required under the relevant  
14      international fishery management organization;

15              “(B) the relevant international fishery  
16      management organization has failed to imple-  
17      ment effective measures to end the illegal, unre-  
18      ported, or unregulated fishing activity by vessels  
19      of that nation, or the nation is not a party to,  
20      or does not maintain cooperating status with,  
21      such organization; or

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



1           “(2) *OTHER IDENTIFYING ACTIVITIES.*—The Sec-  
2           retary shall also identify, and list in the report under  
3           section 607, a nation if—

4                   “(A) it is violating, or has violated at any  
5                   time during the preceding 3 years, conservation  
6                   and management measures required under an  
7                   international fishery management agreement to  
8                   which the United States is a party and the vio-  
9                   lations undermine the effectiveness of such meas-  
10                  ures, taking into account the factors described in  
11                  paragraph (1); or

12                   “(B) it is failing, or has failed at any time  
13                   during the preceding 3 years, to effectively ad-  
14                   dress or regulate illegal, unreported, or unregu-  
15                   lated fishing.

16           “(3) *TREATMENT OF CERTAIN ENTITIES AS IF*  
17           *THEY WERE NATIONS.*—Where the provisions of this  
18           Act apply to the act, or failure to act, of a nation,  
19           they shall also be applicable, as appropriate, to any  
20           other entity that is competent to enter into an inter-  
21           national fishery management agreement.”.

22           (5) Section 609(d)(1) of the High Seas Driftnet  
23           Fishing Moratorium Protection Act (16 U.S.C.  
24           1826j(d)(1)) is amended by striking “of its fishing  
25           vessels” each place it appears.

1           (6) *Section 609(d)(2) of the High Seas Driftnet*  
2 *Fishing Moratorium Protection Act (16 U.S.C.*  
3 *1826j(d)(2)) is amended—*

4           (A) *by striking “procedure for certifi-*  
5 *cation,” and inserting “procedure,”;*

6           (B) *by striking “basis of fish” and inserting*  
7 *“basis, for allowing importation of fish”;*

8           (C) *by striking “harvesting nation not cer-*  
9 *tified under paragraph (1)” and inserting “na-*  
10 *tion issued a negative certification under para-*  
11 *graph (1)”;* and

12           (D) *in subparagraph (A), by striking*  
13 *“under an international fishery management*  
14 *agreement to which the United States is a party;*  
15 *or” and inserting “; and”.*

16           (7) *Section 610(a) of the High Seas Driftnet*  
17 *Fishing Moratorium Protection Act (16 U.S.C.*  
18 *1826k(a)) is amended—*

19           (A) *by striking “calendar year” each place*  
20 *it appears and inserting “3 years”;* and

21           (B) *in paragraph (1), by striking “prac-*  
22 *tices;” and inserting “practices—”.*

23           (8) *Section 610(c)(5) of the High Seas Driftnet*  
24 *Fishing Moratorium Protection Act (16 U.S.C.*  
25 *1826k(c)(5)) is amended by striking “or fish or fish*

1        *products not caught by the vessels engaged in illegal,*  
2        *unreported, or unregulated fishing”.*

3        *(b) DOLPHIN PROTECTION CONSUMER INFORMATION*  
4        *ACT.—Section 901 of the Dolphin Protection Consumer In-*  
5        *formation Act (16 U.S.C. 1385) is amended—*

6                *(1) by adding at the end of subsection (d) the fol-*  
7        *lowing:*

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

14                *(2) by amending subsection (e) to read as fol-*  
15        *lows:*

16                *“(e) ENFORCEMENT.—This Act shall be enforced under*  
17        *section 101 of the International Fisheries Stewardship and*  
18        *Enforcement Act.”.*

19        *(c) NORTH PACIFIC ANADROMOUS STOCKS ACT OF*  
20        *1992.—*

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

24                *(A) by striking “purchases” in paragraph*

25                *(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.*—Sec-  
8           tion 811 of the North Pacific Anadromous Stocks Act  
9           of 1992 (16 U.S.C. 5010) is amended to read as fol-  
10          lows:

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 Act*  
4 *shall be enforced under section 101 of the International*  
5 *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.*—*The*  
21 *South Pacific Tuna Act of 1988 (16 U.S.C. 973 et*  
22 *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 CONVEN-*  
6 *TION ACT OF 1984.—*

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

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

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

15           (C) *in paragraph (5), by striking “search or*  
16 *inspection” and inserting “search, investigation,*  
17 *or inspection”.*

18           (2) *REGULATIONS.—Section 307 of the Antarctic*  
19 *Marine Living Resources Convention Act (16 U.S.C.*  
20 *2436) is amended by inserting after “title.” the fol-*  
21 *lowing: “Notwithstanding the provisions of sub-*  
22 *sections (b) and (c) of section 553 of title 5, United*  
23 *States Code, the Secretary of Commerce may publish*  
24 *in the Federal Register a final rule to implement con-*  
25 *servation measures that are in effect for 12 months or*  
26 *less, adopted by the Commission, and not objected to*

1       *by the United States within the time period allotted*  
 2       *under Article IX of the Convention.”.*

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

6                       (A) *by striking sections 308 and 309 (16*  
 7       *U.S.C. 2437 and 2438); and*

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

9                               (i) *by striking subsections (b), (c), and*  
 10                               (i) *by striking subsections (b), (c), and*  
 10                               (d);

11                               (ii) *by redesignating subsection (e) as*  
 12                               subsection (c); and

13                               (iii) *by inserting after subsection (a)*  
 14                               the following:

15               “(b) *ADMINISTRATION AND ENFORCEMENT.—This title*  
 16       *shall be enforced under section 101 of the International*  
 17       *Fisheries Stewardship and Enforcement Act.”.*

18               (g) *ATLANTIC TUNAS CONVENTION ACT OF 1975.—*

19                       (1) *VIOLATIONS.—Section 7 of the Atlantic*  
 20       *Tunas Convention Act of 1975 (16 U.S.C. 971e) is*  
 21       *amended—*

22                               (A) *by striking subsections (e) and (f); and*

23                               (B) *by redesignating subsection (g) as sub-*  
 24                               section (e).

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

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

5                     (B) by striking “(b) *INTERNATIONAL EN-*  
6                     *FORCEMENT.*—” in subsection (b) and inserting  
7                     “*This Act shall be enforced under section 101 of*  
8                     *the International Fisheries Stewardship and En-*  
9                     *forcement Act.*”; and

10                    (C) by striking “*shall have the authority to*  
11                    *carry out the enforcement activities specified in*  
12                    *section 8(a) of this Act*” each place it appears  
13                    and inserting “*shall enforce this Act*”.

14           (h) *NORTHWEST ATLANTIC FISHERIES CONVENTION*  
15           *ACT OF 1995.*—Section 207 of the Northwest Atlantic Fish-  
16           *eries Convention Act of 1995 (16 U.S.C. 5606)* is amend-  
17           ed—

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

21                    (2) in subsection (a)—

22                             (A) by striking “*search or inspection*” in  
23                             paragraph (2) and inserting “*search, investiga-*  
24                             *tion, or inspection*”; and



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

4           (3) by striking subsections (b) through (f) and  
 5           inserting the following:

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

9           (i) *WESTERN AND CENTRAL PACIFIC FISHERIES CON-*  
 10          *VENTION IMPLEMENTATION ACT.*—

11           (1) *ADMINISTRATION AND ENFORCEMENT.*—*Sec-*  
 12          *tion 506(c) of the Western and Central Pacific Fish-*  
 13          *eries Convention Implementation Act (16 U.S.C.*  
 14          *6905(c)) is amended to read as follows:*

15           “(c) *ADMINISTRATION AND ENFORCEMENT.*—*This title*  
 16          *shall be enforced under section 101 of the International*  
 17          *Fisheries Stewardship and Enforcement Act.*”.

18           (2) *PROHIBITED ACTS.*—*Section 507(a)(2) of the*  
 19          *Western and Central Pacific Fisheries Convention*  
 20          *Implementation Act (16 U.S.C. 6906(a)(2)) is amend-*  
 21          *ed by striking “suspension, on” and inserting “sus-*  
 22          *pension of”.*

23          (j) *NORTHERN PACIFIC HALIBUT ACT OF 1982.*—

1           (1) *PROHIBITED ACTS.*—Section 7 of the North-  
2           *ern Pacific Halibut Act of 1982 (16 U.S.C. 773e) is*  
3           *amended—*

4                   (A) *by redesignating paragraphs (1)*  
5                   *through (6) of subsection (a), as subparagraphs*  
6                   *(A) through (F), respectively;*

7                   (B) *by redesignating subsections (a) and (b)*  
8                   *as paragraphs (1) and (2), respectively;*

9                   (C) *in paragraph (1)(B), as redesignated,*  
10                  *by striking “search or inspection” and inserting*  
11                  *“search, investigation, or inspection”; and*

12                  (D) *in paragraph (1)(C), as redesignated,*  
13                  *by striking “search or inspection described in*  
14                  *paragraph (2)” and inserting “search, investiga-*  
15                  *tion, or inspection described in subparagraph*  
16                  *(B)”.*

17           (2) *ADMINISTRATION AND ENFORCEMENT.*—*The*  
18           *Northern Pacific Halibut Act of 1982 (16 U.S.C. 773*  
19           *et seq.) is amended—*

20                   (A) *in section 8 (16 U.S.C. 773f)—*

21                           (i) *by striking the subsection designa-*  
22                           *tion and heading preceding the text of sub-*  
23                           *section (a); and*

24                           (ii) *by striking subsections (b) through*  
25                           *(e);*

1           (B) in section 9(a) (16 U.S.C. 773g(a)), by  
2 striking “section 7(a)(2), (3), (4), or (6); or sec-  
3 tion 7(b)” and inserting “section 7(1)(B), (C),  
4 (D), or (F) or section 7(2)”;

5           (C) by striking section 10 (16 U.S.C. 773h);  
6 and

7           (D) in section 11 (16 U.S.C. 773i)—

8                 (i) by striking subsections (b) through  
9 (d) of section 11 (16 U.S.C. 773i) and in-  
10 sserting the following:

11           “(b) ADMINISTRATION AND ENFORCEMENT.—This Act  
12 shall be enforced under section 101 of the International  
13 Fisheries Stewardship and Enforcement Act.”; and

14                 (ii) by redesignating subsections (e)  
15 and (f) as subsections (c) and (d), respec-  
16 tively.

17           (k) NATIONAL SEA GRANT COLLEGE PROGRAM REAU-  
18 THORIZATION ACT OF 1998.—Section 10 of the National  
19 Sea Grant College Program Reauthorization Act of 1998  
20 (15 U.S.C. 1541) is amended by striking “the United States  
21 Coast Guard” each place it appears and inserting “another  
22 Federal agency”.

1 **SEC. 103. ILLEGAL, UNREPORTED, OR UNREGULATED FISH-**  
2 **ING.**

3 (a) *AMENDMENT OF THE HIGH SEAS DRIFTNET FISH-*  
4 *ING MORATORIUM PROTECTION ACT.*—

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

9 “(c) *VESSELS AND VESSEL OWNERS ENGAGED IN IL-*  
10 *LEGAL, UNREPORTED, OR UNREGULATED FISHING.*—*The*  
11 *Secretary may—*

12 “(1) *develop, maintain, and make public a list*  
13 *of vessels and vessel owners that are engaged, or have*  
14 *been engaged at any point during the preceding 2*  
15 *years, in illegal, unreported, or unregulated fishing,*  
16 *including vessels or vessel owners identified by an*  
17 *international fishery management organization or ar-*  
18 *rangement made pursuant to an international fishery*  
19 *agreement, whether or not the United States is a*  
20 *party to such organization or arrangement;*

21 “(2) *take appropriate action against listed ves-*  
22 *sels and vessel owners, including action against fish,*  
23 *fish parts, or fish products from such vessels, in ac-*  
24 *cordance with applicable United States law and con-*  
25 *sistent with applicable international law, including*  
26 *principles, rights, and obligations established in ap-*

1 *plicable international fishery management and trade*  
2 *agreements; and*

3 *“(3) provide notification to the public of vessels*  
4 *and vessel owners identified by international fishery*  
5 *management organizations or arrangements made*  
6 *pursuant to an international fishery agreement as*  
7 *having been engaged in illegal, unreported, or unregu-*  
8 *lated fishing, as well as any measures adopted by*  
9 *such organizations or arrangements to address illegal,*  
10 *unreported, or unregulated fishing.*

11 *“(d) RESTRICTIONS ON PORT ACCESS OR USE.—Ac-*  
12 *tion taken by the Secretary under subsection (c)(2) that in-*  
13 *cludes measures to restrict use of or access to ports or port*  
14 *services shall apply to all ports of the United States and*  
15 *its territories.*

16 *“(e) REGULATIONS.—The Secretary may promulgate*  
17 *regulations to implement subsections (c) and (d).”.*

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

21 *(A) in subsection (d)(3)(A)(i), by striking*  
22 *“that has not been certified by the Secretary*  
23 *under this subsection, or”;*

24 *(B) in subsection (e)(2), by striking “With-*  
25 *in 3 months after the date of enactment of the*

1           *Magnuson-Stevens Fishery Conservation and*  
2           *Management Reauthorization Act of 2006” and*  
3           *inserting “Not later than 180 days after the date*  
4           *of enactment of the International Fisheries Stew-*  
5           *ardship and Enforcement Act”;* and

6                   *(C) in subsection (e)(3)—*

7                           *(i) by striking “and” at the end of sub-*  
8                           *paragraph (B);*

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

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

13                   *“(D) to the extent possible—*

14                           *“(i) fishing activities conducted by for-*  
15                           *foreign vessels in waters under the jurisdiction*  
16                           *of a nation without permission of that na-*  
17                           *tion; and*

18                           *“(ii) fishing activities conducted by*  
19                           *foreign vessels in contravention of a na-*  
20                           *tion’s laws (including regulations), includ-*  
21                           *ing fishing activity that has not been re-*  
22                           *ported or that has been misreported to the*  
23                           *relevant national authority of a nation in*  
24                           *contravention of that nation’s laws (includ-*  
25                           *ing regulations).”.*

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

6           (b) *AMENDMENT OF THE HIGH SEAS DRIFTNET FISH-*  
7 *ERIES 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 paragraph*  
12 *(2) and inserting the following:*

13                   “(2) *DENIAL OF PORT PRIVILEGES.—The Sec-*  
14 *retary of the Treasury shall, to the extent consistent*  
15 *with international law—*

16                           “(A) *withhold or revoke the clearance re-*  
17 *quired by section 60105 of title 46, United States*  
18 *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 that*  
24 *receives a negative certification under sec-*  
25 *tion 609(d) or 610(c) of the High Seas*

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

3                    “(B) deny entry of that vessel to any place  
4                    *in the United States and to the navigable waters*  
5                    *of the United States, except for the purpose of in-*  
6                    *specting the vessel, conducting an investigation,*  
7                    *or taking other appropriate enforcement action.”;*  
8                    *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 di-*  
16                    *rect the Secretary of the Treasury to prohibit the*  
17                    *importation into the United States of fish and*  
18                    *fish products and sport fishing equipment (as*  
19                    *that term is defined in section 4162 of the Inter-*  
20                    *nal Revenue Code of 1986 (26 U.S.C. 4162))*  
21                    *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(c)(1) of the High Seas  
8           Driftnet Fishing Moratorium Protection Act  
9           (16 U.S.C. 1826j(d)(1) and 1826k(c)(1)).”;

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

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

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

22                   “(I) to terminate large-scale  
23                   driftnet fishing conducted by its na-  
24                   tionals and vessels beyond the exclusive  
25                   economic zone of any nation;

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

7                   “(III) to address bycatch of a pro-  
8                   tected living marine resource or shark  
9                   catch on the high seas for which a na-  
10                  tion has been identified under section  
11                  610 of such Act (16 U.S.C. 1826k); or”.

12                  (2) Section 102 of the High Seas Driftnet Fish-  
13                  eries Enforcement Act (16 U.S.C. 1826b) is amended  
14                  by striking “such nation has terminated large-scale  
15                  driftnet fishing or illegal, unreported, or unregulated  
16                  fishing by its nationals and vessels beyond the exclu-  
17                  sive economic zone of any nation.” and inserting  
18                  “such nation—

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

22                  “(2) has addressed illegal, unreported, or unregu-  
23                  lated fishing activities for which a nation has been  
24                  identified under section 609 of the High Seas Driftnet

1 *Fishing Moratorium Protection Act (16 U.S.C.*  
 2 *1826j); or*

3 *“(3) has addressed bycatch of a protected living*  
 4 *marine resource or shark catch on the high seas for*  
 5 *which a nation has been identified under section 610*  
 6 *of the High Seas Driftnet Fishing Moratorium Pro-*  
 7 *tection Act (16 U.S.C. 1826k).”.*

8 **SEC. 104. LIABILITY.**

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

18 **TITLE II—LAW ENFORCEMENT**  
 19 **AND INTERNATIONAL OPER-**  
 20 **ATIONS**

21 **SEC. 201. INTERNATIONAL FISHERIES ENFORCEMENT.**

22 *(a) ESTABLISHMENT OF INTERNATIONAL FISHERIES*  
 23 *ENFORCEMENT TASK FORCE.—*

24 *(1) IN GENERAL.—Not later than 12 months*  
 25 *after the date of enactment of this Act, the Secretary*

1 of Commerce shall establish, through the National Ma-  
2 rine Fisheries Service's international enforcement  
3 program, an interagency International Fisheries En-  
4 forcement Task Force.

5 (2) *PURPOSES.*—The purposes of the task force  
6 shall be—

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

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

12 (3) *MEMBERSHIP.*—The task force shall include  
13 permanent representation from—

14 (A) the National Marine Fisheries Service's  
15 international enforcement program;

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

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

18 (D) the U.S. Food and Drug Administra-  
19 tion; and

20 (E) such other Federal agencies as the Sec-  
21 retary considers appropriate and necessary to  
22 carry out the purposes under paragraph (2).

23 (b) *TASK FORCE ORGANIZATION.*—

24 (1) *STAFFING AND OTHER RESOURCES.*—The  
25 Secretary of Commerce and the head of each depart-

1 *ment and agency identified under subsection (a)(3)*  
2 *shall—*

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

6 *(B) by agreement, on a reimbursable basis*  
7 *or otherwise, share personnel, services, equipment*  
8 *(including aircraft and vessels), and facilities*  
9 *with the task force for the purposes under sub-*  
10 *section (a)(2); and*

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

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

21 *(3) 5-YEAR STRATEGIC PLAN.—Not later than*  
22 *180 days after the date on which the task force is es-*  
23 *tablished under subsection (a), the Secretary of Com-*  
24 *merce shall develop a 5-year strategic plan for guid-*  
25 *ing interagency and intergovernmental international*

1 *fisheries enforcement efforts to carry out the provi-*  
2 *sions of this Act. The Secretary shall update the plan*  
3 *periodically as necessary, but at least once every 5*  
4 *years.*

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

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

10 (B) *shall, to the maximum extent permis-*  
11 *sible under law, create and participate in com-*  
12 *mittees or other working groups with other Fed-*  
13 *eral, State, or local governments, and with the*  
14 *governments of other nations for the purposes*  
15 *under subsection (a)(2);*

16 (C) *may enter into agreements with other*  
17 *Federal, State, or local governments, and with*  
18 *the governments of other nations, on a reimburs-*  
19 *able basis or otherwise, for the purposes under*  
20 *subsection (a)(2).*

21 (c) *POWERS OF AUTHORIZED OFFICERS.—Notwith-*  
22 *standing any other provision of law, while operating under*  
23 *an agreement with the Secretary of Commerce entered into*  
24 *under section 101, or while conducting a joint operation*  
25 *under subsection (b)(4) of this section, each authorized offi-*

1 *cer shall have the powers and authority provided in section*  
2 *101.*

3 **SEC. 202. INTERNATIONAL COOPERATION AND ASSIST-**  
4 **ANCE.**

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

9 (b) *AUTHORIZED ACTIVITIES.—In carrying out this*  
10 *section, the Secretary may—*

11 (1) *provide technical expertise to other nations to*  
12 *assist them in addressing illegal, unreported, or un-*  
13 *regulated fishing activities;*

14 (2) *provide technical expertise to other nations to*  
15 *assist them in reducing the loss and environmental*  
16 *impacts of derelict fishing gear, reducing the bycatch*  
17 *of living marine resources, and promoting inter-*  
18 *national marine resource conservation;*

19 (3) *provide technical expertise, and training, in*  
20 *cooperation with the International Fisheries Enforce-*  
21 *ment Task Force under section 201 of this Act, to*  
22 *other nations to aid them in building capacity for en-*  
23 *hanced fisheries management, fisheries monitoring,*  
24 *catch and trade tracking activities, enforcement, and*  
25 *international marine resource conservation;*

1           (4) *establish partnerships with other Federal*  
2 *agencies, as appropriate, to ensure that fisheries de-*  
3 *velopment assistance to other nations is directed to-*  
4 *ward efforts that promote sustainable fisheries;*

5           (5) *conduct outreach and education efforts in*  
6 *order to promote public and private sector awareness*  
7 *of international fisheries sustainability issues, includ-*  
8 *ing the need to combat illegal, unreported, or unregu-*  
9 *lated fishing activity and to promote international*  
10 *marine resource conservation; and*

11          (6) *use, with their consent, with reimbursement*  
12 *and subject to the limits of available appropriations,*  
13 *the land, services, equipment, personnel, and facilities*  
14 *of any department, agency, or instrumentality of the*  
15 *United States, or of any State, local government, In-*  
16 *Indian tribal government, Territory, or possession, or of*  
17 *any political subdivision thereof, or of any foreign*  
18 *government or international organization, for pur-*  
19 *poses related to carrying out the responsibilities of*  
20 *any statute administered by the National Oceanic*  
21 *and Atmospheric Administration; and*

22          (7) *accept and expend funds from other Federal*  
23 *agencies or foreign governments to carry out the pur-*  
24 *poses of this section.*



1       (c) *GUIDELINES.*—*The Secretary may establish guide-*  
 2 *lines as necessary to implement this section.*

3                   ***TITLE III—MISCELLANEOUS***  
 4                                   ***AMENDMENTS***

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

6       *Section 6 of the Atlantic Tunas Convention Act of*  
 7 *1975 (16 U.S.C. 971d(c)(2)) is amended—*

8                   (1) *in the first sentence—*

9                                   (A) *by striking “(A)” and inserting “(i)”;*

10                                   *and*

11                                   (B) *by striking “(B)” and inserting “(i)”;*

12                                   (2) *by inserting “(A)” after “(2)”;* *and*

13                                   (3) *by adding at the end thereof the following:*

14                                   “*(B) The Secretary may issue final regula-*  
 15 *tions to implement Commission recommenda-*  
 16 *tions referred to in paragraph (1) of this sub-*  
 17 *section concerning trade restrictive measures*  
 18 *against nations or fishing entities without re-*  
 19 *gard to the requirements of subparagraph (A) of*  
 20 *this paragraph and subsections (b) and (c) of*  
 21 *section 553 of title 5, United States Code.”.*

22 ***SEC. 302. DATA SHARING.***

23       (a) *HIGH SEAS DRIFTNET FISHING MORATORIUM*  
 24 *PROTECTION ACT.*—*Section 608 of the High Seas Driftnet*

1 *Fishing Moratorium Protection Act (16 U.S.C. 1826i) is*  
2 *amended—*

3           (1) *by inserting “(a) IN GENERAL.—” before*  
4 *“The Secretary,”;*

5           (2) *by striking “organizations” the first place it*  
6 *appears and inserting, “organizations, or arrange-*  
7 *ments made pursuant to an international fishery*  
8 *agreement (as defined in section 3(24) of the Magnu-*  
9 *son-Stevens Fishery Conservation and Management*  
10 *Act (16 U.S.C. 1802(24)),”;*

11           (3) *by striking “and” after the semicolon in*  
12 *paragraph (3);*

13           (4) *by striking “territories.” in paragraph (4)*  
14 *and inserting “territories; and”; and*

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

16           “(5) *urging other nations, through the regional*  
17 *fishery management organizations of which the*  
18 *United States is a member, bilaterally and otherwise*  
19 *to seek and foster the sharing of accurate, relevant,*  
20 *and timely information—*

21           “(A) *to improve the scientific under-*  
22 *standing of marine ecosystems;*

23           “(B) *to improve fisheries management deci-*  
24 *sions;*

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

3           “(D) to combat illegal, unreported, and un-  
4           regulated fishing; and

5           “(E) to improve compliance with conserva-  
6           tion and management measures in international  
7           waters.

8           “(b) *INFORMATION SHARING.*—In carrying out this  
9           section, the Secretary may disclose, as necessary and appro-  
10          priate, information to the Food and Agriculture Organiza-  
11          tion formed at Quebec, Canada, on October 16, 1945, inter-  
12          national fishery management organizations, or arrange-  
13          ments made pursuant to an international fishery agree-  
14          ment, if such organizations or arrangements have policies  
15          and procedures to safeguard such information from unin-  
16          tended or unauthorized disclosure.”.

17          (b) *CONFORMING AMENDMENT.*—Section 402(b)(1) of  
18          the Magnuson-Stevens Fishery Conservation and Manage-  
19          ment Act (16 U.S.C. 1881a(b)(1)) is amended—

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

22                 (2) by redesignating subparagraph (H) as sub-  
23                 paragraph (J); and

24                 (3) by inserting after subparagraph (G) the fol-  
25                 lowing:

1           “(H) to the Food and Agriculture Organiza-  
 2           tion formed at Quebec, Canada, on October 16,  
 3           1945, international fishery management organi-  
 4           zations, or arrangements made pursuant to an  
 5           international fishery agreement as provided  
 6           under section 608(b) of the High Seas Driftnet  
 7           Fishing Moratorium Protection Act (16 U.S.C.  
 8           1826i(b));

9           “(I) to any other Federal or State govern-  
 10          ment agency, foreign government, the Food and  
 11          Agriculture Organization formed at Quebec,  
 12          Canada, on October 16, 1945, or the secretariat  
 13          or equivalent of an international fisheries man-  
 14          agement organization or arrangement made pur-  
 15          suant to an international fishery agreement, as  
 16          provided under section 101(c)(9) of the Inter-  
 17          national Fisheries Stewardship and Enforcement  
 18          Act; or”.

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

21           Section 104(f) of the High Seas Fishing Compliance  
 22           Act of 1995 (16 U.S.C. 5503(f)) is amended to read as fol-  
 23           lows:

24           “(f) **VALIDITY.**—A permit issued under this section is  
 25           void if—

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

5           “(2) the vessel is no longer eligible for United  
6           States documentation, such documentation is revoked  
7           or denied, or the vessel is deleted from such docu-  
8           mentation.”.

9   **SEC. 304. COMMITTEE ON SCIENTIFIC COOPERATION FOR**  
10                                   **PACIFIC SALMON AGREEMENT.**

11           Section 11 of the Pacific Salmon Treaty Act of 1985  
12   (16 U.S.C. 3640) is amended—

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

15           (2) by inserting after subsection (b) the fol-  
16           lowing:

17           “(c) **COMPENSATION OF COMMITTEE ON SCIENTIFIC**  
18   **COOPERATION MEMBERS.**—Members of the Committee on  
19   Scientific Cooperation who are not State or Federal em-  
20   ployees shall receive compensation at a rate equivalent to  
21   the rate payable for level IV of the Executive Schedule under  
22   section 5315 of title 5, United States Code, when engaged  
23   in actual performance of duties for the Commission.”; and

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

1 **TITLE IV—IMPLEMENTATION OF**  
2 **THE ANTIGUA CONVENTION**

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

5 (a) *SHORT TITLE.*—This title may be cited as the “An-  
6 tigua Convention Implementing Act of 2013”.

7 (b) *REFERENCES TO THE TUNA CONVENTIONS ACT OF*  
8 *1950.*—Except as otherwise expressly provided, whenever in  
9 this title an amendment or repeal is expressed in terms of  
10 an amendment to, or repeal of, a section or other provision,  
11 the reference shall be considered to be made to a section or  
12 other provision of the Tuna Conventions Act of 1950 as  
13 amended (16 U.S.C. 951 et seq.).

14 **SEC. 402. DEFINITIONS.**

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

17 **“SEC. 2. DEFINITIONS.**

18 *“In this Act:*

19 *“(1) ANTIGUA CONVENTION.*—The term ‘Antigua  
20 Convention’ means the Convention for the Strength-  
21 ening of the Inter-American Tropical Tuna Commis-  
22 sion Established by the 1949 Convention Between the  
23 United States of America and the Republic of Costa  
24 Rica, signed at Washington, November 14, 2003.

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

4           “(3) *CONVENTION.*—*The term ‘Convention’*  
5           *means—*

6                   “(A) *the Convention for the Establishment*  
7                   *of an Inter-American Tropical Tuna Commis-*  
8                   *sion, signed at Washington, May 31, 1949, by*  
9                   *the United States of America and the Republic*  
10                   *of Costa Rica;*

11                   “(B) *the Antigua Convention, upon its*  
12                   *entry into force for the United States, and any*  
13                   *amendments thereto that are in force for the*  
14                   *United States; or*

15                   “(C) *both subparagraphs (A) and (B), as*  
16                   *the context requires.*

17           “(4) *IMPORT.*—*The term ‘import’ means to land*  
18           *on, bring into, or introduce into, or attempt to land*  
19           *on, bring into, or introduce into, any place subject to*  
20           *the jurisdiction of the United States, whether or not*  
21           *such landing, bringing, or introduction constitutes an*  
22           *importation within the meaning of the customs laws*  
23           *of the United States.*

1           “(5) *PERSON*.—The term ‘person’ means an in-  
 2           dividual, partnership, corporation, or association sub-  
 3           ject to the jurisdiction of the United States.

4           “(6) *UNITED STATES*.—The term ‘United States’  
 5           includes all areas under the sovereignty of the United  
 6           States.

7           “(7) *UNITED STATES COMMISSIONERS*.—The  
 8           term ‘United States Commissioners’ means the indi-  
 9           viduals appointed under section 3(a).

10          “(8) *UNITED STATES SECTION*.—The term  
 11          ‘United States Section’ means the United States Com-  
 12          missioners to the Commission and a designee of the  
 13          Secretary of State.”.

14 **SEC. 403. COMMISSIONERS; NUMBER, APPOINTMENT, AND**  
 15 **QUALIFICATIONS.**

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

18 **“SEC. 3. COMMISSIONERS.**

19          “(a) *COMMISSIONERS*.—The United States shall be  
 20          represented on the Commission by 5 United States Commis-  
 21          sioners. The President shall appoint individuals to serve on  
 22          the Commission at the pleasure of the President. In making  
 23          the appointments, the President shall select Commissioners  
 24          from among individuals who are knowledgeable or experi-  
 25          enced concerning highly migratory fish stocks in the eastern



1 *tropical Pacific Ocean, 1 of which shall be an officer or*  
2 *employee of the Department of Commerce, 1 of which shall*  
3 *be the chairman or a member of the Western Pacific Fishery*  
4 *Management Council, and 1 of which shall be the chairman*  
5 *or a member of the Pacific Fishery Management Council.*  
6 *Not more than 2 Commissioners may be appointed who re-*  
7 *side in a State other than a State whose vessels maintain*  
8 *a substantial fishery in the area of the Convention.*

9       “(b) *ALTERNATE UNITED STATES COMMISSIONERS.—*  
10 *The Secretary of State, in consultation with the Secretary,*  
11 *may designate from time to time and for periods of time*  
12 *deemed appropriate Alternate United States Commissioners*  
13 *to the Commission. Any Alternate United States Commis-*  
14 *sioner may exercise, at any meeting of the Commission or*  
15 *of the General Advisory Committee or Scientific Advisory*  
16 *Subcommittee established pursuant to section 4(b), all pow-*  
17 *ers and duties of a United States Commissioner in the ab-*  
18 *sence of any Commissioner appointed pursuant to sub-*  
19 *section (a) of this section for whatever reason. The number*  
20 *of such Alternate United States Commissioners that may*  
21 *be designated for any such meeting shall be limited to the*  
22 *number of United States Commissioners appointed pursu-*  
23 *ant to subsection (a) of this section who will not be present*  
24 *at such meeting.*

25       “(c) *ADMINISTRATIVE MATTERS.—*

1           “(1) *EMPLOYMENT STATUS.*—*Individuals serving*  
2           *as such Commissioners, other than officers or employ-*  
3           *ees of the United States Government, shall not be con-*  
4           *sidered Federal employees except for the purposes of*  
5           *injury compensation or tort claims liability as pro-*  
6           *vided in chapter 81 of title 5, United States Code,*  
7           *and chapter 171 of title 28, United States Code.*

8           “(2) *COMPENSATION.*—*The United States Com-*  
9           *missioners or Alternate United States Commissioners,*  
10           *although officers of the United States while so serving,*  
11           *shall receive no compensation for their services as*  
12           *such United States Commissioners or Alternate*  
13           *United States Commissioners.*

14           “(3) *TRAVEL EXPENSES.*—

15           “(A) *The Secretary of State shall pay the*  
16           *necessary travel expenses of United States Com-*  
17           *missioners and Alternate United States Commis-*  
18           *sioners to meetings of the Commission and other*  
19           *meetings the Secretary deems necessary to fulfill*  
20           *their duties, in accordance with the Federal*  
21           *Travel Regulations and sections 5701, 5702,*  
22           *5704 through 5708, and 5731 of title 5, United*  
23           *States Code.*

1           “(B) *The Secretary may reimburse the Sec-*  
2           *retary of State for amounts expended by the Sec-*  
3           *retary of State under this subsection.*”.

4 **SEC. 404. GENERAL ADVISORY COMMITTEE AND SCIENTIFIC**  
5           **ADVISORY SUBCOMMITTEE.**

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

7           *(1) by striking subsection (a) and inserting the*  
8           *following:*

9           “(a) **GENERAL ADVISORY COMMITTEE.**—

10           “(1) **APPOINTMENTS; PUBLIC PARTICIPATION.**—

11           “(A) **APPOINTMENTS.**—*The Secretary, in*  
12           *consultation with the Secretary of State, shall*  
13           *appoint a General Advisory Committee which*  
14           *shall consist of not more than 25 individuals*  
15           *who shall be representative of the various groups*  
16           *concerned with the fisheries covered by the Con-*  
17           *vention, including nongovernmental conservation*  
18           *organizations, providing to the maximum extent*  
19           *practicable an equitable balance among such*  
20           *groups. Members of the General Advisory Com-*  
21           *mittee will be eligible to participate as members*  
22           *of the U.S. delegation to the Commission and its*  
23           *working groups to the extent the Commission*  
24           *rules and space for delegations allow.*

1           “(B) *ADDITIONAL MEMBERS.*—*The chair of*  
2           *the Pacific Fishery Management Council’s Advi-*  
3           *sory Subpanel for Highly Migratory Fisheries*  
4           *and the chair of the Western Pacific Fishery*  
5           *Management Council’s Advisory Committee shall*  
6           *be members of the General Advisory Committee*  
7           *by virtue of their positions in those Councils.*

8           “(C) *TERMS.*—*Each member of the General*  
9           *Advisory Committee appointed under subpara-*  
10           *graph (A) shall serve for a term of 3 years and*  
11           *shall be eligible for reappointment.*

12           “(D) *NON-EXECUTIVE MEETINGS OF THE*  
13           *UNITED STATES SECTION.*—*The General Advi-*  
14           *sory Committee shall be invited to attend all*  
15           *non-executive meetings of the United States Sec-*  
16           *tion and at such meetings shall be given oppor-*  
17           *tunity to examine and to be heard on all pro-*  
18           *posed programs of investigation, reports, rec-*  
19           *ommendations, and regulations of the Commis-*  
20           *sion.*

21           “(E) *PUBLIC PARTICIPATION.*—*The General*  
22           *Advisory Committee shall determine its organi-*  
23           *zation, and prescribe its practices and proce-*  
24           *dures for carrying out its functions under this*  
25           *chapter, the Magnuson-Stevens Fishery Con-*

1           *ervation and Management Act (16 U.S.C. 1801*  
2           *et seq.), and the Convention. The General Advi-*  
3           *sory Committee shall publish and make available*  
4           *to the public a statement of its organization,*  
5           *practices and procedures. Meetings of the General*  
6           *Advisory Committee, except when in executive*  
7           *session, shall be open to the public, and prior no-*  
8           *tice of meetings shall be made public in timely*  
9           *fashion.*

10           “(2) *INFORMATION SHARING.—The Secretary*  
11           *and the Secretary of State shall furnish the General*  
12           *Advisory Committee with relevant information con-*  
13           *cerning fisheries and international fishery agree-*  
14           *ments.*

15           “(3) *ADMINISTRATIVE MATTERS.—*

16           “(A) *IN GENERAL.—The Secretary shall*  
17           *provide to the General Advisory Committee in a*  
18           *timely manner such administrative and tech-*  
19           *nical support services as are necessary for its ef-*  
20           *fective functioning.*

21           “(B) *COMPENSATION.—An individual ap-*  
22           *pointed to serve as a member of the General Ad-*  
23           *visory Committee—*

24                   “(i) *shall serve without pay, but while*  
25                   *away from home or regular place of busi-*

1           *ness to attend meetings of the General Advi-*  
 2           *sory Committee shall be allowed travel ex-*  
 3           *penditures, including per diem in lieu of sub-*  
 4           *sistence, in the same manner as a person*  
 5           *employed intermittently in the Government*  
 6           *service is allowed expenses under section*  
 7           *5703 of title 5, United States Code; and*

8           *“(ii) shall not be considered a Federal*  
 9           *employee except for the purposes of injury*  
 10           *compensation or tort claims liability as*  
 11           *provided in chapter 81 of title 5, United*  
 12           *States Code, and chapter 171 of title 28,*  
 13           *United States Code.”;*

14           *(2) by striking so much of subsection (b) as pre-*  
 15           *cedes paragraph (2) and inserting the following:*

16           *“(b) SCIENTIFIC ADVISORY SUBCOMMITTEE.—*

17           *“(1) IN GENERAL.—The Secretary, in consulta-*  
 18           *tion with the Secretary of State, shall appoint a Sci-*  
 19           *entific Advisory Subcommittee of not less than 5 nor*  
 20           *more than 15 qualified scientists with balanced rep-*  
 21           *resentation from the public and private sectors, in-*  
 22           *cluding nongovernmental conservation organizations.*

23           *“(A) PUBLIC PARTICIPATION.—The Sci-*  
 24           *entific Advisory Subcommittee shall determine*  
 25           *its organization, and prescribe its practices and*

1           *procedures for carrying out its functions under*  
2           *this chapter, the Magnuson-Stevens Fishery Con-*  
3           *servation and Management Act (16 U.S.C. 1801*  
4           *et seq.), and the Convention. The Scientific Advi-*  
5           *sory Subcommittee shall publish and make avail-*  
6           *able to the public a statement of its organization,*  
7           *practices, and procedures. Meetings of the Sci-*  
8           *entific Advisory Subcommittee, except when in*  
9           *executive session, shall be open to the public, and*  
10          *prior notice of meetings shall be made public in*  
11          *a timely fashion.*

12           “(B) *INFORMATION SHARING.*—*The Sec-*  
13          *retary and the Secretary of State shall furnish*  
14          *the Scientific Advisory Subcommittee with rel-*  
15          *evant information concerning fisheries and inter-*  
16          *national fishery agreements.*

17           “(C) *ADMINISTRATIVE MATTERS.*—

18           “(i) *IN GENERAL.*—*The Secretary shall*  
19          *provide to the Scientific Advisory Sub-*  
20          *committee in a timely manner such admin-*  
21          *istrative and technical support services as*  
22          *are necessary for its effective functioning.*

23           “(ii) *COMPENSATION.*—*An individual*  
24          *appointed to serve as a member of the Sci-*  
25          *entific Advisory Subcommittee—*

1           “(I) shall serve without pay, but  
2           while away from home or regular place  
3           of business to attend meetings of the  
4           Scientific Advisory Subcommittee shall  
5           be allowed travel expenses, including  
6           per diem in lieu of subsistence, in the  
7           same manner as a person employed  
8           intermittently in the Government serv-  
9           ice is allowed expenses under section  
10          5703 of title 5, United States Code;  
11          and

12           “(II) shall not be considered a  
13          Federal employee, except for the pur-  
14          poses of injury compensation or tort  
15          claims liability as provided in chapter  
16          81 of title 5, United States Code, and  
17          chapter 171 of title 18, United States  
18          Code.”;

19           (3) in subsection (b)(2), by amending the head-  
20          ing to read as follows:

21           “(2) FUNCTIONS AND ASSISTANCE.—”; and

22           (4) in subsection (b)(3), by striking “General  
23          Advisory Subcommittee” and inserting “General Ad-  
24          visory Committee”.



1 **SEC. 405. RULEMAKING.**

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

3 *(1) by striking the section heading and inserting*  
4 *the following:*

5 **“SEC. 6. RULEMAKING.”;**

6 *(2) by striking subsections (a) and (b) and in-*  
7 *serting the following:*

8 *“(a) REGULATIONS.—The Secretary, in consultation*  
9 *with the Secretary of State and, with respect to enforcement*  
10 *measures, the Secretary of the Department in which the*  
11 *Coast Guard is operating, may promulgate such regulations*  
12 *as may be necessary to carry out the United States inter-*  
13 *national obligations under the Convention and this Act, in-*  
14 *cluding recommendations and decisions adopted by the*  
15 *Commission. In cases where the Secretary has discretion in*  
16 *the implementation of one or more measures adopted by the*  
17 *Commission that would govern fisheries under the authority*  
18 *of a Regional Fishery Management Council, the Secretary*  
19 *may, to the extent practicable within the implementation*  
20 *schedule of the Convention and any recommendations and*  
21 *decisions adopted by the Commission, promulgate such reg-*  
22 *ulations in accordance with the procedures established by*  
23 *the Magnuson-Stevens Fishery Conservation and Manage-*  
24 *ment Act (16 U.S.C. 1801 et seq.).*

25 *“(b) JURISDICTION.—The Secretary may promulgate*  
26 *regulations applicable to all vessels and persons subject to*

1 *the jurisdiction of the United States, including United*  
 2 *States flag vessels wherever they may be operating, on such*  
 3 *date as the Secretary shall prescribe.”; and*

4 *(3) in subsection (c)—*

5 *(A) by striking the subsection heading and*  
 6 *inserting “(c) ADDITIONAL AUTHORITY.”;*

7 *(B) by striking “Regulations required to*  
 8 *carry out” and all that follows through “respec-*  
 9 *tive jurisdictions.”;*

10 *(C) by striking “application of any such*  
 11 *regulations” and inserting “application of regu-*  
 12 *lations promulgated to carry out the rec-*  
 13 *ommendations of the Commission”;*

14 *(D) by striking “he” and inserting “the*  
 15 *Secretary of Commerce”;* and

16 *(E) by striking “The regulations thus pro-*  
 17 *mulgated” and all that follows through the end*  
 18 *of subsection (c).*

19 **SEC. 406. PROHIBITED ACTS.**

20 *Section 8 (16 U.S.C. 957) is amended to read as fol-*  
 21 *lows:*

22 **“SEC. 8. PROHIBITED ACTS.**

23 *“It is unlawful for any person—*

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

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

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

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

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

20          “(6) to ship, transport, offer for sale, sell, pur-  
21          chase, import, export, or have custody, control, or pos-  
22          session of, any fish taken or retained in violation of  
23          this Act or any regulation, permit, or agreement re-  
24          ferred to in paragraph (1) or (2);

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

5           “(8) to knowingly and willfully submit to the  
6 Secretary false information regarding any matter  
7 that the Secretary is considering in the course of car-  
8 rying out this Act;

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

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

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

22           “(12) to fail to make, keep, or furnish any catch  
23 returns, statistical records, or other reports as are re-  
24 quired by regulations adopted pursuant to this Act to  
25 be made, kept, or furnished;

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

4           “(14) to import any fish in any form in viola-  
5           tion of any regulation adopted pursuant to section 6  
6           of this Act.”.

7   **SEC. 407. ENFORCEMENT.**

8           Section 10 (16 U.S.C. 959) is amended to read as fol-  
9           lows:

10 **“SEC. 10. ENFORCEMENT.**

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

14 **SEC. 408. REDUCTION OF BYCATCH.**

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

17 **SEC. 409. REPEAL OF EASTERN PACIFIC TUNA LICENSING**  
18 **ACT OF 1984.**

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

21 **SEC. 410. CONFORMING AMENDMENTS TO THE MARINE**  
22 **MAMMAL PROTECTION ACT OF 1972.**

23           *The Marine Mammal Protection Act of 1972 (16*  
24 *U.S.C. 1361 et seq.) is amended—*

1           (1) *in section 101(a)(2)(B)(i)(II) (16 U.S.C.*  
2           *1371(a)(2)(B)(i)(II)) by striking “article V, para-*  
3           *graph 3 of the Convention establishing the Inter-*  
4           *American Tropical Tuna Commission” and inserting*  
5           *“Article XXX of the Convention for the Strengthening*  
6           *of the Inter-American Tropical Tuna Commission*  
7           *(also known as the Antigua Convention)”;*

8           (2) *in section 108(a)(2) (16 U.S.C.*  
9           *1378(a)(2))—*

10           (A) *by inserting “and” after the semicolon*  
11           *at the end of subparagraph (B);*

12           (B) *by striking subparagraph (C); and*

13           (C) *by redesignating subparagraph (D) as*  
14           *subparagraph (C); and*

15           (3) *in section 307(a)(1) (16 U.S.C. 1417(a)(1))*  
16           *by striking “Article V, paragraph 3 of the Convention*  
17           *establishing the Inter-American Tropical Tuna Com-*  
18           *mission” and inserting “Article XXX of the Conven-*  
19           *tion for the Strengthening of the Inter-American*  
20           *Tropical Tuna Commission (also known as the Anti-*  
21           *gua Convention)”.*



Calendar No. 263

113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 269**

[Report No. 113-127]

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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.

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DECEMBER 17, 2013

Reported with an amendment