

**[STAFF WORKING DRAFT]**

JULY 25, 2013

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.**

**S. 269**

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

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. ROCKEFELLER

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

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

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

7 (b) TABLE OF CONTENTS.—The table of contents of  
8 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.
- 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 Com-  
9 merce and the Secretary of the department in which  
10 the Coast Guard is operating shall enforce the Acts

1 to which this section applies in accordance with the  
2 provisions of this section.

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

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

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

14 (B) the Pacific Salmon Treaty Act of 1985  
15 (16 U.S.C. 3631 et seq.);

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

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

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

22 (F) the South Pacific Tuna Act of 1988  
23 (16 U.S.C. 973 et seq.);

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

4 (H) the Atlantic Tunas Convention Act of  
5 1975 (16 U.S.C. 971 et seq.);

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

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

11 (K) the Northern Pacific Halibut Act of  
12 1982 (16 U.S.C. 773 et seq.);

13 (L) the Antigua Convention Implementing  
14 Act of 2013; and

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

18 (b) ADMINISTRATION AND ENFORCEMENT.—The  
19 Secretary of Commerce shall prevent any person from vio-  
20 lating any Act to which this section applies in the same  
21 manner, by the same means, and with the same jurisdic-  
22 tion, powers, and duties as though sections 308 through  
23 311 of the Magnuson-Stevens Fishery Conservation and  
24 Management Act (16 U.S.C. 1858 through 1861) were in-  
25 corporated into and made a part of each such Act. Except

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

9 (c) SPECIAL RULES.—

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

19 (2) ADDITIONAL ENFORCEMENT AUTHORITY.—

20 In addition to the powers of officers authorized pur-  
21 suant to subsection (b), any officer who is author-  
22 ized by the Secretary, or the head of any Federal or  
23 State agency that has entered into an agreement  
24 with the Secretary under subsection (a) to enforce  
25 the provisions of any Act to which this section ap-

1       plies may, with the same jurisdiction, powers, and  
2       duties as though section 311 of the Magnuson-Ste-  
3       vens Fishery Conservation and Management Act (16  
4       U.S.C. 1861) were incorporated into and made a  
5       part of each such Act—

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

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

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

22             (D) carry firearms and make an arrest, in  
23             accordance with any guidelines which may be  
24             issued by the Attorney General, for any offense  
25             under the laws of the United States committed

1 in the person's presence, or for the commission  
2 of any felony under the laws of the United  
3 States, if the person has reasonable grounds to  
4 believe that the person to be arrested has com-  
5 mitted or is committing a felony;

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

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

15 (3) NORTHERN PACIFIC HALIBUT ACT OF  
16 1982.—Notwithstanding the provisions of subsection  
17 (b)—

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

1 penalty under section 8 of that Act (16 U.S.C.  
2 773f);

3 (B) any act prohibited under subpara-  
4 graphs (B), (C), (D), or (F) of section 7(1) or  
5 section 7(2) of the Northern Pacific Halibut  
6 Act of 1982 (16 U.S.C. 773e) is punishable  
7 under section 9 of that Act (16 U.S.C. 773g);  
8 and

9 (C) the Secretary, in cooperation with such  
10 other agencies as may be appropriate, may con-  
11 duct or cause to be conducted investigations in  
12 accordance with section 11(d) of the Northern  
13 Pacific Halibut Act of 1982 (16 U.S.C.  
14 773i(d)) as are deemed necessary to carry out  
15 the purposes of the Northern Pacific Halibut  
16 Act of 1982 (16 U.S.C. 773 et seq.).

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

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



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

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

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

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

1 international fisheries enforcement databases as  
2 appropriate.

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

23 (F) INFORMATION SHARING.—

24 (i) IN GENERAL.—Subject to clause

25 (ii), the Secretary of Commerce, through

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

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

6 (II) foreign governments;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (2) Section 607 of the High Seas Driftnet Fish-  
6 ing Moratorium Protection Act (16 U.S.C. 1826h) is  
7 amended by inserting “not later than June 1” after  
8 “2006, and”.

9 (3) Section 607(2) of the High Seas Driftnet  
10 Fishing Moratorium Protection Act (16 U.S.C.  
11 1826h(2)) is amended by striking “whose vessels”  
12 and inserting “that”.

13 (4) Section 609(a) of the High Seas Driftnet  
14 Fishing Moratorium Protection Act (16 U.S.C.  
15 1826j(a)) is amended to read as follows:

16 “(a) IDENTIFICATION.—

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

22 “(A) such fishing undermines the effective-  
23 ness of measures required under the relevant  
24 international fishery management organization;



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

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

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

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

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

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

7           (5) Section 609(d)(1) of the High Seas Driftnet  
8           Fishing Moratorium Protection Act (16 U.S.C.  
9           1826j(d)(1)) is amended by striking “of its fishing  
10          vessels” each place it appears.

11          (6) Section 609(d)(2) of the High Seas Driftnet  
12          Fishing Moratorium Protection Act (16 U.S.C.  
13          1826j(d)(2)) is amended—

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

16               (B) by striking “basis of fish” and insert-  
17               ing “basis, for allowing importation of fish”;

18               (C) by striking “harvesting nation not cer-  
19               tified under paragraph (1)” and inserting “na-  
20               tion issued a negative certification under para-  
21               graph (1)”;

22               (D) in subparagraph (A), by striking  
23               “under an international fishery management  
24               agreement to which the United States is a  
25               party; or” and inserting “; and”.

1           (7) Section 610(a) of the High Seas Driftnet  
2 Fishing Moratorium Protection Act (16 U.S.C.  
3 1826k(a)) is amended—

4           (A) by striking “calendar year” each place  
5 it appears and inserting “3 years”; and

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

8           (8) Section 610(c)(5) of the High Seas Driftnet  
9 Fishing Moratorium Protection Act (16 U.S.C.  
10 1826k(c)(5)) is amended by striking “or fish or fish  
11 products not caught by the vessels engaged in illegal,  
12 unreported, or unregulated fishing”.

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

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

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

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

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

4       (c) 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           (e) 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) and (c) of section 553 of title 5,  
6       United States Code, the Secretary of Commerce may  
7       publish in the Federal Register a final rule to imple-  
8       ment conservation measures that are in effect for 12  
9       months or less, adopted by the Commission, and not  
10      objected to by the United States within the time pe-  
11      riod allotted under Article IX of the Convention.”.

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

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

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

18           (i) by striking subsections (b), (c),  
19      and (d);

20           (ii) by redesignating subsection (e) as  
21      subsection (c); and

22           (iii) by inserting after subsection (a)  
23      the following:

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

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

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

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

9           (B) by redesignating subsection (g) as sub-  
10 section (e).

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

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

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

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

24       (h) NORTHWEST ATLANTIC FISHERIES CONVENTION  
25 ACT OF 1995.—Section 207 of the Northwest Atlantic



1 Fisheries Convention Act of 1995 (16 U.S.C. 5606) is  
2 amended—

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

6 (2) in subsection (a)—

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

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

13 (3) by striking subsections (b) through (f) and  
14 inserting the following:

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

18 (i) **WESTERN AND CENTRAL PACIFIC FISHERIES**  
19 **CONVENTION IMPLEMENTATION ACT.**—

20 (1) **ADMINISTRATION AND ENFORCEMENT.**—

21 Section 506(c) of the Western and Central Pacific  
22 Fisheries Convention Implementation Act (16 U.S.C.  
23 6905(c)) is amended to read as follows:

1       “(c) 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) in section 8 (16 U.S.C. 773f)—

5                           (i) by striking the subsection designa-  
6                           tion and heading preceding the text of sub-  
7                           section (a); and

8                           (ii) by striking subsections (b)  
9                           through (e);

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

14                   (C) by striking section 10 (16 U.S.C.  
15                   773h); and

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

17                           (i) by striking subsections (b) through  
18                           (d) of section 11 (16 U.S.C. 773i) and in-  
19                           serting the following:

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

1 (ii) by redesignating subsections (e)  
2 and (f) as subsections (c) and (d), respec-  
3 tively.

4 (k) NATIONAL SEA GRANT COLLEGE PROGRAM RE-  
5 AUTHORIZATION ACT OF 1988.—Section 10 of the Na-  
6 tional Sea Grant College Program Reauthorization Act of  
7 1988 (15 U.S.C. 1541) is amended by striking “the  
8 United States Coast Guard” in place it appears and insert-  
9 ing “another Federal agency”.

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

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

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

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

21 “(1) develop, maintain, and make public a list  
22 of vessels and vessel owners that are engaged, or  
23 have been engaged at any point during the preceding  
24 2 years, in illegal, unreported, or unregulated fish-  
25 ing, including vessels or vessel owners identified by

1 an international fishery management organization or  
2 arrangement made pursuant to an international fish-  
3 ery agreement, whether or not the United States is  
4 a party to such organization or arrangement;

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

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

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

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

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

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

9           (B) in subsection (e)(2), by striking  
10 “Within 3 months after the date of enactment  
11 of the Magnuson-Stevens Fishery Conservation  
12 and Management Reauthorization Act of 2006”  
13 and inserting “Not later than 180 days after  
14 the date of enactment of the International Fish-  
15 eries Stewardship and Enforcement Act”; and

16           (C) in subsection (e)(3)—

17           (i) by striking “and” at the end of  
18 subparagraph (B);

19           (ii) by striking “agreement.” and in-  
20 serting “agreement; and”; and

21           (iii) by adding at the end the fol-  
22 lowing:

23           “(D) to the extent possible—

24           “(i) fishing activities conducted by  
25 foreign vessels in waters under the juris-

1                   diction of a nation without permission of  
2                   that nation; and

3                   “(ii) fishing activities conducted by  
4                   foreign vessels in contravention of a na-  
5                   tion’s laws (including regulations), includ-  
6                   ing fishing activity that has not been re-  
7                   ported or that has been misreported to the  
8                   relevant national authority of a nation in  
9                   contravention of that nation’s laws (includ-  
10                  ing regulations).”.

11                  (3) Section 610(c)(5) of the High Seas Driftnet  
12                  Fishing Moratorium Protection Act (16 U.S.C.  
13                  1826k(c)(5)) is amended by striking “that has not  
14                  been certified by the Secretary under this sub-  
15                  section, or”.

16                  (b) AMENDMENT OF THE HIGH SEAS DRIFTNET  
17                  FISHERIES ENFORCEMENT ACT.—

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

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

23                         “(2) DENIAL OF PORT PRIVILEGES.—The Sec-  
24                         retary of the Treasury shall, to the extent consistent  
25                         with international law—

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

4                   “(i) any large-scale driftnet fishing  
5                   vessel that is documented under the law of  
6                   the United States or of a nation included  
7                   on a list published under paragraph (1); or

8                   “(ii) any fishing vessel of a nation  
9                   that receives a negative certification under  
10                  section 609(d) or 610(e) of the High Seas  
11                  Driftnet Fishing Moratorium Protection  
12                  Act (16 U.S.C. 1826j(d) or 1826k(e)); and

13                  “(B) deny entry of that vessel to any place  
14                  in the United States and to the navigable wa-  
15                  ters of the United States, except for the pur-  
16                  pose of inspecting the vessel, conducting an in-  
17                  vestigation, or taking other appropriate enforce-  
18                  ment action.”; and

19                  (B) in subsection (b)—

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

23                          (ii) by striking paragraph (3)(A) and  
24                          inserting the following:



1           “(A) PROHIBITION.—The President shall  
2           direct the Secretary of the Treasury to prohibit  
3           the importation into the United States of fish  
4           and fish products and sport fishing equipment  
5           (as that term is defined in section 4162 of the  
6           Internal Revenue Code of 1986 (26 U.S.C.  
7           4162)) from a nation—

8                   “(i) upon receipt of notification of the  
9                   identification of the nation under para-  
10                  graph (1)(A);

11                  “(ii) if the consultations with the gov-  
12                  ernment of the nation under paragraph (2)  
13                  are not satisfactorily concluded within  
14                  ninety days; or

15                  “(iii) upon receipt of notification of a  
16                  negative certification under section  
17                  609(d)(1) or 610(e)(1) of the High Seas  
18                  Driftnet Fishing Moratorium Protection  
19                  Act (16 U.S.C. 1826j(d)(1) and  
20                  1826k(c)(1)).”;

21                  (iii) by inserting “or after issuing a  
22                  negative certification under section  
23                  609(d)(1) or 610(e)(1) of the High Seas  
24                  Driftnet Fishing Moratorium Protection  
25                  Act (16 U.S.C. 1826j(d)(1) and

1 1826k(c)(1)),” after “paragraph (1),” in  
2 paragraph (4)(A); and

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

5 “(i) any prohibition established under  
6 paragraph (3) is insufficient to cause that  
7 nation—

8 “(I) to terminate large-scale  
9 driftnet fishing conducted by its na-  
10 tionals and vessels beyond the exclu-  
11 sive economic zone of any nation;

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

18 “(III) to address bycatch of a  
19 protected living marine resource or  
20 shark catch on the high seas for  
21 which a nation has been identified  
22 under section 610 of such Act (16  
23 U.S.C. 1826k); or”.

24 (2) Section 102 of the High Seas Driftnet Fish-  
25 eries Enforcement Act (16 U.S.C. 1826b) is amend-

1 ed by striking “such nation has terminated large-  
2 scale driftnet fishing or illegal, unreported, or un-  
3 regulated fishing by its nationals and vessels beyond  
4 the exclusive economic zone of any nation.” and in-  
5 serting “such nation—

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

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

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

19 **SEC. 104. LIABILITY.**

20 Any claims arising from the actions of any officer,  
21 authorized by the Secretary of Commerce or the Secretary  
22 of the department in which the Coast Guard is operating  
23 to enforce the provisions of this Act or any Act to which  
24 this Act applies, taken pursuant to any scheme for at-sea  
25 boarding and inspection authorized under any inter-

1 national agreement to which the United States is a party  
2 may be pursued under chapter 171 of title 28, United  
3 States Code, or such other legal authority as may be perti-  
4 nent.

5 **TITLE II—LAW ENFORCEMENT**  
6 **AND INTERNATIONAL OPER-**  
7 **ATIONS**

8 **SEC. 201. INTERNATIONAL FISHERIES ENFORCEMENT.**

9 (a) ESTABLISHMENT OF INTERNATIONAL FISHERIES  
10 ENFORCEMENT TASK FORCE.—

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

17 (2) PURPOSES.—The purposes of the task force  
18 shall be—

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

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

24 (3) MEMBERSHIP.—The task force shall include  
25 permanent representation from—

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

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

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

5 (D) the U.S. Food and Drug Administra-  
6 tion; and

7 (E) such other Federal agencies as the  
8 Secretary considers appropriate and necessary  
9 to carry out the purposes under paragraph (2).

10 (b) TASK FORCE ORGANIZATION.—

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

15 (A) by agreement, on a reimbursable basis  
16 or otherwise, provide permanent representation  
17 to the task force;

18 (B) by agreement, on a reimbursable basis  
19 or otherwise, share personnel, services, equip-  
20 ment (including aircraft and vessels), and facili-  
21 ties with the task force for the purposes under  
22 subsection (a)(2); and

23 (C) to the extent possible, and consistent  
24 with other applicable law, extend the authorities  
25 provided under their enabling legislation to the

1           other departments and agencies participating in  
2           the task force.

3           (2) BUDGET.—The Secretary of Commerce and  
4           the head of each department and agency providing  
5           personnel for the task force, at their discretion, may  
6           develop interagency plans and budgets and engage in  
7           interagency financing for such purposes.

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

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

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

22                 (B) shall, to the maximum extent permis-  
23                 sible under law, create and participate in com-  
24                 mittees or other working groups with other  
25                 Federal, State, or local governments, and with

1 the governments of other nations for the pur-  
2 poses under subsection (a)(2);

3 (C) may enter into agreements with other  
4 Federal, State, or local governments, and with  
5 the governments of other nations, on a reim-  
6 bursable basis or otherwise, for the purposes  
7 under subsection (a)(2).

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

15 **SEC. 202. INTERNATIONAL COOPERATION AND ASSIST-**  
16 **ANCE.**

17 (a) INTERNATIONAL COOPERATION AND ASSIST-  
18 ANCE.—The Secretary of Commerce may provide inter-  
19 national cooperation and assistance for international ca-  
20 pacity building efforts.

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

23 (1) provide technical expertise to other nations  
24 to assist them in addressing illegal, unreported, or  
25 unregulated fishing activities;

1           (2) provide technical expertise to other nations  
2           to assist them in reducing the loss and environ-  
3           mental impacts of derelict fishing gears, reducing  
4           the bycatch of living marine resources, and pro-  
5           moting international marine resource conservation;

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

14          (4) establish partnerships with other Federal  
15          agencies, as appropriate, to ensure that fisheries de-  
16          velopment assistance to other nations is directed to-  
17          ward efforts that promote sustainable fisheries;

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

24          (6) use, with their consent, with reimbursement  
25          and subject to the limits of available appropriations,



1 the land, services, equipment, personnel, and facili-  
2 ties of any department, agency, or instrumentality of  
3 the United States, or of any State, local government,  
4 Indian tribal government, Territory, or possession,  
5 or of any political subdivision thereof, or of any for-  
6 eign government or international organization, for  
7 purposes related to carrying out the responsibilities  
8 of any statute administered by the National Oceanic  
9 and Atmospheric Administration; and

10 (7) accept and expend funds from other Federal  
11 agencies or foreign governments to carry out the  
12 purposes of this section.

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

## 15 **TITLE III—MISCELLANEOUS** 16 **AMENDMENTS**

### 17 **SEC. 301. ATLANTIC TUNAS CONVENTION ACT OF 1975.**

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

20 (1) by inserting “(A)” after “(2)”; and

21 (2) by adding at the end thereof the following:

22 “(B) The Secretary may issue final regula-  
23 tions to implement Commission recommenda-  
24 tions referred to in paragraph (1) of this sub-  
25 section concerning trade restrictive measures

1           against nations or fishing entities without re-  
2           gard to the requirements of subparagraph (A)  
3           of this paragraph and subsections (b) and (c) of  
4           section 553 of title 5, United States Code.”.

5 **SEC. 302. DATA SHARING.**

6           (a) HIGH SEAS DRIFTNET FISHING MORATORIUM  
7 PROTECTION ACT.—Section 608 of the High Seas  
8 Driftnet Fishing Moratorium Protection Act (16 U.S.C.  
9 1826i) is amended—

10           (1) by inserting “(a) IN GENERAL.—” before  
11           “‘The Secretary,”;

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

18           (3) by striking “and” after the semicolon in  
19           paragraph (3);

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

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

23           “(5) urging other nations, through the regional  
24           fishery management organizations of which the  
25           United States is a member, bilaterally and otherwise

1 to seek and foster the sharing of accurate, relevant,  
2 and timely information—

3 “(A) to improve the scientific under-  
4 standing of marine ecosystems;

5 “(B) to improve fisheries management de-  
6 cisions;

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

9 “(D) to combat illegal, unreported, and un-  
10 regulated fishing; and

11 “(E) to improve compliance with conserva-  
12 tion and management measures in international  
13 waters.

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

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

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

3           (2) by redesignating subparagraph (H) as sub-  
4 paragraph (J); and

5           (3) by inserting after subparagraph (G) the fol-  
6 lowing:

7                   “(H) to the Food and Agriculture Organi-  
8 zation formed at Quebec, Canada, on October  
9 16, 1945, international fishery management or-  
10 ganizations, or arrangements made pursuant to  
11 an international fishery agreement as provided  
12 under section 608(b) of the High Seas Driftnet  
13 Fishing Moratorium Protection Act (16 U.S.C.  
14 1826i(b));

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

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

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

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

7 “(1) 1 or more permits or authorizations re-  
8 quired for a vessel to fish, in addition to a permit  
9 issued under this section, expire, are revoked, or are  
10 suspended; or

11 “(2) the vessel is no longer eligible for United  
12 States documentation, such documentation is re-  
13 voked or denied, or the vessel is deleted from such  
14 documentation.”.

15 **SEC. 304. COMMITTEE ON SCIENTIFIC COOPERATION FOR**  
16 **PACIFIC SALMON AGREEMENT.**

17 Section 11 of the Pacific Salmon Treaty Act of 1985  
18 (16 U.S.C. 3640) is amended—

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

21 (2) by inserting after subsection (b) the fol-  
22 lowing:

23 “(c) COMPENSATION OF COMMITTEE ON SCIENTIFIC  
24 COOPERATION MEMBERS.—Members of the Committee on  
25 Scientific Cooperation who are not State or Federal em-  
26 ployees shall receive compensation at a rate equivalent to

1 the rate payable for level IV of the Executive Schedule  
2 under section 5315 of title 5, United States Code, when  
3 engaged in actual performance of duties for the Commis-  
4 sion.”; and

5 (3) by striking “71” in subsection (e), as reded-  
6 igned, and inserting “171”.

## 7 **TITLE IV—IMPLEMENTATION OF** 8 **THE ANTIGUA CONVENTION**

### 9 **SEC. 401. SHORT TITLE; REFERENCES TO THE TUNA CON-** 10 **VENTIONS ACT OF 1950.**

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

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

### 20 **SEC. 402. DEFINITIONS.**

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

#### 23 **“SEC. 2. DEFINITIONS.**

24 “In this Act:

1           “(1) ANTIGUA CONVENTION.—The term ‘Anti-  
2           gua Convention’ means the Convention for the  
3           Strengthening of the Inter-American Tropical Tuna  
4           Commission Established by the 1949 Convention  
5           Between the United States of America and the Re-  
6           public of Costa Rica, signed at Washington, Novem-  
7           ber 14, 2003.

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

11          “(3) CONVENTION.—The term ‘Convention’  
12          means—

13                 “(A) the Convention for the Establishment  
14                 of an Inter-American Tropical Tuna Commis-  
15                 sion, signed at Washington, May 31, 1949, by  
16                 the United States of America and the Republic  
17                 of Costa Rica;

18                 “(B) the Antigua Convention, upon its  
19                 entry into force for the United States, and any  
20                 amendments thereto that are in force for the  
21                 United States; or

22                 “(C) both subparagraphs (A) and (B), as  
23                 the context requires.

24          “(4) IMPORT.—The term ‘import’ means to  
25          land on, bring into, or introduce into, or attempt to

1 land on, bring into, or introduce into, any place sub-  
2 ject to the jurisdiction of the United States, whether  
3 or not such landing, bringing, or introduction con-  
4 stitutes an importation within the meaning of the  
5 customs laws of the United States.

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

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

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

15 “(8) UNITED STATES SECTION.—The term  
16 ‘United States Section’ means the United States  
17 Commissioners to the Commission and a designee of  
18 the Secretary of State.”.

19 **SEC. 403. COMMISSIONERS; NUMBER, APPOINTMENT, AND**  
20 **QUALIFICATIONS.**

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

23 **“SEC. 3. COMMISSIONERS.**

24 “(a) COMMISSIONERS.—The United States shall be  
25 represented on the Commission by 5 United States Com-



1 missioners. The President shall appoint individuals to  
2 serve on the Commission at the pleasure of the President.  
3 In making the appointments, the President shall select  
4 Commissioners from among individuals who are knowl-  
5 edgeable or experienced concerning highly migratory fish  
6 stocks in the eastern tropical Pacific Ocean, 1 of which  
7 shall be an officer or employee of the Department of Com-  
8 merce, 1 of which shall be the chairman or a member of  
9 the Western Pacific Fishery Management Council, and 1  
10 of which shall be the chairman or a member of the Pacific  
11 Fishery Management Council. Not more than 2 Commis-  
12 sioners may be appointed who reside in a State other than  
13 a State whose vessels maintain a substantial fishery in the  
14 area of the Convention.

15       “(b) ALTERNATE UNITED STATES COMMIS-  
16 SIONERS.—The Secretary of State, in consultation with  
17 the Secretary, may designate from time to time and for  
18 periods of time deemed appropriate Alternate United  
19 States Commissioners to the Commission. Any Alternate  
20 United States Commissioner may exercise, at any meeting  
21 of the Commission or of the General Advisory Committee  
22 or Scientific Advisory Subcommittee established pursuant  
23 to section 4(b), all powers and duties of a United States  
24 Commissioner in the absence of any Commissioner ap-  
25 pointed pursuant to subsection (a) of this section for what-

1 ever reason. The number of such Alternate United States  
2 Commissioners that may be designated for any such meet-  
3 ing shall be limited to the number of United States Com-  
4 missioners appointed pursuant to subsection (a) of this  
5 section who will not be present at such meeting.

6 “(c) ADMINISTRATIVE MATTERS.—

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

15 “(2) COMPENSATION.—The United States Com-  
16 missioners or Alternate United States Commis-  
17 sioners, although officers of the United States while  
18 so serving, shall receive no compensation for their  
19 services as such United States Commissioners or Al-  
20 ternate United States Commissioners.

21 “(3) TRAVEL EXPENSES.—

22 “(A) The Secretary of State shall pay the  
23 necessary travel expenses of United States  
24 Commissioners and Alternate United States  
25 Commissioners to meetings of the Commission

1 and other meetings the Secretary deems nec-  
2 essary to fulfill their duties, in accordance with  
3 the Federal Travel Regulations and sections  
4 5701, 5702, 5704 through 5708, and 5731 of  
5 title 5, United States Code.

6 “(B) The Secretary may reimburse the  
7 Secretary of State for amounts expended by the  
8 Secretary of State under this subsection.”.

9 **SEC. 404. GENERAL ADVISORY COMMITTEE AND SCI-**  
10 **ENTIFIC ADVISORY SUBCOMMITTEE.**

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

12 (1) by striking subsection (a) and inserting the  
13 following:

14 “(a) GENERAL ADVISORY COMMITTEE.—

15 “(1) APPOINTMENTS; PUBLIC PARTICIPA-  
16 TION.—

17 “(A) APPOINTMENTS.—The Secretary, in  
18 consultation with the Secretary of State, shall  
19 appoint a General Advisory Committee which  
20 shall consist of not more than 25 individuals  
21 who shall be representative of the various  
22 groups concerned with the fisheries covered by  
23 the Convention, including nongovernmental con-  
24 servation organizations, providing to the max-  
25 imum extent practicable an equitable balance

1 among such groups. Members of the General  
2 Advisory Committee will be eligible to partici-  
3 pate as members of the U.S. delegation to the  
4 Commission and its working groups to the ex-  
5 tent the Commission rules and space for delega-  
6 tions allow.

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

15 “(C) TERMS.—Each member of the Gen-  
16 eral Advisory Committee appointed under sub-  
17 paragraph (A) shall serve for a term of 3 years  
18 and shall be eligible for reappointment.

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

1           recommendations, and regulations of the Com-  
2           mission.

3           “(E) PUBLIC PARTICIPATION.—The Gen-  
4           eral Advisory Committee shall determine its or-  
5           ganization, and prescribe its practices and pro-  
6           cedures for carrying out its functions under this  
7           chapter, the Magnuson-Stevens Fishery Con-  
8           servation and Management Act (16 U.S.C.  
9           1801 et seq.), and the Convention. The General  
10          Advisory Committee shall publish and make  
11          available to the public a statement of its organi-  
12          zation, practices and procedures. Meetings of  
13          the General Advisory Committee, except when  
14          in executive session, shall be open to the public,  
15          and prior notice of meetings shall be made pub-  
16          lic in timely fashion.

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

22          “(3) ADMINISTRATIVE MATTERS.—

23                 “(A) IN GENERAL.—The Secretary shall  
24                 provide to the General Advisory Committee in a  
25                 timely manner such administrative and tech-

1 nical support services as are necessary for its  
2 effective functioning.

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

6 “(i) shall serve without pay, but while  
7 away from home or regular place of busi-  
8 ness to attend meetings of the General Ad-  
9 visory Committee shall be allowed travel  
10 expenses, including per diem in lieu of sub-  
11 sistence, in the same manner as a person  
12 employed intermittently in the Government  
13 service is allowed expenses under section  
14 5703 of title 5, United States Code; and

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

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

23 “(b) SCIENTIFIC ADVISORY SUBCOMMITTEE.—

24 “(1) IN GENERAL.—The Secretary, in consulta-  
25 tion with the Secretary of State, shall appoint a Sci-

1       entific Advisory Subcommittee of not less than 5 nor  
2       more than 15 qualified scientists with balanced rep-  
3       resentation from the public and private sectors, in-  
4       cluding nongovernmental conservation organizations.

5               “(A) PUBLIC PARTICIPATION.—The Sci-  
6       entific Advisory Subcommittee shall determine  
7       its organization, and prescribe its practices and  
8       procedures for carrying out its functions under  
9       this chapter, the Magnuson-Stevens Fishery  
10      Conservation and Management Act (16 U.S.C.  
11      1801 et seq.), and the Convention. The Sci-  
12     entific Advisory Subcommittee shall publish and  
13     make available to the public a statement of its  
14     organization, practices, and procedures. Meet-  
15     ings of the Scientific Advisory Subcommittee,  
16     except when in executive session, shall be open  
17     to the public, and prior notice of meetings shall  
18     be made public in a timely fashion.

19              “(B) INFORMATION SHARING.—The Sec-  
20     retary and the Secretary of State shall furnish  
21     the Scientific Advisory Subcommittee with rel-  
22     evant information concerning fisheries and  
23     international fishery agreements.

24              “(C) ADMINISTRATIVE MATTERS.—

1           “(i) IN GENERAL.—The Secretary  
2           shall provide to the Scientific Advisory  
3           Subcommittee in a timely manner such ad-  
4           ministrative and technical support services  
5           as are necessary for its effective func-  
6           tioning.

7           “(ii) COMPENSATION.—An individual  
8           appointed to serve as a member of the Sci-  
9           entific Advisory Subcommittee—

10                   “(I) shall serve without pay, but  
11                   while away from home or regular  
12                   place of business to attend meetings  
13                   of the Scientific Advisory Sub-  
14                   committee shall be allowed travel ex-  
15                   penses, including per diem in lieu of  
16                   subsistence, in the same manner as a  
17                   person employed intermittently in the  
18                   Government service is allowed ex-  
19                   penses under section 5703 of title 5,  
20                   United States Code; and

21                   “(II) shall not be considered a  
22                   Federal employee, except for the pur-  
23                   poses of injury compensation or tort  
24                   claims liability as provided in chapter  
25                   81 of title 5, United States Code, and



1 chapter 171 of title 18, United States  
2 Code.”;

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

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

6 (4) in subsection (b)(3), by striking “General  
7 Advisory Subcommittee” and inserting “General Ad-  
8 visory Committee”.

9 **SEC. 405. RULEMAKING.**

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

11 (1) by striking the section heading and insert-  
12 ing the following:

13 **“SEC. 6. RULEMAKING.”;**

14 (2) by striking subsections (a) and (b) and in-  
15 serting the following:

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

1 the authority of a Regional Fishery Management Council,  
2 the Secretary may, to the extent practicable within the im-  
3 plementation schedule of the Convention and any rec-  
4 ommendations and decisions adopted by the Commission,  
5 promulgate such regulations in accordance with the proce-  
6 dures established by the Magnuson-Stevens Fishery Con-  
7 servation and Management Act (16 U.S.C. 1801 et seq.).

8 “(b) JURISDICTION.—The Secretary may promulgate  
9 regulations applicable to all vessels and persons subject  
10 to the jurisdiction of the United States, including United  
11 States flag vessels wherever they may be operating, on  
12 such date as the Secretary shall prescribe.”; and

13 (3) in subsection (c)—

14 (A) by striking the subsection heading and  
15 inserting “(c) ADDITIONAL AUTHORITY.”;

16 (B) by striking “Regulations required to  
17 carry out” and all that follows through “respec-  
18 tive jurisdictions.”;

19 (C) by striking “application of any such  
20 regulations” and inserting “application of regu-  
21 lations promulgated to carry out the rec-  
22 ommendations of the Commission”;

23 (D) by striking “he” and inserting “the  
24 Secretary of the Interior”; and

1                   (E) by striking “The regulations thus pro-  
2                   mulgated” and all that follows through the end  
3                   of subsection (c).

4 **SEC. 406. PROHIBITED ACTS.**

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

7 **“SEC. 8. PROHIBITED ACTS.**

8           “It is unlawful for any person—

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

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

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

22                  “(4) to forcibly assault, resist, oppose, impede,  
23                  intimidate, sexually harass, bribe, or interfere with  
24                  any such authorized officer in the conduct of any  
25                  search, investigations or inspection in connection

1 with the enforcement of this Act or any regulation,  
2 permit, or the Convention;

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

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

10 “(7) to interfere with, delay, or prevent, by any  
11 means, the apprehension or arrest of another person,  
12 knowing that such other person has committed any  
13 act prohibited by this section;

14 “(8) to knowingly and willfully submit to the  
15 Secretary false information regarding any matter  
16 that the Secretary is considering in the course of  
17 carrying out this Act;

18 “(9) to forcibly assault, resist, oppose, impede,  
19 intimidate, sexually harass, bribe, attempt to bribe,  
20 or interfere with any observer on a vessel under the  
21 Convention, or any data collector employed by the  
22 National Marine Fisheries Service or under contract  
23 to any person to carry out responsibilities under this  
24 Act;

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

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

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

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

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

17 **SEC. 407. ENFORCEMENT.**

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

20 **“SEC. 10. ENFORCEMENT.**

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

1 **SEC. 408. REDUCTION OF BYCATCH.**

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

4 **SEC. 409. REPEAL OF EASTERN PACIFIC TUNA LICENSING**  
5 **ACT OF 1984.**

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

8 **SEC. 410. CONFORMING AMENDMENTS TO THE MARINE**  
9 **MAMMAL PROTECTION ACT OF 1972.**

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

12 (1) in section 101(a)(2)(B)(i)(II) (16 U.S.C.  
13 1371(a)(2)(B)(i)(II)) by striking “article V, para-  
14 graph 3 of the Convention establishing the Inter-  
15 American Tropical Tuna Commission” and inserting  
16 “Article XXX of the Convention for the Strength-  
17 ening of the Inter-American Tropical Tuna Commis-  
18 sion (also known as the Antigua Convention)”;

19 (2) in section 108(a)(2) (16 U.S.C.  
20 1378(a)(2))—

21 (A) by inserting “and” after the semicolon  
22 at the end of subparagraph (B);

23 (B) by striking subparagraph (C); and

24 (C) by redesignating subparagraph (D) as  
25 subparagraph (C); and

1           (3) in section 307(a)(1) (16 U.S.C. 1417(a)(1))  
2           by striking “Article V, paragraph 3 of the Conven-  
3           tion establishing the Inter-American Tropical Tuna  
4           Commission” and inserting “Article XXX of the  
5           Convention for the Strengthening of the Inter-Amer-  
6           ican Tropical Tuna Commission (also known as the  
7           Antigua Convention)”.