



AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S. 1334

A bill to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, to amend the Tuna Conventions Act of 1950 to implement the Antigua Convention, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. SULLIVAN

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Illegal, Unreported,
5 and Unregulated Fishing Enforcement Act of 2015”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—STRENGTHENING FISHERIES ENFORCEMENT MECHANISMS

- Sec. 101. Amendments to the High Seas Driftnet Fishing Moratorium Protection Act.
- Sec. 102. Amendments to the High Seas Driftnet Fisheries Enforcement Act.

- Sec. 103. Amendments to North Pacific Anadromous Stocks Act of 1992.
- Sec. 104. Amendments to the Pacific Salmon Treaty Act of 1985.
- Sec. 105. Amendments to the Western and Central Pacific Fisheries Convention Implementation Act.
- Sec. 106. Amendments to the Antarctic Marine Living Resources Convention Act.
- Sec. 107. Amendments to the Atlantic Tunas Convention Act.
- Sec. 108. Amendments to the High Seas Fishing Compliance Act of 1965.
- Sec. 109. Amendments to the Dolphin Protection Consumer Information Act.
- Sec. 110. Amendments to the Northern Pacific Halibut Act of 1982.
- Sec. 111. Amendments to the Northwest Atlantic Fisheries Convention Act of 1995.
- Sec. 112. Amendment to the Magnuson-Stevens Fishery Conservation and Management Act.

TITLE II—IMPLEMENTATION OF THE ANTIGUA CONVENTION

- Sec. 201. Short title.
- Sec. 202. Amendment of the Tuna Conventions Act of 1950.
- Sec. 203. Definitions.
- Sec. 204. Commissioners; number, appointment, and qualifications.
- Sec. 205. General Advisory Committee and Scientific Advisory Subcommittee.
- Sec. 206. Rulemaking.
- Sec. 207. Prohibited acts.
- Sec. 208. Enforcement.
- Sec. 209. Reduction of bycatch.
- Sec. 210. Repeal of Eastern Pacific Tuna Licensing Act of 1984.

TITLE III—AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

- Sec. 301. Short title.
- Sec. 302. Purpose.
- Sec. 303. Definitions.
- Sec. 304. Duties and authorities of the Secretary.
- Sec. 305. Authorization or denial of port entry.
- Sec. 306. Inspections.
- Sec. 307. Prohibited acts.
- Sec. 308. Enforcement.
- Sec. 309. International cooperation and assistance.
- Sec. 310. Relationship to other laws.

1 **TITLE I—STRENGTHENING FISH-** 2 **ERIES ENFORCEMENT MECH-** 3 **ANISMS**

4 **SEC. 101. AMENDMENTS TO THE HIGH SEAS DRIFTNET** 5 **FISHING MORATORIUM PROTECTION ACT.**

6 (a) ADMINISTRATION AND ENFORCEMENT.—

1 (1) IN GENERAL.—Section 606 of the High
2 Seas Driftnet Fishing Moratorium Protection Act
3 (16 U.S.C. 1826g) is amended by striking “The
4 President” and inserting the following:

5 “(a) IN GENERAL.—The Secretary and the Secretary
6 of the department in which the Coast Guard is operating
7 shall enforce this Act, and the Acts to which this section
8 applies, in accordance with this section. Each such Sec-
9 retary may, by agreement, on a reimbursable basis or oth-
10 erwise, utilize the personnel services, equipment (including
11 aircraft and vessels), and facilities of any other Federal
12 agency, and of any State agency, in the performance of
13 such duties.

14 “(b) ACTS TO WHICH SECTION APPLIES.—This sec-
15 tion applies to the following Acts:

16 “(1) The Pacific Salmon Treaty Act of 1985
17 (16 U.S.C. 3631 et seq.).

18 “(2) The Dolphin Protection Consumer Infor-
19 mation Act (16 U.S.C. 1385).

20 “(3) The Tuna Conventions Act of 1950 (16
21 U.S.C. 951 et seq.).

22 “(4) The North Pacific Anadromous Stocks Act
23 of 1992 (16 U.S.C. 5001 et seq.).

24 “(5) The Atlantic Tunas Convention Act of
25 1975 (16 U.S.C. 971 et seq.).

1 “(6) The Northwest Atlantic Fisheries Conven-
2 tion Act of 1995 (16 U.S.C. 5601 et seq.).

3 “(7) The Western and Central Pacific Fisheries
4 Convention Implementation Act (16 U.S.C. 6901 et
5 seq.).

6 “(8) The Antigua Convention Implementing Act
7 of 2015

8 “(e) ADMINISTRATION AND ENFORCEMENT.—

9 “(1) IN GENERAL.—The Secretary shall prevent
10 any person from violating this Act, or any Act to
11 which this section applies, in the same manner, by
12 the same means, and with the same jurisdiction,
13 powers, and duties as though sections 308 through
14 311 of the Magnuson-Stevens Fishery Conservation
15 and Management Act (16 U.S.C. 1858, 1859, 1860,
16 and 1861) were incorporated into and made a part
17 of and applicable to this Act and each such Act.

18 “(2) INTERNATIONAL COOPERATION.—The Sec-
19 retary may, subject to appropriations and in the
20 course of carrying out the Secretary’s responsibilities
21 under the Acts to which this section applies, engage
22 in international cooperation to help other nations
23 combat illegal, unreported, and unregulated fishing
24 and achieve sustainable fisheries.

25 “(d) SPECIAL RULES.—

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

13 “(2) DISCLOSURE OF ENFORCEMENT INFORMATION.—

15 “(A) IN GENERAL.—The Secretary, subject to the data confidentiality provisions in section 402 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a), may disclose, as necessary and appropriate, information, including information collected under joint authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 et seq.) or the Western and Central Pacific

1 Fisheries Convention Implementation Act (16
2 U.S.C. 6901 et seq.) or other statutes imple-
3 menting international fishery agreements, to
4 any other Federal or State government agency,
5 the Food and Agriculture Organization of the
6 United Nations, the secretariat or equivalent of
7 an international fishery management organiza-
8 tion or arrangement made pursuant to an inter-
9 national fishery agreement, or a foreign govern-
10 ment, if—

11 “(i) such government, organization, or
12 arrangement has policies and procedures to
13 protect such information from unintended
14 or unauthorized disclosure; and

15 “(ii) such disclosure is necessary—

16 “(I) to ensure compliance with
17 any law or regulation enforced or ad-
18 ministered by the Secretary;

19 “(II) to administer or enforce
20 any international fishery agreement to
21 which the United States is a party;

22 “(III) to administer or enforce a
23 binding conservation measure adopted
24 by any international organization or

1 arrangement to which the United
2 States is a party;

3 “(IV) to assist in any investiga-
4 tive, judicial, or administrative en-
5 forcement proceeding in the United
6 States; or

7 “(V) to assist in any law enforce-
8 ment action undertaken by a law en-
9 forcement agency of a foreign govern-
10 ment, or in relation to a legal pro-
11 ceeding undertaken by a foreign gov-
12 ernment to the extent the enforcement
13 action is consistent with rules and
14 regulations of a regional fishery man-
15 agement organization that the United
16 States is a member of, or the Sec-
17 retary has determined that the en-
18 forcement action is consistent with the
19 requirements under Federal law for
20 enforcement actions with respect to il-
21 legal, unreported, and unregulated
22 fishing.

23 “(B) DATA CONFIDENTIALITY PROVISIONS
24 NOT APPLICABLE.—The data confidentiality
25 provisions of section 402 of the Magnuson-Ste-

1 vens Fishery Conservation and Management
2 Act (16 U.S.C. 1881a) shall not apply with re-
3 spect to this Act with respect to—

4 “(i) any obligation of the United
5 States to share information under a Re-
6 gional Fishery Management Organization
7 to which the United States is a party; or

8 “(ii) with respect to any information
9 collected by the Secretary regarding for-
10 eign vessels.

11 “(e) PROHIBITED ACTS.—It is unlawful for any per-
12 son—

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

15 “(2) to refuse to permit any officer authorized
16 to enforce the provisions of this Act to board,
17 search, or inspect a vessel, subject to such person’s
18 control for the purposes of conducting any search,
19 investigation, or inspection in connection with the
20 enforcement of this Act, any regulation promulgated
21 under this Act, or any Act to which this section ap-
22 plies;

23 “(3) to forcibly assault, resist, oppose, impede,
24 intimidate, or interfere with any such authorized of-

1 fier in the conduct of any search, investigation, or
2 inspection described in paragraph (2);

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

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

11 “(6) to forcibly assault, resist, oppose, impede,
12 intimidate, sexually harass, bribe, or interfere with—

13 “(A) any observer on a vessel under this
14 Act or any Act to which this section applies; or

15 “(B) any data collector employed by the
16 National Marine Fisheries Service or under
17 contract to any person to carry out responsibil-
18 ities under this Act or any Act to which this
19 section applies.

20 “(f) CIVIL PENALTY.—Any person who commits any
21 act that is unlawful under subsection (e) shall be liable
22 to the United States for a civil penalty, and may be subject
23 to a permit sanction, under section 308 of the Magnuson-
24 Stevens Fishery Conservation and Management Act (16
25 U.S.C. 1858).

1 “(g) CRIMINAL PENALTY.—Any person who commits
2 an act that is unlawful under paragraph (2), (3), (4), (5),
3 or (6) of subsection (c) is deemed to be guilty of an offense
4 punishable under section 309(b) of the Magnuson-Stevens
5 Fishery Conservation and Management Act (16 U.S.C.
6 1859(b)).

7 “(h) UTILIZATION OF FEDERAL AGENCY ASSETS.—
8 The President”.

9 (2) CONFORMING AMENDMENT.—Section
10 308(a) of the Antarctic Marine Living Resources
11 Convention Act of 1984 (16 U.S.C. 2437(a)) is
12 amended to read as follows:

13 “(a) IN GENERAL.—Any person who commits an act
14 that is unlawful under section 306 shall be liable to the
15 United States for a civil penalty, and may be subject to
16 a permit sanction, under section 308 of the Magnuson-
17 Stevens Fishery Conservation and Management Act (16
18 U.S.C. 1858).”.

19 (b) ACTIONS TO IMPROVE THE EFFECTIVENESS OF
20 INTERNATIONAL FISHERY MANAGEMENT ORGANIZA-
21 TIONS.—Section 608 of the High Seas Driftnet Fishing
22 Moratorium Protection Act (16 U.S.C. 1826i) is amend-
23 ed—

24 (1) by inserting “(a) IN GENERAL.—” before
25 “The Secretary, in”;

1 (2) in subsection (a) (as designated by para-
2 graph (1) of this subsection) in the first sentence, by
3 inserting “, or arrangements made pursuant to an
4 international fishery agreement,” after “organiza-
5 tions”; and

6 (3) by adding at the end the following new sub-
7 sections:

8 “(b) DISCLOSURE OF INFORMATION.—The Sec-
9 retary, subject to the data confidentiality provisions in sec-
10 tion 402 of the Magnuson-Stevens Fishery Conservation
11 and Management Act (16 U.S.C. 1881a), may disclose,
12 as necessary and appropriate, information, including in-
13 formation collected under joint authority of the Magnu-
14 son-Stevens Fishery Conservation and Management Act
15 (16 U.S.C. 1801 et seq.) and the Atlantic Tunas Conven-
16 tion Act of 1975 (16 U.S.C. 971 et seq.), the Western
17 and Central Pacific Fisheries Convention Implementation
18 Act (16 U.S.C. 6901 et seq.), any other statute imple-
19 menting an international fishery agreement, to any other
20 Federal or State government agency, the Food and Agri-
21 culture Organization of the United Nations, or the secre-
22 tariat or equivalent of an international fishery manage-
23 ment organization or arrangement made pursuant to an
24 international fishery agreement, if such government, orga-
25 nization, or arrangement, respectively, has policies and

1 procedures to protect such information from unintended
2 or unauthorized disclosure.

3 “(c) IUU VESSEL LISTS.—The Secretary may—

4 “(1) develop, maintain, and make public a list
5 of vessels and vessel owners engaged in illegal, unre-
6 ported, or unregulated fishing or fishing-related ac-
7 tivities in support of illegal, unreported, or unregu-
8 lated fishing, including vessels or vessel owners iden-
9 tified by an international fishery management orga-
10 nization or arrangement made pursuant to an inter-
11 national fishery agreement, that—

12 “(A) the United States is party to; or

13 “(B) the United States is not party to, but
14 whose procedures and criteria in developing and
15 maintaining a list of such vessels and vessel
16 owners are substantially similar to such proce-
17 dures and criteria adopted pursuant to an inter-
18 national fishery agreement to which the United
19 States is a party; and

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

1 plicable international fishery management agree-
2 ments and trade agreements.

3 “(d) REGULATIONS.—The Secretary may promulgate
4 regulations to implement this section.”.

5 (e) NOTIFICATION REGARDING IDENTIFICATION OF
6 NATIONS.—Section 609(b) of the High Seas Driftnet
7 Fishing Moratorium Protection Act (16 U.S.C. 1826j(b))
8 is amended to read as follows:

9 “(b) NOTIFICATION.—The Secretary shall notify the
10 President and that nation of an identification made under
11 subsection (a).”.

12 (d) NATIONS IDENTIFIED UNDER SECTION 610.—
13 Section 610(b)(1) of the High Seas Driftnet Fishing Mor-
14 atorium Protection Act (16 U.S.C. 1826k(b)(1)) is
15 amended to read as follows:

16 “(1) notify, as soon as possible, the President
17 and nations that have been identified under sub-
18 section (a), and other nations whose vessels engage
19 in fishing activities or practices described in sub-
20 section (a), about the provisions of this section and
21 this Act;”.

22 (e) EFFECT OF CERTIFICATION UNDER SECTION
23 609.—Section 609(d)(3)(A)(i) of the High Seas Driftnet
24 Fishing Moratorium Protection Act (16 U.S.C.

1 1826j(d)(3)(A)(i)) is amended by striking “that has not
2 been certified by the Secretary under this subsection, or”.

3 (f) EFFECT OF CERTIFICATION UNDER SECTION
4 610.—Section 610(e)(5) of the High Seas Driftnet Fish-
5 ing Moratorium Protection Act (16 U.S.C. 1826k(e)(5))
6 is amended by striking “that has not been certified by the
7 Secretary under this subsection, or”.

8 (g) IDENTIFICATION OF NATIONS.—

9 (1) SCOPE OF IDENTIFICATION FOR ACTIONS
10 OF FISHING VESSELS.—Section 609(a) of the High
11 Seas Driftnet Fishing Moratorium Protection Act
12 (16 U.S.C. 1826j(a)) is amended—

13 (A) in the matter preceding paragraph

14 (1)—

15 (i) by inserting “, based on a cumu-
16 lative compilation and analysis of data col-
17 lected and provided by international fishery
18 management organizations and other na-
19 tions and organizations,” after “shall”;

20 (ii) by striking “fishing vessels of that
21 nation are engaged, or have” and inserting
22 “a fishing vessel of that nation is engaged
23 or has”; and

24 (iii) by striking “2 years,” and insert-
25 ing “3 years,”; and

1 (B) in paragraph (1)—

2 (i) by inserting “that undermines the
3 effectiveness of measures required by an
4 international fishery management organi-
5 zation, taking into account whether” after
6 “(1)”; and

7 (ii) by striking “vessels of”.

8 (2) ADDITIONAL GROUNDS FOR IDENTIFICA-
9 TION.—Section 609(a) of such Act (16 U.S.C.
10 1826j(a)), as amended by paragraph (1), is further
11 amended—

12 (A) by redesignating paragraphs (1) and
13 (2) in order as subparagraphs (A) and (B) (and
14 by moving the margins of such subparagraphs
15 2 cms to the right);

16 (B) by inserting before the first sentence
17 the following:

18 “(1) IDENTIFICATION FOR ACTIONS OF FISHING
19 VESSELS.—”; and

20 (C) by adding at the end the following:

21 “(2) IDENTIFICATION FOR ACTIONS OF NA-
22 TION.—Taking into account the factors described
23 under paragraph (1), the Secretary shall identify,
24 and list in such report, a nation—

1 “(A) if it is violating, or has violated at
2 any point during the preceding three years, con-
3 servation and management measures required
4 under an international fishery management
5 agreement to which the United States is a
6 party and the violations undermine the effec-
7 tiveness of such measures; or

8 “(B) if it is failing, or has failed in the
9 preceding 3-year period, to effectively address
10 or regulate illegal, unreported, or unregulated
11 fishing in areas described under paragraph
12 (1)(B).

13 “(3) APPLICATION TO OTHER ENTITIES.—
14 Where the provisions of this Act are applicable to
15 nations, they shall also be applicable, as appropriate,
16 to other entities that have competency to enter into
17 international fishery management agreements.”.

18 (3) PERIOD OF FISHING PRACTICES SUP-
19 PORTING IDENTIFICATION.—Section 610(a)(1)(A) of
20 the High Seas Driftnet Fishing Moratorium Protec-
21 tion Act (16 U.S.C. 1826k(a)(1)(A)) is amended by
22 striking “calendar year” and inserting “3 years”.

23 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Secretary of Com-
25 merce \$450,000 for each of fiscal years 2015 through

1 2019 to implement the amendments made by subsections
2 (b) and (g).

3 (i) TECHNICAL CORRECTIONS.—

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

8 (2) SECTION 609.—Section 609(d) of the High
9 Seas Driftnet Fishing Moratorium Protection Act
10 (16 U.S.C. 1826j(d)) is amended as follows:

11 (A) In paragraph (1)—

12 (i) in the matter preceding paragraph
13 (1), by striking “of its fishing vessels”;
14 and

15 (ii) in subparagraph (A), is amended
16 by striking “of its fishing vessels”.

17 (B) In paragraph (2), in the matter pre-
18 ceding subparagraph (A)—

19 (i) by striking “for certification,” and
20 inserting “to authorize,”;

21 (ii) by inserting “the importation”
22 after “or other basis”;

23 (iii) by striking “harvesting”; and

24 (iv) by striking “not certified under
25 paragraph (1)” and inserting “issued a

1 negative certification under paragraph
2 (1)".

3 (3) SECTION 610.—Section 610 of the High
4 Seas Driftnet Fishing Moratorium Protection Act
5 (16 U.S.C. 1826k) is amended as follows:

6 (A) In subsection (a)(1), by striking "prac-
7 tices;" and inserting "practices—".

8 (B) In subsection (e)(4), by striking all
9 preceding subparagraph (B) and inserting the
10 following:

11 “(4) ALTERNATIVE PROCEDURE.—The Sec-
12 retary may establish a procedure to authorize, on a
13 shipment-by-shipment, shipper-by-shipper, or other
14 basis the importation of fish or fish products from
15 a vessel of a nation issued a negative certification
16 under paragraph (1) if the Secretary determines
17 that such imports were harvested by practices that
18 do not result in bycatch of a protected marine spe-
19 cies, or were harvested by practices that—

20 “(A) are comparable to those of the United
21 States, taking into account different conditions;
22 and”.

1 **SEC. 102. AMENDMENTS TO THE HIGH SEAS DRIFTNET**
2 **FISHERIES ENFORCEMENT ACT.**

3 (a) **NEGATIVE CERTIFICATION EFFECTS.**—Section
4 101 of the High Seas Driftnet Fisheries Enforcement Act
5 (16 U.S.C. 1826a) is amended—

6 (1) in subsection (a)(2)—

7 (A) in the matter preceding subparagraph
8 (A), by striking “recognized principles of” after
9 “in accordance with”;

10 (B) in subparagraph (A), by striking
11 “(1);” and inserting “(1) or, as appropriate, for
12 fishing vessels of a nation that receives a nega-
13 tive certification under section 609(d) or section
14 610(e) of the High Seas Driftnet Fishing Mora-
15 torium Protection Act (16 U.S.C. 1826j(d) and
16 1826k(e));”; and

17 (C) in subparagraph (B), by inserting “,
18 except for the purposes of inspecting such ves-
19 sel, conducting an investigation, or taking other
20 appropriate enforcement action” before the pe-
21 riod at the end; and

22 (2) in subsection (b)—

23 (A) in paragraphs (1)(A)(i), (1)(B), and
24 (2), by striking “or illegal, unreported, or un-
25 regulated fishing” each place that term ap-
26 pears;

1 (B) in paragraph (3)(A)(i), by striking
2 “(1)(A);” and inserting “(1)(A) or a negative
3 certification under section 609(d) or section
4 610(e) of the High Seas Driftnet Fishing Mora-
5 torium Protection Act (16 U.S.C. 1826j(d) and
6 1826k(e));”; and

7 (C) in paragraph (4)(A)—

8 (i) in the matter preceding clause (i),
9 by striking “paragraph (1),” and inserting
10 “paragraph (1) or issues a negative certifi-
11 cation under section 609(d) or section
12 610(e) of the High Seas Driftnet Fishing
13 Moratorium Protection Act (16 U.S.C.
14 1826j(d) and 1826k(e));”; and

15 (ii) in clause (i)—

16 (I) by striking “or illegal, unre-
17 ported, or unregulated fishing”; and

18 (II) by striking “nation;” and in-
19 serting “nation, or to address the of-
20 fending activities for which a nation
21 received a negative certification under
22 section 609(d) or 610(e) of the High
23 Seas Driftnet Fishing Moratorium
24 Protection Act (16 U.S.C. 1826j(d),
25 1826k(e))”.

1 (b) DURATION OF NEGATIVE CERTIFICATION EF-
2 FECTS.—Section 102 of the High Seas Driftnet Fisheries
3 Enforcement Act (16 U.S.C. 1826b) is amended—

4 (1) by striking “or illegal, unreported, or un-
5 regulated fishing”; and

6 (2) by striking the period at the end and insert-
7 ing “or effectively addressed the offending activities
8 for which the nation received a negative certification
9 under 609(d) or 610(e) of the High Seas Driftnet
10 Fishing Moratorium Protection Act (16 U.S.C.
11 1826j(d), 1826k(e))”.

12 **SEC. 103. AMENDMENTS TO NORTH PACIFIC ANADROMOUS**
13 **STOCKS ACT OF 1992.**

14 (a) UNLAWFUL ACTIVITIES.—Section 810 of the
15 North Pacific Anadromous Stocks Act of 1992 (16 U.S.C.
16 5009) is amended—

17 (1) in paragraph (5), by inserting “, investiga-
18 tion,” after “search”; and

19 (2) in paragraph (6), by inserting “, investiga-
20 tion,” after “search”.

21 (b) ADDITIONAL PROHIBITIONS AND ENFORCE-
22 MENT.—Section 811 of the Northern Pacific Anadromous
23 Stocks Act of 1992 (16 U.S.C. 5010) is amended to read
24 as follows:

1 **“SEC. 811. ADDITIONAL PROHIBITIONS AND ENFORCE-**
2 **MENT.**

3 “For additional prohibitions relating to this Act and
4 enforcement of this Act, see section 606 of the High Seas
5 Driftnet Fishing Moratorium Protection Act (16 U.S.C.
6 1826g).”.

7 **SEC. 104. AMENDMENTS TO THE PACIFIC SALMON TREATY**
8 **ACT OF 1985.**

9 Section 8 of the Pacific Salmon Treaty Act of 1985
10 (16 U.S.C. 3637) is amended—

11 (1) in subsection (a)

12 (A) in paragraph (2)—

13 (i) by inserting “, investigation,” after
14 “search”; and

15 (ii) by striking “this title;” and insert-
16 ing “this Act;”;

17 (B) in paragraph (3)—

18 (i) by inserting “, investigation,” after
19 “search”; and

20 (ii) by striking “subparagraph (2);”
21 and inserting “paragraph (2);”;

22 (C) in paragraph (5), by striking “this
23 title; or” and inserting “this Act;”;

24 (2) by striking subsections (b) through (f) and
25 inserting the following:

1 “(b) AUTHORITY TO DENY PORT PRIVILEGES OR
2 PROHIBIT FISH IMPORTS.—If the Secretary determines
3 that another Commission member with a significant har-
4 vest of fish stocks covered by the Convention, or a signifi-
5 cant amount of fishing occurring in its waters, is not com-
6 plying with the Commission’s conservation and manage-
7 ment measures in an effective manner or in a manner
8 comparable to compliance by vessels of the United States,
9 the Secretary, in consultation with the Secretary of State,
10 may take action with respect to such member to deny port
11 privileges or apply prohibitions on imports of fish and fish
12 products in the same manner as provided for high-seas
13 large-scale driftnet fishing in the High Seas Driftnet Fish-
14 eries Enforcement Act (16 U.S.C. 1826a et seq.)

15 “(c) PROHIBITION ON TRANSFER OF FISHING CA-
16 PACITY, FISHING CAPACITY RIGHTS, OR FISHING VES-
17 SELS.—The Secretary shall not make any agreement, take
18 any action, or promulgate any regulation which requires
19 the transfer, to other nations or foreign entities, of the
20 fishing capacity, fishing capacity rights, or fishing vessels
21 of the United States or its territories.”;

22 (3) by amending section 506(c) (16 U.S.C.
23 6905(c)) to read as follows:

24 “(e) ADDITIONAL PROHIBITIONS AND ENFORCE-
25 MENT.—For additional prohibitions relating to this Act

1 and enforcement of this Act, see section 606 of the High
2 Seas Driftnet Fishing Moratorium Protection Act (16
3 U.S.C. 1826g).”; and

4 (4) in section 507(a)(2) (16 U.S.C. 6906(a)(2))
5 by striking “suspension, on” and inserting “suspension,
6 of”.

7 **SEC. 106. AMENDMENTS TO THE ANTARCTIC MARINE LIV-**
8 **ING RESOURCES CONVENTION ACT.**

9 The Antarctic Marine Living Resources Convention
10 Act of 1984 is amended—

11 (1) in section 306 (16 U.S.C. 2435)—

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

15 (B) in paragraph (4), by inserting “, inves-
16 tigation,” after “search”; and

17 (C) in paragraph (5), by inserting “, inves-
18 tigation,” after “search”; and

19 (2) in section 307 (16 U.S.C. 2436)—

20 (A) by inserting “(a) IN GENERAL.—” be-
21 fore “The Secretary of Commerce”; and

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

23 “(b) REGULATIONS TO IMPLEMENT CONSERVATION
24 MEASURES.—

1 “(1) IN GENERAL.—Notwithstanding sub-
2 sections (b), (c), and (d) of section 553 of title 5,
3 United States Code, the Secretary of Commerce may
4 publish in the Federal Register a final regulation to
5 implement any conservation measure for which the
6 Secretary of State notifies the Commission under
7 section 305(a)(1)—

8 “(A) that has been in effect for 12 months
9 or less;

10 “(B) that is adopted by the Commission;
11 and

12 “(C) with respect to which the Secretary of
13 State does not notify Commission in accordance
14 with section 305(a)(1) within the time period
15 allotted for objections under Article IX of the
16 Convention.

17 “(2) ENTERING INTO FORCE.—Upon publica-
18 tion of such regulation in the Federal Register, such
19 conservation measure shall enter into force with re-
20 spect to the United States.”.

21 **SEC. 107. AMENDMENTS TO THE ATLANTIC TUNAS CONVEN-**
22 **TION ACT.**

23 The Atlantic Tunas Convention Act of 1975 is
24 amended—

25 (1) in section 6(e)(2) (16 U.S.C. 971d(e)(2))—

- 1 (A) by striking “(A)” and inserting “(i)”;
2 (B) by striking “(B)” and inserting “(ii)”;
3 (C) by inserting “(A)” after “(2)”;
4 (D) by adding at the end the following:

5 “(B) Notwithstanding the requirements of subpara-
6 graph (A) and subsections (b) and (c) of section 553 of
7 title 5, United States Code, the Secretary may issue final
8 regulations to implement Commission recommendations
9 referred to in paragraph (1) concerning trade restrictive
10 measures against nations or fishing entities.”;

11 (2) in section 7 (16 U.S.C. 971e) by striking
12 subsections (e) and (f) and redesignating subsection
13 (g) as subsection (e);

14 (3) in section 8 (16 U.S.C. 971f)—

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

16 and

17 (B) by inserting before subsection (b) the
18 following:

19 “(a) For additional prohibitions relating to this Act
20 and enforcement of this Act, see section 606 of the High
21 Seas Driftnet Fishing Moratorium Protection Act (16
22 U.S.C. 1826g).”;

23 (4) in section 8(b) by striking “the enforcement
24 activities specified in section 8(a) of this Act” each
25 place it appears and inserting “enforcement activi-

1 ties with respect to this Act that are otherwise au-
2 thorized by law”; and

3 (5) by striking section 11 (16 U.S.C. 971j) and
4 redesignating sections 12 and 13 as sections 11 and
5 12, respectively.

6 **SEC. 108. AMENDMENTS TO THE HIGH SEAS FISHING COM-**
7 **PLIANCE ACT OF 1995.**

8 Section 104(f) of the High Seas Fishing Compliance
9 Act of 1995 (16 U.S.C. 5503(f)) is amended to read as
10 follows:

11 “(f) VALIDITY.—A permit issued under this section
12 for a vessel is void if—

13 “(1) any other permit or authorization required
14 for the vessel to fish is expired, revoked, or sus-
15 pended; or

16 “(2) the vessel is no longer documented under
17 the laws of the United States or eligible for such
18 documentation.”.

19 **SEC. 109. AMENDMENTS TO THE DOLPHIN PROTECTION**
20 **CONSUMER INFORMATION ACT.**

21 The Dolphin Protection Consumer Information Act
22 (16 U.S.C. 1385) is amended by amending subsection (e)
23 to read as follows:

24 “(e) ADDITIONAL PROHIBITIONS AND ENFORCE-
25 MENT.—For additional prohibitions relating to this Act

1 and enforcement of this Act, see section 606 of the High
2 Seas Driftnet Fishing Moratorium Protection Act (16
3 U.S.C. 1826g).”.

4 **SEC. 110. AMENDMENTS TO THE NORTHERN PACIFIC HAL-**
5 **IBUT ACT OF 1982.**

6 Section 7 of the Northern Pacific Halibut Act of
7 1982 (16 U.S.C. 773e) is amended—

8 (1) in subsection (a) by redesignating para-
9 graphs (1) through (6) as subparagraphs (A)
10 through (F);

11 (2) by redesignating subsections (a) and (b) as
12 paragraphs (1) and (2), respectively;

13 (3) in paragraph (1)(B), as so redesignated, by
14 inserting “, investigation,” before “or inspection”;

15 (4) in paragraph (1)(C), as so redesignated, by
16 inserting “, investigation,” before “or inspection”;

17 (5) in paragraph (1)(E), as so redesignated, by
18 striking “or” after the semicolon; and

19 (6) in paragraph (1)(F), as so redesignated, by
20 striking “section.” and inserting “section; or”.

21 **SEC. 111. AMENDMENTS TO THE NORTHWEST ATLANTIC**
22 **FISHERIES CONVENTION ACT OF 1995.**

23 Section 207 of the Northwest Atlantic Fisheries Con-
24 vention Act of 1995 (16 U.S.C. 5606) is amended—

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

4 (2) in subsection (a)(2), by inserting “, inves-
5 tigation,” before “or inspection”;

6 (3) in subsection (a)(3), by inserting “, inves-
7 tigation,” before “or inspection”; and

8 (4) by striking subsections (b) through (f) and
9 inserting the following:

10 “(b) **ADDITIONAL PROHIBITIONS AND ENFORCE-**
11 **MENT.**—For additional prohibitions relating to this Act
12 and enforcement of this Act, see section 606 of the High
13 Seas Driftnet Fishing Moratorium Protection Act (16
14 U.S.C. 1826g).”.

15 **SEC. 112. AMENDMENT TO THE MAGNUSON-STEVENS FISH-**
16 **ERY CONSERVATION AND MANAGEMENT ACT.**

17 Section 307(1)(Q) of the Magnuson-Stevens Fishery
18 Conservation and Management Act (16 U.S.C.
19 1857(1)(Q)) is amended by inserting before the semicolon
20 the following: “or any treaty or in contravention of any
21 binding conservation measure adopted by an international
22 agreement or organization to which the United States is
23 a party”.

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

3 **SEC. 201. SHORT TITLE.**

4 This title may be cited as the “Antigua Convention
5 Implementing Act of 2015”.

6 **SEC. 202. AMENDMENT OF THE TUNA CONVENTIONS ACT**
7 **OF 1950.**

8 Except as otherwise expressly provided, whenever in
9 this title an amendment or repeal is expressed in terms
10 of an amendment to, or repeal of, a section or other provi-
11 sion, the reference shall be considered to be made to a
12 section or other provision of the Tuna Conventions Act
13 of 1950 (16 U.S.C. 951 et seq.).

14 **SEC. 203. 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 ‘Anti-
20 gua Convention’ means the Convention for the
21 Strengthening of the Inter-American Tropical Tuna
22 Commission Established by the 1949 Convention
23 Between the United States of America and the Re-
24 public of Costa Rica, signed at Washington, Novem-
25 ber 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 such Conventions, as the context
16 requires.

17 “(4) PERSON.—The term ‘person’ means an in-
18 dividual, partnership, corporation, or association
19 subject to the jurisdiction of the United States.

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

23 “(6) UNITED STATES COMMISSIONERS.—The
24 term ‘United States commissioners’ means the indi-
25 viduals appointed in accordance with section 3(a).”.

1 **SEC. 204. COMMISSIONERS; NUMBER, APPOINTMENT, AND**
2 **QUALIFICATIONS.**

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

5 **“SEC. 3. COMMISSIONERS.**

6 **“(a) COMMISSIONERS.—**

7 **“(1) IN GENERAL.—**The United States shall be
8 represented on the Commission by 5 United States
9 Commissioners.

10 **“(2) APPOINTMENT.—**The President shall ap-
11 point individuals to serve on the Commission at the
12 pleasure of the President. In making the appoint-
13 ments, the President shall select Commissioners
14 from among individuals who are knowledgeable or
15 experienced concerning highly migratory fish stocks
16 in the eastern tropical Pacific Ocean, including the
17 following:

18 **“(A)** One Commissioner shall be an officer
19 or employee of the Department of Commerce.

20 **“(B)** One Commissioner shall be the chair-
21 man or a member of the Western Pacific Fish-
22 ery Management Council.

23 **“(C)** One commissioner shall be the chair-
24 man or a member of the Pacific Fishery Man-
25 agement Council.

1 “(3) LIMITATION.—No more than two Commis-
2 sioners may reside in a State other than a State
3 whose vessels maintain a substantial fishery in the
4 area of the Convention.

5 “(b) ALTERNATE COMMISSIONERS.—The Secretary
6 of State, in consultation with the Secretary, may designate
7 from time to time and for periods of time deemed appro-
8 priate Alternate United States Commissioners to the Com-
9 mission. Any Alternate United States Commissioner may
10 exercise, at any meeting of the Commission or of the Gen-
11 eral Advisory Committee or Scientific Advisory Sub-
12 committee established pursuant to section 4(b), all powers
13 and duties of a United States Commissioner in the ab-
14 sence of any United States Commissioner appointed pur-
15 suant to subsection (a) of this section for whatever reason.
16 The number of such Alternate United States Commis-
17 sioners that may be designated for any such meeting shall
18 be limited to the number of United States Commissioners
19 appointed pursuant to subsection (a) of this section who
20 will not be present at such meeting.

21 “(c) ADMINISTRATIVE MATTERS.—

22 “(1) EMPLOYMENT STATUS.—Individuals serv-
23 ing as United States Commissioners, other than offi-
24 cers or employees of the United States Government,
25 shall not be considered Federal employees except for

1 the purposes of injury compensation or tort claims
2 liability as provided in chapter 81 of title 5, United
3 States Code, and chapter 171 of title 28, United
4 States Code.

5 “(2) COMPENSATION.—The United States Com-
6 missioners or Alternate Commissioners, although of-
7 ficers of the United States while so serving, shall re-
8 ceive no compensation for their services as United
9 States Commissioners or Alternate Commissioners.

10 “(3) TRAVEL EXPENSES.—

11 “(A) The Secretary of State shall pay the
12 necessary travel expenses of United States
13 Commissioners and Alternate United States
14 Commissioners to meetings of the Inter-Amer-
15 ican Tropical Tuna Commission and other
16 meetings the Secretary of State deems nec-
17 essary to fulfill their duties, in accordance with
18 the Federal Travel Regulations and sections
19 5701, 5702, 5704 through 5708, and 5731 of
20 title 5, United States Code.

21 “(B) The Secretary may reimburse the
22 Secretary of State for amounts expended by the
23 Secretary of State under this subsection.

1 “(d) SUPERVISION.—United States Commissioners
2 and alternative commissioners shall be subject to the su-
3 pervision of the Secretary of Commerce.”.

4 **SEC. 205. GENERAL ADVISORY COMMITTEE AND SCI-**
5 **ENTIFIC ADVISORY SUBCOMMITTEE.**

6 (a) GENERAL ADVISORY COMMITTEE.—Section 4(a)
7 (16 U.S.C. 953(a)) is amended to read as follows:

8 “(a) GENERAL ADVISORY COMMITTEE.—

9 “(1) APPOINTMENTS; PUBLIC PARTICIPATION;
10 COMPENSATION.—

11 “(A) GENERAL ADVISORY COMMITTEE.—

12 The Secretary, in consultation with the Sec-
13 retary of State, shall appoint a General Advi-
14 sory Committee which shall consist of not more
15 than 25 individuals who shall be representative
16 of the various groups concerned with the fish-
17 eries covered by the Convention, including non-
18 governmental conservation organizations, pro-
19 viding to the maximum extent practicable an
20 equitable balance among such groups. Members
21 of the General Advisory Committee will be eligi-
22 ble to participate as members of the United
23 States delegation to the Commission and its
24 working groups to the extent the Commission
25 rules and space for delegations allow.

1 “(B) EX-OFFICIO MEMBERS.—The chair of
2 the Pacific Fishery Management Council’s Ad-
3 visory Subpanel for Highly Migratory Fisheries
4 and the chair of the Western Pacific Fishery
5 Management Council’s Advisory Committee, or
6 the designee of such a chair, shall be ex-officio
7 members of the General Advisory Committee by
8 virtue of their positions in those Councils.

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

13 “(D) PARTICIPATION IN MEETINGS.—The
14 General Advisory Committee shall be invited to
15 attend all non-executive meetings of the United
16 States delegation and at such meetings shall be
17 given opportunity to examine and to be heard
18 on all proposed programs of investigation, re-
19 ports, recommendations, and regulations of the
20 Commission.

21 “(E) AUTHORITIES.—The General Advi-
22 sory Committee shall determine its organiza-
23 tion, and prescribe its practices and procedures
24 for carrying out its functions under this title,
25 the Magnuson-Stevens Fishery Conservation

1 and Management Act (16 U.S.C. 1801 et seq.),
2 and a convention. The General Advisory Com-
3 mittee shall publish and make available to the
4 public a statement of its organization, practices
5 and procedures. Meetings of the General Advi-
6 sory Committee, except when in executive ses-
7 sion, shall be open to the public, and prior no-
8 tice of meetings shall be made public in timely
9 fashion. The General Advisory Committee shall
10 not be subject to the Federal Advisory Com-
11 mittee Act (5 U.S.C. App.).

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

17 (b) SCIENTIFIC ADVISORY SUBCOMMITTEE.—Section
18 4(b) (16 U.S.C. 953(b)) is amended—

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

21 “(b) SCIENTIFIC ADVISORY SUBCOMMITTEE.—

22 “(1) APPOINTMENT.—The Secretary, in con-
23 sultation with the Secretary of State, shall appoint
24 a Scientific Advisory Subcommittee of not less than
25 5 nor more than 15 qualified scientists with bal-

1 shall be made public in a timely fashion.”;

2 and

3 (3) in paragraph (3), by striking “General Ad-
4 visory Subcommittee” and inserting “General Advi-
5 sory Committee”.

6 (c) ADMINISTRATIVE MATTERS.—Section 4 (9 U.S.C.
7 953) is amended by adding at the end the following:

8 “(c) ADMINISTRATIVE MATTERS.—

9 “(1) TECHNICAL SUPPORT.—The Secretary
10 shall provide to the General Advisory Committee and
11 the Scientific Advisory Subcommittee in a timely
12 manner such administrative and technical support
13 services as are necessary for the effective functioning
14 of the Committee and the Subcommittee.

15 “(2) NO CLASSIFICATION AS FEDERAL EMPLOY-
16 EES.—Individuals appointed to serve as a member of
17 the General Advisory Committee or the Scientific
18 Advisory Subcommittee—

19 “(A) shall serve without pay, but while
20 away from their homes or regular places of
21 business to attend meetings of the General Ad-
22 visory Committee or the Scientific Advisory
23 Subcommittee, as appropriate, shall be allowed
24 travel expenses, including per diem in lieu of
25 subsistence, in the same manner as persons em-

1 employed intermittently in the Government service
2 are allowed expenses under section 5703 of title
3 5, United States Code; and

4 “(B) shall not be considered Federal em-
5 ployees except for the purposes of injury com-
6 pensation or tort claims liability as provided in
7 chapter 81 of title 5, United States Code, and
8 chapter 171 of title 28, United States Code.”.

9 **SEC. 206. RULEMAKING.**

10 Section 6 (16 U.S.C. 955) is amended to read as fol-
11 lows:

12 **“SEC. 6. RULEMAKING.**

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

1 ommendations and decisions adopted by the Commission,
2 promulgate such regulations as may be necessary to carry
3 out the United States international obligations under the
4 Convention and this Act, in accordance with the proce-
5 dures established by the Magnuson-Stevens Fishery Con-
6 servation and Management Act (16 U.S.C. 1801 et seq.).

7 “(b) JURISDICTION.—The Secretary may promulgate
8 regulations as may be necessary to carry out the United
9 States international obligations under the Convention and
10 this Act, applicable to all vessels and persons subject to
11 the jurisdiction of the United States, including United
12 States flag vessels wherever they may be operating, on
13 such date as the Secretary shall prescribe.”.

14 **SEC. 207. PROHIBITED ACTS.**

15 Section 8 (16 U.S.C. 957) is amended—

16 (1) by striking “section 6(e) of this Act” each
17 place it appears and inserting “section 6”; and

18 (2) by adding at the end the following:

19 “(i) ADDITIONAL PROHIBITIONS AND ENFORCE-
20 MENT.—For prohibitions relating to this Act and enforce-
21 ment of this Act, see section 606 of the High Seas
22 Driftnet Fishing Moratorium Protection Act (16 U.S.C.
23 1826g).”.

1 **SEC. 208. ENFORCEMENT.**

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

4 **“SEC. 10. ENFORCEMENT.**

5 “For enforcement of this Act, see section 606 of the
6 High Seas Driftnet Fishing Moratorium Protection Act
7 (16 U.S.C. 1826g).”.

8 **SEC. 209. REDUCTION OF BYCATCH.**

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

11 **SEC. 210. REPEAL OF EASTERN PACIFIC TUNA LICENSING**
12 **ACT OF 1984.**

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

15 **TITLE III—AGREEMENT ON**
16 **PORT STATE MEASURES TO**
17 **PREVENT, DETER AND ELIMI-**
18 **NATE ILLEGAL, UNREPORTED**
19 **AND UNREGULATED FISHING**

20 **SEC. 301. SHORT TITLE.**

21 This title may be cited as the “Port State Measures
22 Agreement Act of 2015”.

23 **SEC. 302. PURPOSE.**

24 The purpose of this title is to implement the Agree-
25 ment on Port State Measures to Prevent, Deter and
26 Eliminate Illegal, Unreported and Unregulated Fishing.

1 **SEC. 303. DEFINITIONS.**

2 In this title:

3 (1) **AGREEMENT.**—The term “Agreement”
4 means the Agreement on Port State Measures to
5 Prevent, Deter and Eliminate Illegal, Unreported
6 and Unregulated Fishing, done at the Food and Ag-
7 riculture Organization of the United Nations, in
8 Rome, Italy, November 22, 2009, and signed by the
9 United States November 22, 2009.

10 (2) **FISH.**—The term “fish” means finfish, mol-
11 lusks, crustaceans, and all other forms of marine
12 animal and plant life other than marine mammals
13 and birds.

14 (3) **FISHING.**—The term “fishing”—

15 (A) except as provided in subparagraph

16 (B), means—

17 (i) the catching, taking, or harvesting
18 of fish;

19 (ii) the attempted catching, taking, or
20 harvesting of fish;

21 (iii) any other activity which can rea-
22 sonably be expected to result in the catch-
23 ing, taking, or harvesting of fish; or

24 (iv) any operations at sea in support
25 of, or in preparation for, any activity de-
26 scribed in clauses (i) through (iii).

1 (B) does not include any scientific research
2 activity that is conducted by a scientific re-
3 search vessel.

4 (4) IUU FISHING.—The term “IUU fishing”
5 means any activity set out in paragraph 3 of the
6 2001 FAO International Plan of Action to Prevent,
7 Deter and Eliminate Illegal, Unreported and Un-
8 regulated Fishing.

9 (5) LISTED IUU VESSEL.—The term “listed
10 IUU vessel” means a vessel that is included in a list
11 of vessels having engaged in IUU fishing or fishing-
12 related activities in support of IUU fishing that has
13 been adopted by a regional fisheries management or-
14 ganization of which the United States is a member,
15 or a list adopted by a regional fisheries management
16 organization of which the United States is not a
17 member if the Secretary determines the criteria used
18 by that organization to create the IUU list is com-
19 parable to criteria adopted by RFMOs of which the
20 United States is a member for identifying IUU ves-
21 sels and activities.

22 (6) MAGNUSON-STEVENSON ACT.—The term
23 “Magnuson-Stevens Act” means the Magnuson-Ste-
24 vens Fishery Conservation and Management Act (16
25 U.S.C. 1801 et seq.).

1 (7) PERSON.—The term “person” has the same
2 meaning as that term has in section 3 of the Magnum-
3 son-Stevens Act (16 U.S.C. 1802).

4 (8) RFMO; REGIONAL FISHERIES MANAGE-
5 MENT ORGANIZATION.—The terms “RFMO” and
6 “regional fisheries management organization” mean
7 a regional fisheries management organization (as
8 that term is defined by the United Nations Food
9 and Agriculture Organization Agreement on Port
10 State Measures to Prevent, Deter and Eliminate Il-
11 legal, Unreported and Unregulated Fishing) that is
12 recognized by the United States.

13 (9) SECRETARY.—The term “Secretary” means
14 the Secretary of Commerce.

15 (10) VESSEL.—The term “vessel” means any
16 vessel, ship of another type, or boat used for,
17 equipped to be used for, or intended to be used for,
18 fishing or fishing-related activities, including con-
19 tainer vessels that are carrying fish that have not
20 been previously landed.

21 **SEC. 304. DUTIES AND AUTHORITIES OF THE SECRETARY.**

22 (a) REGULATIONS.—The Secretary may, as needed,
23 promulgate such regulations, in accordance with section
24 553 of title 5, United States Code, and consistent with
25 the provisions of this title, as may be necessary to carry

1 out the purposes of this title to the extent that such regu-
2 lations are not already promulgated.

3 (b) PORTS OF ENTRY.—The Secretary, in consulta-
4 tion with the Secretary of Homeland Security and, when
5 the Coast Guard is not operating in the Department of
6 Homeland Security, the Secretary of the department in
7 which the Coast Guard is operating, may designate and
8 publicize the ports to which vessels may seek entry. No
9 port may be designated under this section that has not
10 also been designated as a port of entry for customs report-
11 ing purposes pursuant to section 1433 of title 19, United
12 States Code, or that is not specified under an existing
13 international fisheries agreement.

14 (c) NOTIFICATION.—The Secretary shall provide no-
15 tification of the denial of port entry or the use of port
16 services for a vessel under section 305, the withdrawal of
17 the denial of port services for a foreign vessel, the taking
18 of enforcement action pursuant to section 306 with respect
19 to a foreign vessel, or the results of any inspection of a
20 foreign vessel conducted pursuant to this title to the flag
21 nation of the vessel and, as appropriate, to the nation of
22 which the vessel's master is a national, relevant coastal
23 nations, RFMOs, the Food and Agriculture Organization
24 of the United Nations, and other relevant international or-
25 ganizations.

1 (d) CONFIRMATION THAT FISH WERE TAKEN IN AC-
2 CORDANCE WITH CONSERVATION AND MANAGEMENT
3 MEASURES.—The Secretary may request confirmation
4 from the flag state of a foreign vessel that the fish on
5 board a foreign vessel in a port subject to the jurisdiction
6 of the United States were taken in accordance with appli-
7 cable RFMO conservation and management measures.

8 **SEC. 305. AUTHORIZATION OR DENIAL OF PORT ENTRY.**

9 (a) SUBMISSION OF INFORMATION REQUIRED
10 UNDER AGREEMENT.—All foreign vessels seeking entry to
11 a port subject to the jurisdiction of the United States must
12 submit to the Secretary of the department in which the
13 Coast Guard is operating information as required under
14 the Agreement in advance of its arrival in port.

15 (b) DECISION TO AUTHORIZE OR DENY PORT
16 ENTRY.—The Secretary shall decide, based on the infor-
17 mation submitted under subsection (a), whether to author-
18 ize or deny port entry and shall communicate this decision
19 to the foreign vessel or to its representative. The Secretary
20 may deny entry to—

21 (1) any foreign-listed IUU vessel; or

22 (2) any foreign vessel the Secretary has reason-
23 able grounds to believe has engaged in IUU fishing
24 or fishing-related activities in support of such fishing
25 or has violated the Act.

1 (e) DENIAL OF USE OF PORT.—If a foreign vessel
2 is in a port subject to the jurisdiction of the United States,
3 the Secretary shall deny such vessel the use of the port
4 for landing, transshipment, packaging and processing of
5 fish, refueling, resupplying, maintenance and drydocking,
6 if—

7 (1) the vessel entered without authorization
8 under subsection (b);

9 (2) the vessel is a listed IUU vessel;

10 (3) the flag nation of the vessel has failed to
11 provide confirmation requested by the Secretary that
12 the fish on board were taken in accordance with ap-
13 plicable RFMO conservation and management meas-
14 ures; or

15 (4) the Secretary has reasonable grounds to be-
16 lieve—

17 (A) the vessel lacks valid authorizations to
18 engage in fishing or fishing-related activities as
19 required by its flag nation or the relevant coast-
20 al nation;

21 (B) the fish on board were taken in viola-
22 tion of foreign law or in contravention of any
23 RFMO conservation and management measure;
24 or

1 (C) the vessel has engaged in IUU fishing
2 or fishing-related activities in support of such
3 fishing, including in support of a listed IUU
4 vessel, unless it can establish that—

5 (i) it was acting in a manner con-
6 sistent with applicable RFMO conservation
7 and management measures; or

8 (ii) in the case of the provision of per-
9 sonnel, fuel, gear, and other supplies at
10 sea, the vessel provisioned was not, at the
11 time of provisioning, a listed IUU vessel.

12 (d) EXCEPTIONS.—Notwithstanding subsections (b)
13 and (c), the Secretary may allow port entry or the use
14 of port services—

15 (1) if they are essential to the safety or health
16 of the crew or safety of the vessel;

17 (2) to allow, where appropriate, for the scrap-
18 ping of the vessel; or

19 (3) pursuant to an inspection or other enforce-
20 ment action.

21 **SEC. 306. INSPECTIONS.**

22 The Secretary, and the Secretary of the department
23 in which the Coast Guard is operating, shall conduct for-
24 eign vessel inspections in ports subject to the jurisdiction
25 of the United States as necessary to achieve the purposes

1 of the Agreement and this title. If, following an inspection,
2 the Secretary has reasonable grounds to believe that a for-
3 eign vessel has engaged in IUU fishing or fishing-related
4 activities in support of such fishing, the Secretary may
5 take enforcement action under this title or other applicable
6 law, and shall deny the vessel the use of port services, in
7 accordance with section 305.

8 **SEC. 307. PROHIBITED ACTS.**

9 It is unlawful for any person subject to the jurisdic-
10 tion of the United States—

11 (1) to violate any provision of this title or the
12 regulations issued under this title;

13 (2) to refuse to permit any authorized officer to
14 board, search, or inspect a vessel that is subject to
15 the person's control in connection with the enforce-
16 ment of this title or the regulations issued under
17 this title;

18 (3) to submit false information pursuant to any
19 requirement under this title or the regulations issued
20 under this title; or

21 (4) to commit any offense enumerated in para-
22 graph (4), (5), (7) or (9) of section 707(a) of the
23 Western and Central Pacific Fisheries Convention
24 Implementation Act (16 U.S.C. 6906(a)).

1 **SEC. 308. ENFORCEMENT.**

2 (a) **EXISTING AUTHORITIES AND RESPONSIBIL-**
3 **ITIES.—**

4 (1) **AUTHORITIES AND RESPONSIBILITIES.—**

5 The authorities and responsibilities under sub-
6 sections (a), (b), and (c) of section 311 and sub-
7 section (f) of section 308 of the Magnuson-Stevens
8 Act (16 U.S.C. 1861, 1858) and paragraphs (2),
9 (3), and (7) of section 310(b) of the Antarctic Ma-
10 rine Living Resources Convention Act of 1984 (16
11 U.S.C. 2439(b)) shall apply with respect to enforce-
12 ment of this title.

13 (2) **INCLUDED VESSELS.—**For purposes of en-
14 forcing this title, any reference in such paragraphs
15 and subsections to a “vessel” or “fishing vessel” in-
16 cludes all vessels as defined in section 303 of this
17 title.

18 (3) **APPLICATION OF OTHER PROVISIONS.—**

19 Such paragraphs and subsections apply to violations
20 of this title and any regulations promulgated under
21 this title.

22 (b) **CIVIL ENFORCEMENT.—**

23 (1) **CIVIL ADMINISTRATIVE PENALTIES.—**

24 (A) **IN GENERAL.—**Any person who is
25 found by the Secretary (after notice and oppor-
26 tunity for a hearing in accordance with section

1 554 of title 5, United States Code) to have
2 committed an act prohibited under section 307
3 shall be liable to the United States for a civil
4 penalty. The amount of the civil penalty shall
5 be consistent with the amount under section
6 308(a) of the Magnuson-Stevens Act (16 U.S.C.
7 1858(a)).

8 (B) COMPROMISE OR OTHER ACTION BY
9 SECRETARY.—The Secretary shall have the
10 same authority as provided in section 308(e) of
11 the Magnuson-Stevens Act (16 U.S.C. 1858(e))
12 with respect to a violation of this Act.

13 (2) IN REM JURISDICTION.—For purposes of
14 this title, the conditions for in rem liability shall be
15 consistent with section 308(d) of the Magnuson-Ste-
16 vens Act (16 U.S.C. 1858(d)).

17 (3) ACTION UPON FAILURE TO PAY ASSESS-
18 MENT.—If any person fails to pay an assessment of
19 a civil penalty under this title after it has become a
20 final and unappealable order, or after the appro-
21 priate court has entered final judgment in favor of
22 the Secretary, the Secretary shall refer the matter to
23 the Attorney General, who shall recover the amount
24 assessed in any appropriate district court of the
25 United States. In such action, the validity and ap-

1 appropriateness of the final order imposing the civil
2 penalty shall not be subject to review.

3 (e) FORFEITURE.—

4 (1) IN GENERAL.—Any foreign vessel (including
5 its fishing gear, furniture, appurtenances, stores,
6 and cargo) used, and any fish (or the fair market
7 value thereof) imported or possessed in connection
8 with or as result of the commission of any act pro-
9 hibited by section 307 of this title shall be subject
10 to forfeiture under section 310 of the Magnuson-Ste-
11 vens Act (16 U.S.C. 1860).

12 (2) APPLICATION OF THE CUSTOMS LAWS.—All
13 provisions of law relating to seizure, summary judg-
14 ment, and judicial forfeiture and condemnation for
15 violation of the customs laws, the disposition of the
16 property forfeited or condemned or the proceeds
17 from the sale thereof, the remission or mitigation of
18 such forfeitures, and the compromise of claims shall
19 apply to seizures and forfeitures incurred, or alleged
20 to have been incurred, under the provisions of this
21 title, insofar as applicable and not inconsistent with
22 the provisions hereof. For seizures and forfeitures of
23 property under this section by the Secretary, such
24 duties as are imposed upon the customs officer or
25 any other person with respect to the seizure and for-

1 forfeiture of property under the customs law may be
2 performed by such officers as are designated by the
3 Secretary or, upon request of the Secretary, by any
4 other agency that has authority to manage and dis-
5 pose of seized property.

6 (3) PRESUMPTION.—For the purposes of this
7 section there is a rebuttable presumption that all
8 fish, or components thereof, found on board a vessel
9 that is used or seized in connection with a violation
10 of this title (including any regulation promulgated
11 under this Act) were taken, obtained, or retained as
12 a result of IUU fishing or fishing-related activities
13 in support of IUU fishing.

14 (d) CRIMINAL ENFORCEMENT.—Any person (other
15 than a foreign government agency, or entity wholly owned
16 by a foreign government) who knowingly commits an act
17 prohibited by section 307 shall be subject to subsections
18 (b) and (e) of section 309 of the Magnuson-Stevens Act
19 (16 U.S.C. 1859).

20 (e) PAYMENT OF STORAGE, CARE, AND OTHER
21 COSTS.—Any person assessed a civil penalty for, or con-
22 victed of, any violation of this title (including any regula-
23 tion promulgated under this title) and any claimant in a
24 forfeiture action brought for such a violation, shall be lia-
25 ble for the reasonable costs incurred by the Secretary in

1 storage, care, and maintenance of any property seized in
2 connection with the violation.

3 **SEC. 309. INTERNATIONAL COOPERATION AND ASSIST-**
4 **ANCE.**

5 (a) ASSISTANCE TO DEVELOPING NATIONS AND
6 INTERNATIONAL ORGANIZATIONS.—Consistent with exist-
7 ing authority and the availability of funds, the Secretary
8 shall provide appropriate assistance to developing nations
9 and international organizations of which such nations are
10 members to assist those nations in meeting their obliga-
11 tions under the Agreement.

12 (b) PERSONNEL, SERVICES, EQUIPMENT, AND FA-
13 CILITIES.—In carrying out subsection (a), the Secretary
14 may, by agreement, on a reimbursable or nonreimbursable
15 basis, utilize the personnel, services, equipment, and facili-
16 ties of any Federal, State, local, or foreign government
17 or any entity of any such government.

18 **SEC. 310. RELATIONSHIP TO OTHER LAWS.**

19 (a) IN GENERAL.—Nothing in this title shall be con-
20 structed to displace any requirements imposed by the cus-
21 toms laws of the United States or any other laws or regu-
22 lations enforced or administered by the Secretary of
23 Homeland Security. Where more stringent requirements
24 regarding port entry or access to port services exist under
25 other Federal law, those more stringent requirements shall

1 apply. Nothing in this title shall affect a vessel's entry into
2 port, in accordance with international law, for reasons of
3 force majeure or distress.

4 (b) UNITED STATES OBLIGATIONS UNDER INTER-
5 NATIONAL LAW.—This title shall be interpreted and ap-
6 plied in accordance with United States obligations under
7 international law.