

**Calendar No. 1028**

110TH CONGRESS  
2D SESSION

**S. 2907**

**[Report No. 110–469]**

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

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IN THE SENATE OF THE UNITED STATES

APRIL 24, 2008

Mr. INOUE (for himself, Mr. STEVENS, Mr. KERRY, Mr. WICKER, Ms. MURKOWSKI, Ms. SNOWE, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 17, 2008

Reported by Mr. INOUE, with an amendment

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

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**A BILL**

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

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

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

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

5 (b) **TABLE OF CONTENTS.**—The table of contents for  
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

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

Sec. 101. Authority of the Secretary to enforce statutes.

Sec. 102. Conforming, minor, and technical amendments.

Sec. 103. Illegal, unreported, or unregulated fishing.

**TITLE II—LAW ENFORCEMENT AND INTERNATIONAL  
 OPERATIONS**

Sec. 201. International fisheries enforcement program.

Sec. 202. International cooperation and assistance program.

**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. Technical corrections to the Western and Central Pacific Fisheries  
 Convention Implementation Act.

Sec. 305. Technical correction to the Pacific Whiting Act of 2006.

Sec. 306. Regulations under the Antarctic Marine Living Resources Convention  
 Act of 1984.

7 **TITLE I—ADMINISTRATION AND**  
 8 **ENFORCEMENT OF CERTAIN**  
 9 **FISHERY AND RELATED STAT-**  
 10 **UTES.**

11 **SEC. 101. AUTHORITY OF THE SECRETARY TO ENFORCE**  
 12 **STATUTES.**

13 (a) **IN GENERAL.**—

1           (1) ENFORCEMENT OF STATUTES.—The Sec-  
 2       retary of Commerce and the Secretary of the depart-  
 3       ment in which the Coast Guard is operating shall  
 4       enforce the statutes to which this section applies in  
 5       accordance with the provisions of this section.

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

13          (3) STATUTES TO WHICH APPLICABLE.—This  
 14      section applies to—

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

18           (B) title III of the Marine Mammal Pro-  
 19      tection Act of 1972 (16 U.S.C. 1411 et seq.);

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

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

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

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

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

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

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

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

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

15          ~~(L) any other Act in pari materia, so des-~~  
 16          ~~ignated by the Secretary after notice and an op-~~  
 17          ~~portunity for a hearing; and~~

18          ~~(M) the Antigua Convention Implementing~~  
 19          ~~Act of 2008;~~

20          ~~(b) ADMINISTRATION AND ENFORCEMENT.—The~~  
 21          ~~Secretary shall prevent any person from violating any Act~~  
 22          ~~to which this section applies in the same manner, by the~~  
 23          ~~same means, and with the same jurisdiction, powers, and~~  
 24          ~~duties as though sections 307 through 311 of the Magnu-~~  
 25          ~~son-Stevens Fishery Conservation and Management Act~~

1 ~~(16 U.S.C. 1857 through 1861)~~ were incorporated into  
 2 and made a part of each such Act. Except as provided  
 3 in subsection (c), any person that violates any Act to  
 4 which this section applies is subject to the penalties, and  
 5 entitled to the privileges and immunities, provided in the  
 6 Magnuson-Stevens Fishery Conservation and Manage-  
 7 ment Act ~~(16 U.S.C. 1801 et seq.)~~ in the same manner  
 8 and by the same means as though sections 307 through  
 9 311 of that Act were incorporated into and made a part  
 10 of each such Act.

11 (c) SPECIAL RULES.—

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

21 (2) CIVIL ADMINISTRATIVE ENFORCEMENT.—

22 The amount of the civil penalty for a violation of  
 23 any Act to which this section applies shall not exceed  
 24 \$250,000 for each violation. Each day of a con-  
 25 tinuing violation shall constitute a separate violation.

1           (3) CIVIL JUDICIAL ENFORCEMENT.—The At-  
 2           torney General, upon the request of the Secretary,  
 3           may commence a civil action in an appropriate dis-  
 4           trict court of the United States to enforce this Act  
 5           and any Act to which this section applies, and such  
 6           court shall have jurisdiction to award civil penalties  
 7           or such other relief as justice may require, including  
 8           a permanent or temporary injunction. The amount  
 9           of the civil penalty for a violation of any Act to  
 10          which this section applies shall not exceed \$250,000  
 11          for each violation. Each day of a continuing violation  
 12          shall constitute a separate violation. In determining  
 13          the amount of a civil penalty, the court shall take  
 14          into account the nature, circumstances, extent, and  
 15          gravity of the prohibited acts committed and, with  
 16          respect to the violator, the degree of culpability, any  
 17          history of prior violations and such other matters as  
 18          justice may require. In imposing such penalty, the  
 19          district court may also consider information related  
 20          to the ability of the violator to pay.

21           (4) CRIMINAL FINES AND PENALTIES.—

22           (A) INDIVIDUALS.—In the case of an indi-  
 23          vidual, any offense described in subsection  
 24          (e)(2), (3), (4), (5), or (6) is punishable by a  
 25          fine of not more than \$500,000, imprisonment

1 for not more than 5 years, or both. If, in the  
 2 commission of such offense, an individual uses  
 3 a dangerous weapon, engages in conduct that  
 4 causes bodily injury to any officer authorized to  
 5 enforce the provisions of this Act, or places any  
 6 such officer in fear of imminent bodily injury  
 7 the maximum term of imprisonment is 10  
 8 years.

9 (B) OTHER PERSONS.—In the case of any  
 10 other person, any offense described in sub-  
 11 section (c)(2), (3), (4), (5), or (6) is punishable  
 12 by a fine of not more than \$1,000,000.

13 (5) OTHER CRIMINAL VIOLATIONS.—Any person  
 14 (other than a foreign government or any entity of  
 15 such government) who knowingly violates any provi-  
 16 sion of subsection (c) of this section, or any provi-  
 17 sion of any regulation promulgated pursuant to this  
 18 Act, is guilty of a criminal offense punishable—

19 (A) in the case of an individual, by a fine  
 20 of not more than \$500,000, imprisonment for  
 21 not more than 5 years, or both; and

22 (B) in the case of any other person, by a  
 23 fine of not more than \$1,000,000.

24 (6) CRIMINAL FORFEITURES.—

1           (A) ~~IN GENERAL.~~—A person found guilty  
 2           of an offense described in subsection (e), or who  
 3           is convicted of a criminal violation of any Act  
 4           to which this section applies, shall forfeit to the  
 5           United States—

6                   (i) any property, real or personal, con-  
 7                   stituting or traceable to the gross proceeds  
 8                   obtained, or retained, as a result of the of-  
 9                   fense including any marine species (or the  
 10                  fair market value thereof) taken or re-  
 11                  tained in connection with or as a result of  
 12                  the offense; and

13                  (ii) any property, real or personal,  
 14                  used or intended to be used to commit or  
 15                  to facilitate the commission of the offense,  
 16                  including any shoreside facility, including  
 17                  its conveyances, structure, equipment, fur-  
 18                  niture, appurtenances, stores, and cargo.

19           (B) ~~PROCEDURE.~~—Pursuant to section  
 20           2461(e) of title 28, United States Code, the  
 21           provisions of section 413 of the Controlled Sub-  
 22           stances Act (21 U.S.C. 853), other than sub-  
 23           section (d) thereof, shall apply to criminal for-  
 24           feitures under this section.



(7) ~~ADDITIONAL ENFORCEMENT AUTHORITY.—~~

In addition to the powers of officers authorized pursuant to subsection (b), 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) to enforce the provisions of any Act to which this section applies may, 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—

(A) ~~search or inspect any facility or conveyance used or employed in, or which reasonably appears to be used or employed in, the storage, processing, transport, or trade of fish or fish products;~~

(B) ~~inspect records pertaining to the storage, processing, transport, or trade of fish or fish products;~~

(C) ~~detain, for a period of up to 5 days, any shipment of fish or fish product imported into, landed on, introduced into, exported from, or transported within the jurisdiction of the United States; and~~

1           (D) make an arrest, in accordance with  
2           any guidelines which may be issued by the At-  
3           torney General, for any offense under the laws  
4           of the United States committed in the person's  
5           presence, or for the commission of any felony  
6           under the laws of the United States, if the per-  
7           son has reasonable grounds to believe that the  
8           person to be arrested has committed or is com-  
9           mitting a felony; may search and seize, in ac-  
10          cordance with any guidelines which may be  
11          issued by the Attorney General and may exe-  
12          cute and serve any subpoena, arrest warrant,  
13          search warrant issued in accordance with rule  
14          41 of the Federal Rules of Criminal Procedure,  
15          or other warrant or civil or criminal process  
16          issued by any officer or court of competent ju-  
17          risdiction.

18          (8) SUBPOENAS.—In addition to any subpoena  
19          authority pursuant to subsection (b), the Secretary  
20          may, for the purposes of conducting any investiga-  
21          tion under this section, or any other statute adminis-  
22          tered by the Secretary, issue subpoenas for the pro-  
23          duction of relevant papers, photographs, records,  
24          books, and documents in any form, including those  
25          in electronic, electrical, or magnetic form.

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

13       (e) PROHIBITED ACTS.—It is unlawful for any per-  
14 son—

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

18           (2) to refuse to permit any authorized enforce-  
19 ment officer to board, search, or inspect a fishing  
20 vessel, conveyance, or shoreside facility that is sub-  
21 ject to the person's control for purposes of con-  
22 ducting any search, investigation, or inspection in  
23 connection with the enforcement of this section or  
24 any Act to which this section applies or any regula-  
25 tion promulgated 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 Act, or any data  
16          collector employed by or under contract to the Na-  
17          tional Marine Fisheries Service to carry out respon-  
18          sibilities under this section or any Act to which this  
19          section applies;

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

1           (8) to make or submit any false record, ac-  
 2           count, or label for, or any false identification of, any  
 3           fish or fish product which has been, or is intended  
 4           to be imported, exported, transported, sold, offered  
 5           for sale, purchased, or received in interstate or for-  
 6           eign commerce.

7           (f) **REGULATIONS.**—The Secretary may promulgate  
 8           such regulations, in accordance with section 553 of title  
 9           5, United States Code, as may be necessary to carry out  
 10          this section or any Act to which this section applies.

11   **SEC. 102. CONFORMING, MINOR, AND TECHNICAL AMEND-**  
 12                                   **MENTS.**

13          (a) **HIGH SEAS DRIFTNET FISHING MORATORIUM**  
 14   **PROTECTION ACT.**—Section 606 of the High Seas  
 15   Driftnet Fishing Moratorium Protection Act (16 U.S.C.  
 16   1826g) is amended—

17               (1) by inserting “(a) **DETECTING, MONITORING,**  
 18               **AND PREVENTING VIOLATIONS.**—” before “The  
 19               President”; and

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

21               “(b) **ENFORCEMENT.**—This Act shall be enforced  
 22               under section 101 of the International Fisheries Steward-  
 23               ship and Enforcement Act.”.

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

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

6       “(4) An act that is considered to be a violation of  
 7 section 5 of the Federal Trade Commission Act under  
 8 paragraph (1) is deemed also to be a violation of section  
 9 609 of the High Seas Driftnet Fishing Moratorium Pro-  
 10 tection Act (16 U.S.C. 1826j).

11       “(5) It is a violation of section 101 of the Inter-  
 12 national Fisheries Stewardship and Enforcement Act for  
 13 any person to assault, resist, oppose, impede, intimidate,  
 14 or interfere with and authorized officer in the conduct of  
 15 any search, investigation or inspection under this Act.”;  
 16 and

17           (2) by striking subsection (e) and inserting the  
 18 following:

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

22       (c) TUNA CONVENTIONS ACT OF 1950.—Section 8  
 23 of the Tuna Conventions Act of 1950 (16 U.S.C. 957)  
 24 is amended—

1           (1) by striking “regulation.” in subsection (a)  
2           and inserting “regulation or for any person to make  
3           or submit any false record, account, or label for, or  
4           any false identification of, any fish or fish product  
5           which has been, or is intended to be imported, ex-  
6           ported, transported, sold, offered for sale, purchased,  
7           or received in interstate or foreign commerce.”;

8           (2) by striking subsection (d) and inserting the  
9           following:

10          “(d) It shall be unlawful for any person—

11           “(1) to refuse to permit any officer authorized  
12           to enforce the provisions of this Act to board a fish-  
13           ing vessel subject to such person’s control for pur-  
14           poses of conducting any search, investigation, or in-  
15           spection in connection with the enforcement of this  
16           Act or any regulation promulgation or permit issued  
17           under this Act;

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

22           “(3) to resist a lawful arrest for any act prohib-  
23           ited by this section; or

24           “(4) to interfere with, delay, or prevent, by any  
25           means, the apprehension or arrest of another person;

1 knowing that such other person has committed any  
 2 act prohibited by this section.”;

3 (3) by striking subsections (e) through (g) and  
 4 redesignating subsection (h) as subsection (f); and

5 (4) by inserting after subsection (d) the fol-  
 6 lowing:

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

10 (d) NORTHERN PACIFIC ANADROMOUS STOCKS ACT  
 11 OF 1992.—

12 (1) UNLAWFUL ACTIVITIES.—Section 810 of  
 13 the Northern Pacific Anadromous Stocks Act of  
 14 1992 (16 U.S.C. 5009) is amended—

15 (A) by striking “search or inspection” in  
 16 paragraph (5) and inserting “search, investiga-  
 17 tion, or inspection”;

18 (B) by striking “search or inspection” in  
 19 paragraph (6) and inserting “search, investiga-  
 20 tion, or inspection”;

21 (C) by striking “or” after the semicolon in  
 22 paragraph (8);

23 (D) by striking “title.” in paragraph (9)  
 24 and inserting “title; or”; and



1           (E) by adding at the end thereof the fol-  
 2           lowing:

3           “(10) for any person to make or submit any  
 4           false record, account, or label for, or any false iden-  
 5           tification of, any fish or fish product which has been,  
 6           or is intended to be imported, exported, transported,  
 7           sold, offered for sale, purchased, or received in inter-  
 8           state or foreign commerce.”.

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

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

14       “‘This Act shall be enforced under section 101 of the  
 15       International Fisheries Stewardship and Enforcement  
 16       Act.’”.

17       (e) PACIFIC SALMON TREATY ACT OF 1985.—Sec-  
 18       tion 8 of the Pacific Salmon Treaty Act of 1985 (16  
 19       U.S.C. 3637) is amended—

20           (1) by striking “search or inspection” in sub-  
 21           section (a)(2) and inserting “search, investigation,  
 22           or inspection”;

23           (2) by striking “search or inspection” in sub-  
 24           section (a)(3) and inserting “search, investigation,  
 25           or inspection”;

1           (3) by striking “or” after the semicolon in sub-  
2       section (a)(5);

3           (4) by striking “section.” in subsection (a)(6)  
4       and inserting “section; or”;

5           (5) by adding at the end of subsection (a) the  
6       following:

7           “(7) for any person to make or submit any false  
8       record, account, or label for, or any false identifica-  
9       tion of, any fish or fish product which has been, or  
10      is intended to be imported, exported, transported,  
11      sold, offered for sale, purchased, or received in inter-  
12      state or foreign commerce.”; and

13          (6) by striking subsections (b) through (j) and  
14      inserting the following:

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

18      (f) SOUTH PACIFIC TUNA ACT OF 1988.—

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

22              (A) by striking “search or inspection” in  
23              paragraph (8) and inserting “search, investiga-  
24              tion, or inspection”;

1           (B) by striking “search or inspection” in  
 2           paragraph (10)(A) and inserting “search, inves-  
 3           tigation, or inspection”;

4           (C) by striking “or” after the semicolon in  
 5           paragraph (12);

6           (D) by striking “retained.” in paragraph  
 7           (13) and inserting “retained, or”; and

8           (E) by adding at the end thereof the fol-  
 9           lowing:

10          “(14) for any person to make or submit any  
 11          false record, account, or label for, or any false iden-  
 12          tification of, any fish or fish product which has been,  
 13          or is intended to be imported, exported, transported,  
 14          sold, offered for sale, purchased, or received in inter-  
 15          state or foreign commerce.”.

16          (2) ADMINISTRATION AND ENFORCEMENT.—

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

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

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

24          (g) ANTARCTIC MARINE LIVING RESOURCES CON-  
 25          VENTION ACT OF 1984.—

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

4           (A) by striking “which he knows, or rea-  
5     sonably should have known, was” in paragraph  
6     (3);

7           (B) by striking “search or inspection” in  
8     paragraph (4) and inserting “search, investiga-  
9     tion, or inspection”;

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

13          (D) by striking “or” after the semicolon in  
14     paragraph (6);

15          (E) by striking “section.” in paragraph (7)  
16     and inserting “section, or”; and

17          (F) by adding at the end thereof the fol-  
18     lowing:

19           “(8) to make or submit any false record, ac-  
20     count, or label for, or any false identification of, any  
21     fish or fish product which has been, or is intended  
22     to be imported, exported, transported, sold, offered  
23     for sale, purchased, or received in interstate or for-  
24     eign commerce.”.

(2) REGULATIONS.—Section 307 of the Antarctic Marine Living Resources Convention Act (16 U.S.C. 2436) is amended by inserting after “title.” the following: “Notwithstanding the provisions of subsections (b), (c), and (d) of section 553 of title 5, United States Code, the Secretary of Commerce may publish in the Federal Register a final rule to implement conservation measures, described in section 305(a) of this Act, that are in effect for 12 months or less, adopted by the Commission, and not objected to by the United States within the time period allotted under Article IX of the Convention. Upon publication in the Federal Register, such conservation measures shall be in force with respect to the United States.”.

(3) PENALTIES AND ENFORCEMENT.—The Antarctic Marine Living Resources Convention Act (16 U.S.C. 2431 et seq.) is amended—

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

(B) by striking subsection (b), (c), and (d) of section 310 (16 U.S.C. 2439) and redesignating subsection (e) as subsection (c); and

(C) by inserting after subsection (a) 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       (h) 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 redesignating subsection (g) as subsection (f);  
10 and

11                   (B) by inserting after subsection (d) the  
12 following:

13       “(e) MISLABELING.—It shall be unlawful for any per-  
14 son to make or submit any false record, account, or label  
15 for, or any false identification of, any fish or fish product  
16 which has been, or is intended to be, imported, exported,  
17 transported, sold, offered for sale, purchased or received  
18 in interstate or foreign commerce.”.

19           (2) ENFORCEMENT.—Section 8 of the Atlantic  
20 Tunas Convention Act of 1975 (16 U.S.C. 971f) is  
21 amended by striking subsections (a) and (c), and in-  
22 serting the following before subsection (b):

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

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

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

8 (2) by striking “search or inspection” in sub-  
 9 section (a)(2) and inserting “search, investigation,  
 10 or inspection”;

11 (3) by striking “search or inspection” in sub-  
 12 section (a)(3) and inserting “search, investigation,  
 13 or inspection”;

14 (4) by striking “or” after the semicolon in sub-  
 15 section (a)(5);

16 (5) by striking “section.” in subsection (a)(6)  
 17 and inserting “section ; or”;

18 (6) by adding at the end of subsection (a) the  
 19 following:

20 “(7) to make or submit any false record, ac-  
 21 count, or label for, or any false identification of, any  
 22 fish or fish product which has been, or is intended  
 23 to be, imported, exported, transported, sold, offered  
 24 for sale, purchased or received in interstate or for-  
 25 eign commerce.”; and

1           (7) by striking subsection (b) through (f) and  
2           inserting the following:

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

6           ~~(j)~~ WESTERN AND CENTRAL PACIFIC FISHERIES  
7 CONVENTION IMPLEMENTATION ACT.—

8           ~~(1)~~ ADMINISTRATION AND ENFORCEMENT.—

9           Section 506(e) of the Western and Central Pacific  
10 Fisheries Convention Implementation Act (16 U.S.C.  
11 6905(e)) is amended to read as follows:

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

15           ~~(2)~~ PROHIBITED ACTS.—Section 507(a) of the  
16 Western and Central Pacific Fisheries Convention  
17 Implementation Act (16 U.S.C. 6906(a)) is amend-  
18 ed—

19                   (A) by striking “suspension, on” in para-  
20 graph (2) and inserting “suspension of”;

21                   (B) by striking “title.” in paragraph (14)  
22 and inserting “title; or”; and

23                   (C) by adding at the end thereof the fol-  
24 lowing:



1           “(15) to make or submit any false record, ac-  
 2           count, or label for, or any false identification of, any  
 3           fish or fish product which has been, or is intended  
 4           to be, imported, exported, transported, sold, offered  
 5           for sale, purchased or received in interstate or for-  
 6           eign commerce.”.

7           (k) NORTHERN PACIFIC HALIBUT ACT OF 1982.—

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

11           (A) by redesignating subdivisions (a) and  
 12           (b) as paragraphs (1) and (2), respectively, and  
 13           subdivisions (1) through (6) of paragraph (1),  
 14           as redesignated, as subparagraphs (A) through  
 15           (F);

16           (B) by striking “search or inspection” in  
 17           paragraph (1)(B), as redesignated, and insert-  
 18           ing “search, investigation, or inspection”;

19           (C) by striking “search or inspection” in  
 20           paragraph (1)(C), as redesignated, and insert-  
 21           ing “search, investigation, or inspection”;

22           (D) by striking “or” after the semicolon in  
 23           paragraph (1)(E), as redesignated;

24           (E) by striking “section.” in paragraph  
 25           (1)(F), as redesignated; and

1                   (F) by adding at the end of paragraph (1),  
2                   as redesignated, the following:

3                   “(G) to make or submit any false record, ac-  
4                   count, or label for, or any false identification of, any  
5                   fish or fish product which has been, or is intended  
6                   to be, imported, exported, transported, sold, offered  
7                   for sale, purchased or received in interstate or for-  
8                   eign commerce; or”.

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

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

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

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

20                   **SEC. 103. ILLEGAL, UNREPORTED, OR UNREGULATED FISH-**  
21                   **ING.**

22                   (a) IN GENERAL.—Section 608 of the High Seas  
23                   Driftnet Fishing Moratorium Protection Act (16 U.S.C.  
24                   1826i), as amended by section 302(a) of this title, is fur-  
25                   ther amended by adding at the end thereof the following:

1       “(c) ~~VESSELS AND VESSEL OWNERS ENGAGED IN IL-~~  
 2 ~~LEGAL, UNREPORTED, OR UNREGULATED FISHING.~~—The  
 3 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, including vessels or  
 7 vessel owners identified by an international fishery  
 8 management organization or arrangement made pur-  
 9 suant to an international fishery agreement, whether  
 10 or not the United States is a party to such organiza-  
 11 tion or arrangement; and

12           “(2) take appropriate action against listed ves-  
 13 sels and vessel owners, including action against fish,  
 14 fish parts, or fish products from such vessels, in ac-  
 15 cordance with applicable United States law and con-  
 16 sistent with applicable international law, including  
 17 principles, rights, and obligations established in ap-  
 18 plicable international fishery management and trade  
 19 agreements.

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

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

3       ~~(b) ADDITIONAL MEASURES.—~~

4             ~~(1) AMENDMENT OF THE HIGH SEAS DRIFTNET~~  
 5 ~~FISHING MORATORIUM PROTECTION ACT.—~~

6             ~~(A) Section 609(d)(3) of the High Seas~~  
 7 ~~Driftnet Fishing Moratorium Protection Act~~  
 8 ~~(16 U.S.C. 1826j) is amended—~~

9                 ~~(i) by striking “101(a)” in subpara-~~  
 10 ~~graph (A) and inserting “101(a)(3)”;~~

11                ~~(ii) by striking “1826a(a),” in sub-~~  
 12 ~~paragraph (A) and inserting~~  
 13 ~~“1826(a)(a)(3),”; and~~

14                ~~(iii) by striking “that has not been~~  
 15 ~~certified by the Secretary under this sub-~~  
 16 ~~section, or” in subparagraph (A)(i).~~

17             ~~(B) Section 610(e)(5) of the High Seas~~  
 18 ~~Driftnet Fishing Moratorium Protection Act~~  
 19 ~~(16 U.S.C. 1826k(e)(5)) is amended—~~

20                ~~(i) by striking “101(a)” and inserting~~  
 21 ~~“101(a)(3)”;~~

22                ~~(ii) by striking “1826a(a),” and in-~~  
 23 ~~serting “1826(a)(a)(3),”; and~~

1                   (iii) by striking “that has not been  
2                   certified by the Secretary under this sub-  
3                   section, or”.

4                   (2) AMENDMENT OF THE HIGH SEAS DRIFTNET  
5                   FISHERIES ENFORCEMENT ACT.—

6                   (A) Section 101 of the High Seas Driftnet  
7                   Fisheries Enforcement Act (16 U.S.C. 1826a)  
8                   is amended—

9                   (i) redesignating paragraph (3) of  
10                  subsection (a) as paragraph (4) and insert-  
11                  ing after paragraph (2) the following:

12               “(3) ADDITIONAL AUTHORITY.—The Secretary of  
13               Treasury is authorized, in accordance with international  
14               law, to undertake actions under paragraph (2)(A) and (B)  
15               with respect to fishing vessels engaged in illegal, unre-  
16               ported, or unregulated fishing.”;

17                  (ii) by striking “or illegal, unreported,  
18                  or unregulated fishing” each place it ap-  
19                  pears in subsection (b)(1) and (2);

20                  (iii) by striking “or” after the semi-  
21                  colon in subsection (b)(3)(A)(i);

22                  (iv) by striking “nation.” in sub-  
23                  section (b)(3)(A)(ii) and inserting “nation;  
24                  or”;

1 (v) by adding at the end of subsection  
 2 (b)(3)(A) the following:

3 “(iii) upon receipt of notification of a negative  
 4 certification under section 609(d)(1) or 610(e)(1) of  
 5 the High Seas Driftnet Fishing Moratorium Protec-  
 6 tion Act (16 U.S.C. 1826j(d)(1) or 1826k(e)(1)).”;

7 (vi) by inserting “or after issuing a  
 8 negative certification under section  
 9 609(d)(1) or 610(e)(1) of the High Seas  
 10 Driftnet Fishing Moratorium Protection  
 11 Act (16 U.S.C. 1826j(d)(1) or  
 12 1826k(e)(1)),” after “paragraph (1),” in  
 13 subsection (b)(4)(A); and

14 (vii) by striking subsection  
 15 (b)(4)(A)(i) and inserting the following:

16 “(i) any prohibition established under para-  
 17 graph (3) is insufficient to cause that nation to ter-  
 18minate large-scale driftnet fishing conducted by its  
 19nationals and vessels beyond the exclusive economic  
 20zone of any nation; illegal, unreported, or unregu-  
 21lated fishing activities under section 609 of the High  
 22Seas Driftnet Fishing Moratorium Protection Act  
 23(16 U.S.C. 1826j) or bycatch of a protected living  
 24marine resource under section 610 of such Act (16  
 25U.S.C. 1826k); or”.

(B) Section 102 of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826b) is amended—

(i) by striking “or illegal, unreported, or unregulated fishing”; and

(ii) by striking “nation.” and inserting “nation, section 609 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j), or bycatch of a protected living marine resource under section 610 of such Act (16 U.S.C. 1826k).”.

## **TITLE II—LAW ENFORCEMENT AND INTERNATIONAL OPERATIONS.**

### **SEC. 201. INTERNATIONAL FISHERIES ENFORCEMENT PROGRAM.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Within 12 months after the date of the enactment of this Act, the Secretary shall, subject to the availability of appropriations, establish an International Fisheries Enforcement Program within the Office of Law Enforcement of the National Marine Fisheries Service.

(2) PURPOSE.—The Program shall be an inter-agency program established and administered by the

1 Secretary in coordination with the heads of other de-  
2 partments and agencies for the purpose of detecting  
3 and investigating illegal, unreported, or unregulated  
4 fishing activity and enforcing the provisions of this  
5 Act.

6 (3) STAFF.—The Program shall be staffed with  
7 representation from the U.S. Coast Guard, U.S.  
8 Customs and Border Protection, U.S. Food and  
9 Drug Administration, and any other department or  
10 agency determined by the Secretary to be appro-  
11 priate and necessary to detect and investigate illegal,  
12 unreported, or unregulated fishing activity and en-  
13 force the provisions of this Act.

14 (b) PROGRAM ACTIONS.—

15 (1) STAFFING AND OTHER RESOURCES.—At the  
16 request of the Secretary, the heads of other depart-  
17 ments and agencies providing staff for the Program  
18 shall—

19 (A) by agreement, on a reimbursable basis  
20 or otherwise, participate in staffing the Pro-  
21 gram;

22 (B) by agreement, on a reimbursable basis  
23 or otherwise, share personnel, services, equip-  
24 ment (including aircraft and vessels), and facili-  
25 ties with the Program; and



1           (C) to the extent possible, and consistent  
2           with other applicable law, extend the enforce-  
3           ment authorities provided by their enabling leg-  
4           islation to the other departments and agencies  
5           participating in the Program for the purposes  
6           of conducting joint operations to detect and in-  
7           vestigate illegal, unreported or unregulated fish-  
8           ing activity and enforcing the provisions of this  
9           Act.

10          (2) BUDGET.—The Secretary and the heads of  
11          other departments and agencies providing staff for  
12          the Program, may, at their discretion, develop inter-  
13          agency plans and budgets and engage in interagency  
14          financing for such purposes.

15          (3) 5-YEAR PLAN.—Within 180 days after the  
16          date on which the Program is established under sub-  
17          section (a), the Secretary shall develop a 5-year stra-  
18          tegic plan for guiding interagency and intergovern-  
19          mental international fisheries enforcement efforts to  
20          carry out the provisions of this Act. The Secretary  
21          shall update the plan periodically as necessary, but  
22          at least once every 5 years.

23          (4) COOPERATIVE ACTIVITIES.—The Secretary,  
24          in coordination with the heads of other departments  
25          and agencies providing staff for the Program, may—

1           (A) create and participate in task forces;  
 2           committees, or other working groups with other  
 3           Federal, State or local governments as well as  
 4           with the governments of other nations for the  
 5           purposes of detecting and investigating illegal,  
 6           unreported, or unregulated fishing activity and  
 7           carrying out the provisions of this Act; and

8           (B) enter into agreements with other Fed-  
 9           eral, State, or local governments as well as with  
 10          the governments of other nations, on a reim-  
 11          bursable basis or otherwise, for such purposes.

12       (c) POWERS OF AUTHORIZED OFFICERS.—Notwith-  
 13       standing any other provision of law, while operating under  
 14       an agreement with the Secretary entered into under sec-  
 15       tion 101 of this Act, and conducting joint operations as  
 16       part of the Program for the purposes of detecting and in-  
 17       vestigating illegal, unreported or unregulated fishing activ-  
 18       ity and enforcing the provisions of this Act, authorized of-  
 19       ficers shall have the powers and authority provided in that  
 20       section.

21       (d) INFORMATION COLLECTION, MAINTENANCE AND  
 22       USE.—

23           (1) IN GENERAL.—The Secretary and the heads  
 24       of other departments and agencies providing staff  
 25       for the Program shall, to the maximum extent allow-

1       able by law, share all applicable information, intel-  
2       ligence and data, related to the harvest, transpor-  
3       tation or trade of fish and fish product in order to  
4       detect and investigate illegal, unreported, or unregu-  
5       lated fishing activity and to carry out the provisions  
6       of this Act.

7               (2) COORDINATION OF DATA.—The Secretary,  
8       through the Program, shall coordinate the collection,  
9       storage, analysis, and dissemination of all applicable  
10      information, intelligence, and data related to the  
11      harvest, transportation, or trade of fish and fish  
12      product collected or maintained by the member  
13      agencies of the Program.

14             (3) CONFIDENTIALITY.—The Secretary,  
15      through the Program, shall ensure the protection  
16      and confidentiality required by law for information,  
17      intelligence, and data related to the harvest, trans-  
18      portation, or trade of fish and fish product obtained  
19      by the Program.

20             (4) DATA STANDARDIZATION.—The Secretary  
21      and the heads of other departments and agencies  
22      providing staff for the Program shall, to the max-  
23      imum extent practicable, develop data standardiza-  
24      tion for fisheries related data for Program agencies

1 and with international fisheries enforcement data-  
 2 bases as appropriate.

3 ~~(5) ASSISTANCE FROM INTELLIGENCE COMMU-~~  
 4 ~~NITY.—~~Upon request of the Secretary, elements of  
 5 the intelligence community (as defined in section  
 6 3(4) of the National Security Act of 1947 (50  
 7 U.S.C. 401a(4))) shall collect information related to  
 8 illegal, unreported, or unregulated fishing activity  
 9 outside the United States about individuals who are  
 10 not United States persons (as defined in section  
 11 105A(e)(2) of such Act (50 U.S.C. 403–5a(e)(2))).  
 12 Such elements of the intelligence community shall  
 13 collect and share such information with the Sec-  
 14 retary through the Program for law enforcement  
 15 purposes in order to detect and investigate illegal,  
 16 unreported, or unregulated fishing activities and to  
 17 carry out the provisions of this Act. All collection  
 18 and sharing of information shall be in accordance  
 19 with the National Security Act of 1947 (50 U.S.C.  
 20 401 et seq.).

21 ~~(6) INFORMATION SHARING.—~~The Secretary,  
 22 through the Program, shall have authority to share  
 23 fisheries-related data with other Federal, State, and  
 24 foreign governments as well as international organi-

1        zations or arrangements, including international  
2        fishery management organizations, if—

3                ~~(A)~~ such governments, organizations, or  
4                arrangements have policies and procedures to  
5                safeguard such information from unintended or  
6                unauthorized disclosure; and

7                ~~(B)~~ the exchange of information is nec-  
8                essary—

9                        (i) to ensure compliance with any law  
10                        or regulation enforced or administered by  
11                        the Secretary;

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

14                        (iii) to administer or enforce binding  
15                        conservation measures adopted by any  
16                        international organization or arrangement  
17                        to which the United States is a party;

18                        (iv) to assist in investigative, judicial,  
19                        or administrative enforcement proceedings  
20                        in the United States; or

21                        ~~(v)~~ to assist in any fisheries or living  
22                        marine resource related law enforcement  
23                        action undertaken by a law enforcement  
24                        agency of a foreign government, or in rela-

1                   tion to a legal proceeding undertaken by a  
2                   foreign government.

3       (c) ~~AUTHORIZATION OF APPROPRIATIONS.~~—There  
4 are authorized to be appropriated \$30,000,000 to the Sec-  
5 retary for each of fiscal years 2010 through 2015 to carry  
6 out this section.

7       **SEC. 202. INTERNATIONAL COOPERATION AND ASSISTANCE**  
8                   **PROGRAM.**

9       (a) ~~INTERNATIONAL COOPERATION AND ASSISTANCE~~  
10 ~~PROGRAM.~~—The Secretary may establish an international  
11 cooperation and assistance program, including grants, to  
12 provide assistance for international capacity building ef-  
13 forts.

14       (b) ~~AUTHORIZED ACTIVITIES.~~—In carrying out the  
15 program, the Secretary may—

16               (1) provide funding and technical expertise to  
17 other nations to assist them in addressing illegal,  
18 unreported, or unregulated fishing activities;

19               (2) provide funding and technical expertise to  
20 other nations to assist them in reducing the bycatch  
21 of living marine resources or promoting international  
22 marine resource conservation;

23               (3) provide funding, technical expertise, and  
24 training, in cooperation with the International Fish-  
25 eries Enforcement Program under section 201 of

1       this Act, to other nations to aid them in building ca-  
2       pacity for enhanced fisheries management, fisheries  
3       monitoring, catch and trade tracking activities, en-  
4       forcement, and international marine resource con-  
5       servation;

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

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

17      (c) GUIDELINES.—The Secretary may establish  
18      guidelines necessary to implement the program.

19      (d) AUTHORIZATION OF APPROPRIATIONS.—There  
20      are authorized to be appropriated to the Secretary  
21      \$5,000,000 for each of fiscal years 2010 through 2015  
22      to carry out this section.

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

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

4       (a) **ELIMINATION OF ANNUAL REPORT.**—Section 11  
 5 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C.  
 6 971j) is repealed.

7       (b) **CERTAIN REGULATIONS.**—Section 971d(e)(2) of  
 8 the Atlantic Tunas Convention Act of 1975 (16 U.S.C.  
 9 971d(e)(2)) is amended—

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

11               (2) by striking “(A) submission” and inserting  
 12       “the presentation”;

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

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

18       “(B) The Secretary may issue final regulations to im-  
 19       plement Commission recommendations referred to in para-  
 20       graph (1) of this subsection concerning trade restrictive  
 21       measures against nations or fishing entities without re-  
 22       gard to the requirements of subparagraph (A) of this  
 23       paragraph and subsections (b) and (c) of section 552 of  
 24       title 5, United States Code.”.



1 **SEC. 302. DATA SHARING.**

2 (a) **HIGH SEAS DRIFTNET FISHING MORATORIUM**  
 3 **PROTECTION ACT.**—Section 608 of the High Seas  
 4 Driftnet Fishing Moratorium Protection Act (16 U.S.C.  
 5 1826i) is amended—

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

8 (2) by striking “organizations” the first place it  
 9 appears and inserting, “organizations, or arrange-  
 10 ments made pursuant to an international fishery  
 11 agreement (as defined in section 3(24) of the Mag-  
 12 nuson-Stevens Fishery Conservation and Manage-  
 13 ment Act),”; and

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

15 “(b) **INFORMATION SHARING.**—In carrying out this  
 16 section, the Secretary may disclose, as necessary and ap-  
 17 propriate, information to the Food and Agriculture Orga-  
 18 nization of the United Nations, international fishery man-  
 19 agement organizations (as so defined), or arrangements  
 20 made pursuant to an international fishery agreement, if  
 21 such organizations or arrangements have policies and pro-  
 22 cedures to safeguard such information from unintended or  
 23 unauthorized disclosure.”.

24 (b) **CONFORMING AMENDMENT.**—Section 402(b)(1)  
 25 of the Magnuson-Stevens Fishery Conservation and Man-  
 26 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 (I); and

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

7           “(H) to the Food and Agriculture Organization  
8       of the United Nations, international fishery manage-  
9       ment organizations, or arrangements made pursuant  
10      to an international fishery agreement as provided for  
11      in the High Seas Driftnet Fishing Moratorium Pro-  
12      tection Act (16 U.S.C. 1826i(b)); or”.

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

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

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

19           “(1) 1 or more permits or authorizations re-  
20      quired for a vessel to fish, in addition to a permit  
21      issued under this section, expire, are revoked, or are  
22      suspended; or

23           “(2) the vessel is no longer eligible for United  
24      States documentation, such documentation is re-

1 voked or denied, or the vessel is deleted from such  
2 documentation.”.

3 **SEC. 304. TECHNICAL CORRECTIONS TO THE WESTERN AND**  
4 **CENTRAL PACIFIC FISHERIES CONVENTION**  
5 **IMPLEMENTATION ACT.**

6 Section 503 of the Western and Central Pacific Fish-  
7 eries Convention Implementation Act (16 U.S.C. 6902) is  
8 amended—

9 (1) by striking “the chairman or” in subsection  
10 (a);

11 (2) by inserting “ and one of whom shall be a  
12 member of” after “Management Council” in sub-  
13 section (a); and

14 (3) redesignating subsection (f) as subsection  
15 (e).

16 **SEC. 305. TECHNICAL CORRECTION TO THE PACIFIC WHIT-**  
17 **ING ACT OF 2006.**

18 Section 605(a)(1) of the Pacific Whiting Act of 2006  
19 (16 U.S.C. 7004(a)(1)) is amended by striking “at least  
20 6 but not more than 12” inserting “no more than 2”.

21 **SEC. 306. REGULATIONS UNDER THE ANTARCTIC MARINE**  
22 **LIVING RESOURCES CONVENTION ACT OF**  
23 **1984.**

24 Section 307 of the Antarctic Marine Living Resources  
25 Convention Act of 1984 (16 U.S.C. 2436)) is amended

1 by inserting after “title.” the following: “Notwithstanding  
 2 section 553(b), (c), and (d) of title 5, United States Code,  
 3 the Secretary of Commerce may publish in the Federal  
 4 Register a final rule to implement conservation measures,  
 5 described in section 305(a) of this title, that are in effect  
 6 for 12 months or less, adopted by the Commission, and  
 7 not objected to by the United States within the time period  
 8 allotted under Article IX of the Convention. Upon publica-  
 9 tion in the Federal Register, such conservation measures  
 10 shall be in force with respect to the United States.”—

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

12 (a) *SHORT TITLE.*—*This Act may be cited as the*  
 13 *“International Fisheries Stewardship and Enforcement*  
 14 *Act”.*

15 (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 16 *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 to enforce statutes.*

*Sec. 102. Conforming, minor, and technical amendments.*

*Sec. 103. Illegal, unreported, or unregulated fishing.*

**TITLE II—LAW ENFORCEMENT AND INTERNATIONAL OPERATIONS**

*Sec. 201. International fisheries enforcement program.*

*Sec. 202. International cooperation and assistance program.*

**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. Technical corrections to the Western and Central Pacific Fisheries Con-  
vention Implementation Act.*

*Sec. 305. Pacific Whiting Act of 2006.*

*Sec. 306. Committee on Scientific Cooperation for Pacific Salmon Agreement.*  
*Sec. 307. Reauthorizations.*

**TITLE IV—IMPLEMENTATION OF ANTIGUA CONVENTION**

*Sec. 401. Short title.*  
*Sec. 402. Amendment of the Tuna Conventions Act of 1950.*  
*Sec. 403. Definitions.*  
*Sec. 404. Commissioners; number, appointment, and qualifications.*  
*Sec. 405. General advisory committee and scientific advisory subcommittee.*  
*Sec. 406. Rulemaking.*  
*Sec. 407. Prohibited acts.*  
*Sec. 408. Enforcement.*  
*Sec. 409. Reduction of bycatch.*  
*Sec. 410. Repeal of Eastern Pacific Tuna Licensing Act of 1984.*

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

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

**7 (a) IN GENERAL.—**

**8 (1) ENFORCEMENT OF STATUTES.**—*The Sec-*  
**9 retary of Commerce and the Secretary of the depart-**  
**10 ment in which the Coast Guard is operating shall en-**  
**11 force the statutes to which this section applies in ac-**  
**12 cordance with the provisions of this section.**

**13 (2) UTILIZATION OF NONDEPARTMENTAL RE-**  
**14 SOURCES.**—*The Secretary may, by agreement, on a*  
**15 reimbursable basis or otherwise, utilize the personnel**  
**16 services, equipment (including aircraft and vessels),**  
**17 and facilities of any other Federal agency, including**

1        *all elements of the Department of Defense, and of any*  
 2        *State agency, in carrying out this section.*

3            (3) *STATUTES TO WHICH APPLICABLE.—This*  
 4        *section applies to—*

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

7            (B) *the Pacific Salmon Treaty Act of 1985*  
 8        *(16 U.S.C. 3631 et seq.);*

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

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

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

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

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

19          (H) *the Atlantic Tunas Convention Act of*  
 20       *1975 (16 U.S.C. 971 et seq.);*

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

23          (J) *the Western and Central Pacific Fish-*  
 24       *eries Convention Implementation Act (16 U.S.C.*  
 25       *6901 et seq.);*

1                   (K) *the Northern Pacific Halibut Act of*  
 2                   1982 (16 U.S.C. 773 *et seq.*);

3                   (L) *any other Act in pari materia, so des-*  
 4                   *ignated by the Secretary after notice and an op-*  
 5                   *portunity for a hearing; and*

6                   (M) *the Antigua Convention Implementing*  
 7                   *Act of 2008.*

8           (b) *ADMINISTRATION AND ENFORCEMENT.—The Sec-*  
 9           *retary shall prevent any person from violating any Act to*  
 10           *which this section applies in the same manner, by the same*  
 11           *means, and with the same jurisdiction, powers, and duties*  
 12           *as though sections 307 through 311 of the Magnuson-Stevens*  
 13           *Fishery Conservation and Management Act (16 U.S.C.*  
 14           *1857 through 1861) were incorporated into and made a*  
 15           *part of each such Act. Except as provided in subsection (c),*  
 16           *any person that violates any Act to which this section ap-*  
 17           *plies is subject to the penalties, and entitled to the privileges*  
 18           *and immunities, provided in the Magnuson-Stevens Fishery*  
 19           *Conservation and Management Act (16 U.S.C. 1801 et seq.)*  
 20           *in the same manner and by the same means as though sec-*  
 21           *tions 307 through 311 of that Act were incorporated into*  
 22           *and made a part of each such Act.*

23           (c) *SPECIAL RULES.—*

24                   (1) *IN GENERAL.—Notwithstanding the incorpo-*  
 25                   *ration by reference of certain sections of the Magnu-*

1        *son-Stevens Fishery Conservation and Management*  
 2        *Act under subsection (b), if there is a conflict between*  
 3        *a provision of this subsection and the corresponding*  
 4        *provision of any section of the Magnuson-Stevens*  
 5        *Fishery Conservation and Management Act so incor-*  
 6        *porated, the provision of this subsection shall apply.*

7            (2) *CIVIL ADMINISTRATIVE ENFORCEMENT.—The*  
 8        *amount of the civil penalty for a violation of any Act*  
 9        *to which this section applies shall not exceed \$250,000*  
 10       *for each violation. Each day of a continuing violation*  
 11       *shall constitute a separate violation.*

12           (3) *CIVIL JUDICIAL ENFORCEMENT.—The Attor-*  
 13       *ney General, upon the request of the Secretary, may*  
 14       *commence a civil action in an appropriate district*  
 15       *court of the United States to enforce this Act and any*  
 16       *Act to which this section applies, and such court shall*  
 17       *have jurisdiction to award civil penalties or such*  
 18       *other relief as justice may require, including a per-*  
 19       *manent or temporary injunction. The amount of the*  
 20       *civil penalty for a violation of any Act to which this*  
 21       *section applies shall not exceed \$250,000 for each vio-*  
 22       *lation. Each day of a continuing violation shall con-*  
 23       *stitute a separate violation. In determining the*  
 24       *amount of a civil penalty, the court shall take into*  
 25       *account the nature, circumstances, extent, and gravity*



1        *of the prohibited acts committed and, with respect to*  
 2        *the violator, the degree of culpability, any history of*  
 3        *prior violations and such other matters as justice*  
 4        *may require. In imposing such penalty, the district*  
 5        *court may also consider information related to the*  
 6        *ability of the violator to pay.*

7                (4) *CRIMINAL FINES AND PENALTIES.—*

8                (A) *INDIVIDUALS.—In the case of an indi-*  
 9                *vidual, any offense described in subsection (e)*  
 10              *(2), (3), (4), (5), or (6) is punishable by a fine*  
 11              *of not more than \$500,000, imprisonment for not*  
 12              *more than 5 years, or both. If, in the commission*  
 13              *of such offense, an individual uses a dangerous*  
 14              *weapon, engages in conduct that causes bodily*  
 15              *injury to any officer authorized to enforce the*  
 16              *provisions of this Act, or places any such officer*  
 17              *in fear of imminent bodily injury the maximum*  
 18              *term of imprisonment is 10 years.*

19              (B) *OTHER PERSONS.—In the case of any*  
 20              *other person, any offense described in subsection*  
 21              *(e) (2), (3), (4), (5), or (6) is punishable by a*  
 22              *fine of not more than \$1,000,000.*

23              (5) *OTHER CRIMINAL VIOLATIONS.—Any person*  
 24              *(other than a foreign government or any entity of*  
 25              *such government) who knowingly violates any provi-*

1        *sion of subsection (e) of this section, or any provision*  
 2        *of any regulation promulgated pursuant to this Act,*  
 3        *is guilty of a criminal offense punishable—*

4                *(A) in the case of an individual, by a fine*  
 5                *of not more than \$500,000, imprisonment for not*  
 6                *more than 5 years, or both; and*

7                *(B) in the case of any other person, by a*  
 8                *fine of not more than \$1,000,000.*

9        *(6) CRIMINAL FORFEITURES.—*

10                *(A) IN GENERAL.—A person found guilty of*  
 11                *an offense described in subsection (e), or who is*  
 12                *convicted of a criminal violation of any Act to*  
 13                *which this section applies, shall forfeit to the*  
 14                *United States—*

15                *(i) any property, real or personal, con-*  
 16                *stituting or traceable to the gross proceeds*  
 17                *obtained, or retained, as a result of the of-*  
 18                *fense including any marine species (or the*  
 19                *fair market value thereof) taken or retained*  
 20                *in connection with or as a result of the of-*  
 21                *fense; and*

22                *(ii) any property, real or personal,*  
 23                *used or intended to be used to commit or to*  
 24                *facilitate the commission of the offense, in-*  
 25                *cluding any shoreside facility, including its*

1                   conveyances, structure, equipment, fur-  
2                   niture, appurtenances, stores, and cargo.

3                   (B) *PROCEDURE.*—Pursuant to section  
4                   2461(c) of title 28, United States Code, the pro-  
5                   visions of section 413 of the Controlled Sub-  
6                   stances Act (21 U.S.C. 853), other than sub-  
7                   section (d) thereof, shall apply to criminal for-  
8                   feitures under this section.

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

20                  (A) search or inspect any facility or convey-  
21                  ance used or employed in, or which reasonably  
22                  appears to be used or employed in, the storage,  
23                  processing, transport, or trade of fish or fish  
24                  products;

1           (B) inspect records pertaining to the stor-  
2 age, processing, transport, or trade of fish or fish  
3 products;

4           (C) detain, for a period of up to 5 days,  
5 any shipment of fish or fish product imported  
6 into, landed on, introduced into, exported from,  
7 or transported within the jurisdiction of the  
8 United States, or, if such fish or fish product is  
9 deemed to be perishable, sell and retain the pro-  
10 ceeds therefrom for a period of up to 5 days; and

11          (D) make an arrest, in accordance with any  
12 guidelines which may be issued by the Attorney  
13 General, for any offense under the laws of the  
14 United States committed in the person's pres-  
15 ence, or for the commission of any felony under  
16 the laws of the United States, if the person has  
17 reasonable grounds to believe that the person to  
18 be arrested has committed or is committing a fel-  
19 ony; may search and seize, in accordance with  
20 any guidelines which may be issued by the Attor-  
21 ney General and may execute and serve any sub-  
22 poena, arrest warrant, search warrant issued in  
23 accordance with rule 41 of the Federal Rules of  
24 Criminal Procedure, or other warrant or civil or

1           *criminal process issued by any officer or court of*  
2           *competent jurisdiction.*

3           (8) *SUBPOENAS.*—*In addition to any subpoena*  
4           *authority pursuant to subsection (b), the Secretary*  
5           *may, for the purposes of conducting any investigation*  
6           *under this section, or any other statute administered*  
7           *by the Secretary, issue subpoenas for the production*  
8           *of relevant papers, photographs, records, books, and*  
9           *documents in any form, including those in electronic,*  
10          *electrical, or magnetic form.*

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

23          (e) *PROHIBITED ACTS.*—*It is unlawful for any per-*  
24          *son—*

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

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

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

16          (4) to resist a lawful arrest for any act prohib-  
17          ited by this section or any Act to which this section  
18          applies;

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

24          (6) to forcibly assault, resist, oppose, impede, in-  
25          timidate, sexually harass, bribe, or interfere with any

1        *observer on a vessel under this Act, or any data col-*  
2        *lector employed by or under contract to the National*  
3        *Marine Fisheries Service to carry out responsibilities*  
4        *under this section or any Act to which this section*  
5        *applies;*

6            *(7) to import, export, transport, sell, receive, ac-*  
7        *quire, or purchase in interstate or foreign commerce*  
8        *any fish or fish product taken, possessed, transported,*  
9        *or sold in violation of any treaty or any binding con-*  
10       *servation measure adopted by an international agree-*  
11       *ment or organization to which the United States is a*  
12       *party; or*

13           *(8) to make or submit any false record, account,*  
14       *or label for, or any false identification of, any fish or*  
15       *fish product (including false identification of the har-*  
16       *vesting nation or the ocean where harvested) which*  
17       *has been, or is intended to be imported, exported,*  
18       *transported, sold, offered for sale, purchased, or re-*  
19       *ceived in interstate or foreign commerce.*

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

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

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

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

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

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

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

16 (2) *Section 609(a) of the High Seas Driftnet*  
 17 *Fishing Moratorium Protection Act (16 U.S.C.*  
 18 *1826j(a)) is amended by striking “2 years,” and in-*  
 19 *serting “3 years,”.*

20 (3) *Section 610(a)(1) of the High Seas Driftnet*  
 21 *Fishing Moratorium Protection Act (16 U.S.C.*  
 22 *1826k(a)(1)) is amended by striking “calendar year”*  
 23 *and inserting “3 years”.*

24 (b) *DOLPHIN PROTECTION CONSUMER INFORMATION*  
 25 *ACT.*—*The Dolphin Protection Consumer Information Act*  
 26 *(16 U.S.C. 1385) is amended—*



1           (1) by adding at the end of subsection (d) the fol-  
 2       lowing:

3       “(4) An act that is considered to be a violation of sec-  
 4       tion 5 of the Federal Trade Commission Act under para-  
 5       graph (1) is deemed also to be a violation of section 609  
 6       of the High Seas Driftnet Fishing Moratorium Protection  
 7       Act (16 U.S.C. 1826j).

8       “(5) It is a violation of section 101 of the International  
 9       Fisheries Stewardship and Enforcement Act for any person  
 10      to assault, resist, oppose, impede, intimidate, or interfere  
 11      with and authorized officer in the conduct of any search,  
 12      investigation or inspection under this Act.”; and

13           (2) by striking subsection (e) and inserting the  
 14      following:

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

18      (c) *NORTHERN PACIFIC ANADROMOUS STOCKS ACT OF*  
 19      1992.—

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

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

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

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

7           (D) by striking “or” after the semicolon in  
 8           paragraph (8);

9           (E) by striking “title.” in paragraph (9)  
 10          and inserting “title; or”; and

11          (F) by adding at the end thereof the fol-  
 12          lowing:

13          “(10) for any person to make or submit any false  
 14          record, account, or label for, or any false identifica-  
 15          tion of, any fish or fish product (including false iden-  
 16          tification of the harvesting nation or the ocean where  
 17          harvested) which has been, or is intended to be im-  
 18          ported, exported, transported, sold, offered for sale,  
 19          purchased, or received in interstate or foreign com-  
 20          merce.”.

21          (2) ADMINISTRATION AND ENFORCEMENT.—Sec-  
 22          tion 811 of the Northern Pacific Anadromous Stocks  
 23          Act of 1992 (16 U.S.C. 5010) is amended to read as  
 24          follows:

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

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

5       *(d) PACIFIC SALMON TREATY ACT OF 1985.—Section*  
 6 *8 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C.*  
 7 *3637) is amended—*

8           *(1) by striking “search or inspection” in sub-*  
 9 *section (a)(2) and inserting “search, investigation, or*  
 10 *inspection”;*

11          *(2) by striking “search or inspection” in sub-*  
 12 *section (a)(3) and inserting “search, investigation, or*  
 13 *inspection”;*

14          *(3) by striking “or” after the semicolon in sub-*  
 15 *section (a)(5);*

16          *(4) by striking “section.” in subsection (a)(6)*  
 17 *and inserting “section; or”;*

18          *(5) by adding at the end of subsection (a) the fol-*  
 19 *lowing:*

20           *“(7) for any person to make or submit any false*  
 21 *record, account, or label for, or any false identifica-*  
 22 *tion of, any fish or fish product (including false iden-*  
 23 *tification of the harvesting nation or the ocean where*  
 24 *harvested) which has been, or is intended to be im-*  
 25 *ported, exported, transported, sold, offered for sale,*

1        *purchased, or received in interstate or foreign com-*  
 2        *merce.”; and*

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

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

8        *(e) SOUTH PACIFIC TUNA ACT OF 1988.—*

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

12                *(A) by striking “search or inspection” in*  
 13        *paragraph (8) and inserting “search, investiga-*  
 14        *tion, or inspection”;*

15                *(B) by striking “search or inspection” in*  
 16        *paragraph (10)(A) and inserting “search, inves-*  
 17        *tigation, or inspection”;*

18                *(C) by striking “or” after the semicolon in*  
 19        *paragraph (12);*

20                *(D) by striking “retained.” in paragraph*  
 21        *(13) and inserting “retained; or”; and*

22                *(E) by adding at the end thereof the fol-*  
 23        *lowing:*

24                *“(14) for any person to make or submit any false*  
 25        *record, account, or label for, or any false identifica-*

1        *tion of, any fish or fish product (including false iden-*  
 2        *tification of the harvesting nation or the ocean where*  
 3        *harvested) which has been, or is intended to be im-*  
 4        *ported, exported, transported, sold, offered for sale,*  
 5        *purchased, or received in interstate or foreign com-*  
 6        *merce.”.*

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

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

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

15                (f) *ANTARCTIC MARINE LIVING RESOURCES CONVEN-*  
 16        *TION ACT OF 1984.—*

17                (1) *UNLAWFUL ACTIVITIES.—Section 306 of the*  
 18        *Antarctic Marine Living Resources Convention Act of*  
 19        *1984 (16 U.S.C. 2435) is amended—*

20                        (A) *by striking “which he knows, or reason-*  
 21                        *ably should have known, was” in paragraph (3);*

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

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

4           (D) by striking “or” after the semicolon in  
5           paragraph (6);

6           (E) by striking “section.” in paragraph (7)  
7           and inserting “section; or”; and

8           (F) by adding at the end thereof the fol-  
9           lowing:

10          “(8) to make or submit any false record, account,  
11          or label for, or any false identification of, any fish or  
12          fish product (including false identification of the har-  
13          vesting nation or the ocean where harvested) which  
14          has been, or is intended to be imported, exported,  
15          transported, sold, offered for sale, purchased, or re-  
16          ceived in interstate or foreign commerce.”.

17          (2) *REGULATIONS.*—Section 307 of the Antarctic  
18          Marine Living Resources Convention Act of 1984 (16  
19          U.S.C. 2436) is amended by inserting after “title.”  
20          the following: “Notwithstanding the provisions of sub-  
21          sections (b), (c), and (d) of section 553 of title 5,  
22          United States Code, the Secretary of Commerce may  
23          publish in the Federal Register a final rule to imple-  
24          ment conservation measures, described in section  
25          305(a) of this Act, that are in effect for 12 months or

1       less, adopted by the Commission, and not objected to  
 2       by the United States within the time period allotted  
 3       under Article IX of the Convention. Upon publication  
 4       in the Federal Register, such conservation measures  
 5       shall be in force with respect to the United States.”.

6               (3) *PENALTIES AND ENFORCEMENT.*—*The Ant-*  
 7       *arctic Marine Living Resources Convention Act of*  
 8       *1984 (16 U.S.C. 2431 et seq.) is amended—*

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

11              (B) *by striking subsection (b), (c), and (d)*  
 12       *of section 310 (16 U.S.C. 2439) and redesign-*  
 13       *ating subsection (e) as subsection (c); and*

14              (C) *by inserting after subsection (a) the fol-*  
 15       *lowing:*

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

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

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

23              (A) *by striking subsections (e) and (f) and*  
 24       *redesignating subsection (g) as subsection (f);*  
 25       *and*

1                   (B) by inserting after subsection (d) the fol-  
 2                   lowing:

3           “(e) MISLABELING.—It shall be unlawful for any per-  
 4   son to make or submit any false record, account, or label  
 5   for, or any false identification of, any fish or fish product  
 6   which has been, or is intended to be, imported, exported,  
 7   transported, sold, offered for sale, purchased or received in  
 8   interstate or foreign commerce.”.

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

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

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

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

22           (h) NORTHWEST ATLANTIC FISHERIES CONVENTION  
 23   ACT OF 1995.—Section 207 of the Northwest Atlantic Fish-  
 24   eries Convention Act of 1995 (16 U.S.C. 5606) is amend-  
 25   ed—



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

4           (2) by striking “search or inspection” in sub-  
 5           section (a)(2) and inserting “search, investigation, or  
 6           inspection”;

7           (3) by striking “search or inspection” in sub-  
 8           section (a)(3) and inserting “search, investigation, or  
 9           inspection”;

10          (4) by striking “or” after the semicolon in sub-  
 11          section (a)(5);

12          (5) by striking “section.” in subsection (a)(6)  
 13          and inserting “section ; or”;

14          (6) by adding at the end of subsection (a) the fol-  
 15          lowing:

16               “(7) to make or submit any false record, account,  
 17               or label for, or any false identification of, any fish or  
 18               fish product (including false identification of the har-  
 19               vesting nation or the ocean where harvested) which  
 20               has been, or is intended to be imported, exported,  
 21               transported, sold, offered for sale, purchased, or re-  
 22               ceived in interstate or foreign commerce.”; and

23          (7) by striking subsection (b) through (f) and in-  
 24          serting the following:

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

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

6           (1) *ADMINISTRATION AND ENFORCEMENT.*—*Sec-*  
 7 *tion 506(c) of the Western and Central Pacific Fish-*  
 8 *eries Convention Implementation Act (16 U.S.C.*  
 9 *6905(c)) is amended to read as follows:*

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

13       (2) *PROHIBITED ACTS.*—*Section 507(a) of the*  
 14 *Western and Central Pacific Fisheries Convention*  
 15 *Implementation Act (16 U.S.C. 6906(a)) is amend-*  
 16 *ed—*

17           (A) *by striking “suspension, on” in para-*  
 18 *graph (2) and inserting “suspension of”;*

19           (B) *by striking “title.” in paragraph (14)*  
 20 *and inserting “title; or”; and*

21           (C) *by adding at the end thereof the fol-*  
 22 *lowing:*

23           “(15) *to make or submit any false record, ac-*  
 24 *count, or label for, or any false identification of, any*  
 25 *fish or fish product (including false identification of*

1     *the harvesting nation or the ocean where harvested)*  
 2     *which has been, or is intended to be imported, ex-*  
 3     *ported, transported, sold, offered for sale, purchased,*  
 4     *or received in interstate or foreign commerce.”.*

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

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

9             (A) *by redesignating subdivisions (a) and*  
 10            *(b) as paragraphs (1) and (2), respectively, and*  
 11            *subdivisions (1) through (6) of paragraph (1), as*  
 12            *redesignated, as subparagraphs (A) through (F);*

13            (B) *by striking “search or inspection” in*  
 14            *paragraph (1)(B), as redesignated, and inserting*  
 15            *“search, investigation, or inspection”;*

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

19            (D) *by striking “or” after the semicolon in*  
 20            *paragraph (1)(E), as redesignated;*

21            (E) *by striking “section.” in paragraph*  
 22            *(1)(F), as redesignated, and inserting “section;”;*  
 23            *and*

24            (F) *by adding at the end of paragraph (1),*  
 25            *as redesignated, the following:*

“(G) to make or submit any false record, account, or label for, or any false identification of, any fish or fish product (including false identification of the harvesting nation or the ocean where harvested) which has been, or is intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce.”.

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

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

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

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

**SEC. 103. ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.**

(a) *IN GENERAL.*—*Section 608 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826i), as amended by section 302(a) of this title, is further amended by adding at the end thereof the following:*

1       “(c) *VESSELS AND VESSEL OWNERS ENGAGED IN IL-*  
2 *LEGAL, UNREPORTED, OR UNREGULATED FISHING.—The*  
3 *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, including vessels or*  
7 *vessel owners identified by an international fishery*  
8 *management organization or arrangement made pur-*  
9 *suant to an international fishery agreement, whether*  
10 *or not the United States is a party to such organiza-*  
11 *tion or arrangement;*

12              “(2) *take appropriate action against listed ves-*  
13 *sels and vessel owners, including action against fish,*  
14 *fish parts, or fish products from such vessels, in ac-*  
15 *cordance with applicable United States law and con-*  
16 *sistent with applicable international law, including*  
17 *principles, rights, and obligations established in ap-*  
18 *plicable international fishery management and trade*  
19 *agreements; and*

20              “(3) *provide notification to the public of vessels*  
21 *and vessel owners identified by international fishery*  
22 *management organizations or arrangements made*  
23 *pursuant to an international fishery agreement as*  
24 *having been engaged in illegal, unreported, or unregu-*  
25 *lated fishing, as well as any measures adopted by*

1        *such organizations or arrangements to address illegal,*  
 2        *unreported, or unregulated fishing.*

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

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

10        (b) *ADDITIONAL MEASURES.—*

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

13                (A) *Section 609(d)(3) of the High Seas*  
 14        *Driftnet Fishing Moratorium Protection Act (16*  
 15        *U.S.C. 1826j(d)(3)) is amended—*

16                        (i) *by striking “101(a)” in subpara-*  
 17                        *graph (A) and inserting “101(a)(3)”;*

18                        (ii) *by striking “1826a(a),” in sub-*  
 19                        *paragraph (A) and inserting*  
 20                        *“1826a(a)(3),”; and*

21                        (iii) *by striking “that has not been cer-*  
 22                        *tified by the Secretary under this sub-*  
 23                        *section, or” in subparagraph (A)(i).*

1                   (B) *Section 610(c)(5) of the High Seas*  
 2                   *Driftnet Fishing Moratorium Protection Act (16*  
 3                   *U.S.C. 1826k(c)(5)) is amended—*

4                   (i) *by striking “101(a)” and inserting*  
 5                   *“101(a)(3)”;*

6                   (ii) *by striking “1826a(a),” and in-*  
 7                   *serting “1826(a)(a)(3),”; and*

8                   (iii) *by striking “that has not been cer-*  
 9                   *tified by the Secretary under this sub-*  
 10                  *section, or”.*

11                  (2) *AMENDMENT OF THE HIGH SEAS DRIFTNET*  
 12                  *FISHERIES ENFORCEMENT ACT.—*

13                  (A) *Section 101 of the High Seas Driftnet*  
 14                  *Fisheries Enforcement Act (16 U.S.C. 1826a) is*  
 15                  *amended—*

16                  (i) *redesignating paragraph (3) of sub-*  
 17                  *section (a) as paragraph (4) and inserting*  
 18                  *after paragraph (2) the following:*

19                  “(3) *ADDITIONAL AUTHORITY.—The Secretary of*  
 20                  *Treasury is authorized, in accordance with international*  
 21                  *law, to undertake actions under paragraph (2)(A) and (B)*  
 22                  *with respect to fishing vessels engaged in illegal, unreported,*  
 23                  *or unregulated fishing.”;*

1                   (ii) by striking “or illegal, unreported,  
2                   or unregulated fishing” each place it ap-  
3                   pears in subsection (b)(1) and (2);

4                   (iii) by striking “or” after the semi-  
5                   colon in subsection (b)(3)(A)(i);

6                   (iv) by striking “nation.” in subsection  
7                   (b)(3)(A)(ii) and inserting “nation; or”;

8                   (v) by adding at the end of subsection  
9                   (b)(3)(A) the following:

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

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

21                   (vii) by striking subsection (b)(4)(A)(i)  
22                   and inserting the following:

23                   “(i) any prohibition established under para-  
24                   graph (3) is insufficient to cause that nation—



1           “(I) to terminate large-scale driftnet fishing  
2           conducted by its nationals and vessels beyond the  
3           exclusive economic zone of any nation;

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

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

13                (B) Section 102 of the High Seas Driftnet  
14          Fisheries Enforcement Act (16 U.S.C. 1826b) is  
15          amended by striking “such nation has termi-  
16          nated large-scale driftnet fishing or illegal, unre-  
17          ported, or unregulated fishing by its nationals  
18          and vessels beyond the exclusive economic zone of  
19          any nation.” and inserting “such nation has—

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

23                “(2) addressed illegal, unreported, or unregulated  
24          fishing activities for which a nation has been identi-

1 *fied under section 609 of the High Seas Driftnet Fish-*  
 2 *ing Moratorium Protection Act (16 U.S.C. 1826j); or*  
 3 *“(3) addressed bycatch of a protected living ma-*  
 4 *rine resource for which a nation has been identified*  
 5 *under section 610 of that Act (16 U.S.C. 1826k).”.*

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

9 **SEC. 201. INTERNATIONAL FISHERIES ENFORCEMENT PRO-**  
 10 **GRAM.**

11 *(a) ESTABLISHMENT.—*

12 *(1) IN GENERAL.—Within 12 months after the*  
 13 *date of the enactment of this Act, the Secretary shall,*  
 14 *subject to the availability of appropriations, establish*  
 15 *an International Fisheries Enforcement Program*  
 16 *within the Office of Law Enforcement of the National*  
 17 *Marine Fisheries Service.*

18 *(2) PURPOSE.—The Program shall be an inter-*  
 19 *agency program established and administered by the*  
 20 *Secretary in coordination with the heads of other de-*  
 21 *partments and agencies for the purpose of detecting*  
 22 *and investigating illegal, unreported, or unregulated*  
 23 *fishing activity and enforcing the provisions of this*  
 24 *Act.*

1           (3) *STAFF.*—*The Program shall be staffed with*  
2           *representation from the U.S. Coast Guard, U.S. Cus-*  
3           *toms and Border Protection, U.S. Food and Drug Ad-*  
4           *ministration, and any other department or agency*  
5           *determined by the Secretary to be appropriate and*  
6           *necessary to detect and investigate illegal, unreported,*  
7           *or unregulated fishing activity and enforce the provi-*  
8           *sions of this Act.*

9           (b) *PROGRAM ACTIONS.*—

10           (1) *STAFFING AND OTHER RESOURCES.*—*At the*  
11           *request of the Secretary, the heads of other depart-*  
12           *ments and agencies providing staff for the Program*  
13           *shall—*

14                   (A) *by agreement, on a reimbursable basis*  
15                   *or otherwise, participate in staffing the Pro-*  
16                   *gram;*

17                   (B) *by agreement, on a reimbursable basis*  
18                   *or otherwise, share personnel, services, equipment*  
19                   *(including aircraft and vessels), and facilities*  
20                   *with the Program; and*

21                   (C) *to the extent possible, and consistent*  
22                   *with other applicable law, extend the enforcement*  
23                   *authorities provided by their enabling legislation*  
24                   *to the other departments and agencies partici-*  
25                   *pating in the Program for the purposes of con-*

1           *ducting joint operations to detect and investigate*  
 2           *illegal, unreported or unregulated fishing activ-*  
 3           *ity and enforcing the provisions of this Act.*

4           (2) *BUDGET.*—*The Secretary and the heads of*  
 5           *other departments and agencies providing staff for the*  
 6           *Program, may, at their discretion, develop inter-*  
 7           *agency plans and budgets and engage in interagency*  
 8           *financing for such purposes.*

9           (3) *5-YEAR PLAN.*—*Within 180 days after the*  
 10          *date on which the Program is established under sub-*  
 11          *section (a), the Secretary shall develop a 5-year stra-*  
 12          *tegic plan for guiding interagency and intergovern-*  
 13          *mental international fisheries enforcement efforts to*  
 14          *carry out the provisions of this Act. The Secretary*  
 15          *shall update the plan periodically as necessary, but at*  
 16          *least once every 5 years.*

17          (4) *COOPERATIVE ACTIVITIES.*—*The Secretary,*  
 18          *in coordination with the heads of other departments*  
 19          *and agencies providing staff for the Program, may—*

20                (A) *create and participate in task forces,*  
 21                *committees, or other working groups with other*  
 22                *Federal, State or local governments as well as*  
 23                *with the governments of other nations for the*  
 24                *purposes of detecting and investigating illegal,*

1           unreported, or unregulated fishing activity and  
2           carrying out the provisions of this Act; and

3           (B) enter into agreements with other Fed-  
4           eral, State, or local governments as well as with  
5           the governments of other nations, on a reimburs-  
6           able basis or otherwise, for such purposes.

7           (c) *POWERS OF AUTHORIZED OFFICERS.*—Notwith-  
8           standing any other provision of law, while operating under  
9           an agreement with the Secretary entered into under section  
10          101 of this Act, and conducting joint operations as part  
11          of the Program for the purposes of detecting and inves-  
12          tigating illegal, unreported or unregulated fishing activity  
13          and enforcing the provisions of this Act, authorized officers  
14          shall have the powers and authority provided in that sec-  
15          tion.

16          (d) *INFORMATION COLLECTION, MAINTENANCE AND*  
17          *USE.*—

18               (1) *IN GENERAL.*—The Secretary and the heads  
19               of other departments and agencies providing staff for  
20               the Program shall, to the maximum extent allowable  
21               by law, share all applicable information, intelligence  
22               and data, related to the harvest, transportation or  
23               trade of fish and fish product in order to detect and  
24               investigate illegal, unreported, or unregulated fishing  
25               activity and to carry out the provisions of this Act.

1           (2) *COORDINATION OF DATA.*—*The Secretary,*  
2           *through the Program, shall coordinate the collection,*  
3           *storage, analysis, and dissemination of all applicable*  
4           *information, intelligence, and data related to the har-*  
5           *vest, transportation, or trade of fish and fish product*  
6           *collected or maintained by the member agencies of the*  
7           *Program.*

8           (3) *CONFIDENTIALITY.*—*The Secretary, through*  
9           *the Program, shall ensure the protection and con-*  
10          *fidentiality required by law for information, intel-*  
11          *ligence, and data related to the harvest, transpor-*  
12          *tation, or trade of fish and fish product obtained by*  
13          *the Program.*

14          (4) *DATA STANDARDIZATION.*—*The Secretary*  
15          *and the heads of other departments and agencies pro-*  
16          *viding staff for the Program shall, to the maximum*  
17          *extent practicable, develop data standardization for*  
18          *fisheries related data for Program agencies and with*  
19          *international fisheries enforcement databases as ap-*  
20          *propriate.*

21          (5) *ASSISTANCE FROM INTELLIGENCE COMMU-*  
22          *NITY.*—*Upon request of the Secretary, elements of the*  
23          *intelligence community (as defined in section 3(4) of*  
24          *the National Security Act of 1947 (50 U.S.C.*  
25          *401a(4))) shall collect information related to illegal,*

1        *unreported, or unregulated fishing activity outside the*  
 2        *United States about individuals who are not United*  
 3        *States persons (as defined in section 105A(c)(2) of*  
 4        *such Act (50 U.S.C. 403–5a(c)(2))). Such elements of*  
 5        *the intelligence community shall collect and share*  
 6        *such information with the Secretary through the Pro-*  
 7        *gram for law enforcement purposes in order to detect*  
 8        *and investigate illegal, unreported, or unregulated*  
 9        *fishing activities and to carry out the provisions of*  
 10       *this Act. All collection and sharing of information*  
 11       *shall be in accordance with the National Security Act*  
 12       *of 1947 (50 U.S.C. 401 et seq.).*

13            (6) *INFORMATION SHARING.—The Secretary,*  
 14       *through the Program, shall have authority to share*  
 15       *fisheries-related data with other Federal, State, and*  
 16       *foreign governments as well as international organi-*  
 17       *zations or arrangements, including international fish-*  
 18       *ery management organizations, if—*

19                    (A) *such governments, organizations, or ar-*  
 20       *rangements have policies and procedures to safe-*  
 21       *guard such information from unintended or un-*  
 22       *authorized disclosure; and*

23                    (B) *the exchange of information is nec-*  
 24       *essary—*

1                   (i) to ensure compliance with any law  
2                   or regulation enforced or administered by  
3                   the Secretary;

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

6                   (iii) to administer or enforce binding  
7                   conservation measures adopted by any  
8                   international organization or arrangement  
9                   to which the United States is a party;

10                  (iv) to assist in investigative, judicial,  
11                  or administrative enforcement proceedings  
12                  in the United States; or

13                  (v) to assist in any fisheries or living  
14                  marine resource related law enforcement ac-  
15                  tion undertaken by a law enforcement agen-  
16                  cy of a foreign government, or in relation to  
17                  a legal proceeding undertaken by a foreign  
18                  government.

19                  (e) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
20                  authorized to be appropriated \$30,000,000 to the Secretary  
21                  for each of fiscal years 2010 through 2015 to carry out this  
22                  section.



1 **SEC. 202. INTERNATIONAL COOPERATION AND ASSISTANCE**  
2 **PROGRAM.**

3 (a) *INTERNATIONAL COOPERATION AND ASSISTANCE*  
4 *PROGRAM.*—*The Secretary may establish an international*  
5 *cooperation and assistance program, including grants, to*  
6 *provide assistance for international capacity building ef-*  
7 *forts.*

8 (b) *AUTHORIZED ACTIVITIES.*—*In carrying out the*  
9 *program, the Secretary may—*

10 (1) *provide funding and technical expertise to*  
11 *other nations to assist them in addressing illegal, un-*  
12 *reported, or unregulated fishing activities;*

13 (2) *provide funding and technical expertise to*  
14 *other nations to assist them in reducing the loss and*  
15 *environmental impacts of derelict fishing gears, re-*  
16 *ducing the bycatch of living marine resources, and*  
17 *promoting international marine resource conserva-*  
18 *tion;*

19 (3) *provide funding, technical expertise, and*  
20 *training, in cooperation with the International Fish-*  
21 *eries Enforcement Program under section 201 of this*  
22 *Act, to other nations to aid them in building capacity*  
23 *for enhanced fisheries management, fisheries moni-*  
24 *toring, catch and trade tracking activities, enforce-*  
25 *ment, and international marine resource conserva-*  
26 *tion;*

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

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

11          (c) *GUIDELINES.—The Secretary may establish guide-*  
 12          *lines necessary to implement the program.*

13          (d) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
 14          *authorized to be appropriated to the Secretary \$5,000,000*  
 15          *for each of fiscal years 2010 through 2015 to carry out this*  
 16          *section.*

## 17           ***TITLE III—MISCELLANEOUS*** 18           ***AMENDMENTS***

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

20          (a) *ELIMINATION OF ANNUAL REPORT.—Section 11 of*  
 21          *the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971j)*  
 22          *is repealed.*

23          (b) *CERTAIN REGULATIONS.—Section 6(c)(2) of the*  
 24          *Atlantic Tunas Convention Act of 1975 (16 U.S.C.*  
 25          *971d(c)(2)) is amended—*

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

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

4           (3) by striking “arguments, and (B) oral presen-  
5           tation at a public hearing. Such” and inserting  
6           “written or oral statements at a public hearing. After  
7           consideration of such presentations, the ”; and

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

9           “(B) The Secretary may issue final regulations to im-  
10          plement Commission recommendations referred to in para-  
11          graph (1) of this subsection concerning trade restrictive  
12          measures against nations or fishing entities without regard  
13          to the requirements of subparagraph (A) of this paragraph  
14          and subsections (b) and (c) of section 553 of title 5, United  
15          States Code.”.

16   **SEC. 302. DATA SHARING.**

17          (a) *HIGH SEAS DRIFTNET FISHING MORATORIUM*  
18          *PROTECTION ACT.*—Section 608 of the *High Seas Driftnet*  
19          *Fishing Moratorium Protection Act* (16 U.S.C. 1826i) is  
20          amended—

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

23               (2) by striking “organizations” the first place it  
24               appears and inserting, “organizations, or arrange-  
25               ments made pursuant to an international fishery

1       *agreement (as defined in section 3(24) of the Magnu-*  
 2       *son-Stevens Fishery Conservation and Management*  
 3       *Act),”;*

4               *(3) by striking “and” after the semicolon in*  
 5       *paragraph (2)(C);*

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

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

9               *“(4) urging other nations, through the regional*  
 10       *fishery management organizations of which the*  
 11       *United States is a member, bilaterally and otherwise*  
 12       *to seek and foster the sharing of accurate, relevant,*  
 13       *and timely information—*

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

16               *“(B) to improve fisheries management deci-*  
 17       *sions;*

18               *“(C) to promote the conservation of pro-*  
 19       *tected living marine resources;*

20               *“(D) to combat illegal, unreported, and un-*  
 21       *regulated fishing; and*

22               *“(E) to improve compliance with conserva-*  
 23       *tion and management measures in international*  
 24       *waters.*

1       “(b) *INFORMATION SHARING*.—In carrying out this  
 2 section, the Secretary may disclose, as necessary and appro-  
 3 priate, information to the Food and Agriculture Organiza-  
 4 tion of the United Nations, international fishery manage-  
 5 ment organizations (as so defined), or arrangements made  
 6 pursuant to an international fishery agreement, if such or-  
 7 ganizations or arrangements have policies and procedures  
 8 to safeguard such information from unintended or unau-  
 9 thorized disclosure.”.

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

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

15               (2) by redesignating subparagraph (H) as sub-  
 16 paragraph (I); and

17               (3) by inserting after subparagraph (G) the fol-  
 18 lowing:

19               “(H) to the Food and Agriculture Organization  
 20 of the United Nations, international fishery manage-  
 21 ment organizations, or arrangements made pursuant  
 22 to an international fishery agreement as provided for  
 23 in the High Seas Driftnet Fishing Moratorium Pro-  
 24 tection Act (16 U.S.C. 1826i(b)); 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 is  
 6 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 revoked  
 13 or denied, or the vessel is deleted from such docu-  
 14 mentation.”.

15 **SEC. 304. TECHNICAL CORRECTIONS TO THE WESTERN AND**  
 16 **CENTRAL PACIFIC FISHERIES CONVENTION**  
 17 **IMPLEMENTATION ACT.**

18 *Section 503 of the Western and Central Pacific Fish-*  
 19 *eries Convention Implementation Act (16 U.S.C. 6902) is*  
 20 *amended—*

21 (1) by striking “the chairman or” in subsection  
 22 (a);

23 (2) by inserting “one of whom shall be a member  
 24 of” after “Western Pacific Fishery Management  
 25 Council and” in subsection (a);

1           (3) by adding at the end of subsection (c)(1) the  
2       *following:*

3       *“Notwithstanding subparagraph (B), section 208(a) of title*  
4 *18, United States Code, shall not apply to such an indi-*  
5 *vidual if, after review of the financial disclosure report filed*  
6 *by the individual pursuant to the Ethics in Government*  
7 *Act of 1978 (5 U.S.C. App.), the Secretary of Commerce,*  
8 *or his designee, certifies in writing that the need for the*  
9 *individual’s services outweighs the potential for a conflict*  
10 *of interest created by the financial interest involved.”;*

11           (4) by adding at the end of subsection (d)(2)(B)  
12       *the following:*

13       *“Notwithstanding subclause II of clause (ii), section 208(a)*  
14 *of title 18, United States Code, shall not apply to such an*  
15 *individual if, after review of the financial disclosure report*  
16 *filed by the individual pursuant to the Ethics in Govern-*  
17 *ment Act of 1978 (5 U.S.C. App.), the Secretary of Com-*  
18 *merce, or his designee, certifies in writing that the need for*  
19 *the individual’s services outweighs the potential for a con-*  
20 *flict of interest created by the financial interest involved.”;*  
21 *and*

22           (5) redesignating subsection (f) as subsection (e).

23 **SEC. 305. PACIFIC WHITING ACT OF 2006.**

24       (a) *SCIENTIFIC EXPERTS.*—Section 605(a)(1) of the  
25 *Pacific Whiting Act of 2006 (16 U.S.C. 7004(a)(1)) is*

1 amended by striking “at least 6 but not more than 12” in-  
 2 serting “no more than 2”.

3 (b) *CONFLICT OF INTEREST WAIVER.*—Section 609(a)  
 4 of the *Pacific Whiting Act of 2006* (16 U.S.C. 7008(a)) is  
 5 amended by adding at the end thereof the following:  
 6 “Notwithstanding paragraph (2), section 208(a) of title 18,  
 7 United States Code, shall not apply to such an individual  
 8 if, after review of the financial disclosure report filed by  
 9 the individual pursuant to the *Ethics in Government Act*  
 10 of 1978 (5 U.S.C. App.), the Secretary of Commerce, or his  
 11 designee, certifies in writing that the need for the individ-  
 12 ual’s services outweighs the potential for a conflict of inter-  
 13 est created by the financial interest involved.”.

14 **SEC. 306. COMMITTEE ON SCIENTIFIC COOPERATION FOR**  
 15 **PACIFIC SALMON AGREEMENT.**

16 Section 11 of the *Pacific Salmon Treaty Act of 1985*  
 17 (16 U.S.C. 3640) is amended by redesignating subsections  
 18 (c) and (d) as subsections (d) and (e), respectively, and in-  
 19 serting after subsection (b) the following:

20 “(c) *SCIENTIFIC COOPERATION COMMITTEE.*—Mem-  
 21 bers of the Committee on Scientific Cooperation who are  
 22 not State or Federal employees shall receive compensation  
 23 at a rate equivalent to the rate payable for level IV of the  
 24 Executive Schedule under section 5315 of title 5, United



1 *States Code, when engaged in actual performance of duties*  
 2 *for the Commission.”.*

3 **SEC. 307. REAUTHORIZATIONS.**

4 (a) *INTERNATIONAL DOLPHIN CONSERVATION PRO-*  
 5 *GRAM.—Section 304(c)(1) of the Marine Mammal Protec-*  
 6 *tion Act (16 U.S.C. 1414a(c)(1)) is amended by adding at*  
 7 *the end thereof the following:*

8 “(E) \$1,000,000 for each of fiscal years  
 9 2009 through 2013.”.

10 (b) *PACIFIC SALMON TREATY ACT OF 1985.—Section*  
 11 *16(d)(2)(A) of the Pacific Salmon Treaty Act of 1985 (16*  
 12 *3645(d)(2)(A)) is amended by striking “and 2009,” and in-*  
 13 *serting “2009, 2010, 2011, 2012, and 2013,”.*

14 (c) *SOUTH PACIFIC TUNA ACT OF 1988.—Section*  
 15 *20(a) of the South Pacific Tuna Act of 1988 (16 U.S.C.*  
 16 *973r(a)) is amended by striking “1992, 1993, 1994, 1995,*  
 17 *1996, 1997, 1998, 1999, 2000, 2001, and 2002,” each place*  
 18 *it appears and inserting “2009 through 2013”.*

19 **TITLE IV—IMPLEMENTATION OF**  
 20 **THE ANTIGUA CONVENTION**

21 **SEC. 401. SHORT TITLE.**

22 *This title may be cited as the “Antigua Convention*  
 23 *Implementing Act of 2008”.*

1 **SEC. 402. AMENDMENT OF THE TUNA CONVENTIONS ACT OF**  
 2 **1950.**

3 *Except as otherwise expressly provided, whenever in*  
 4 *this title an amendment or repeal is expressed in terms of*  
 5 *an amendment to, or repeal of, a section or other provision,*  
 6 *the reference shall be considered to be made to a section or*  
 7 *other provision of the Tuna Conventions Act of 1950 (16*  
 8 *U.S.C. 951 et seq.).*

9 **SEC. 403. DEFINITIONS.**

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

12 **“SEC. 2. DEFINITIONS.**

13 *“In this Act:*

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

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

23 *“(3) CONVENTION.—The term ‘Convention’*  
 24 *means—*

25 *“(A) the Convention for the Establishment*  
 26 *of an Inter-American Tropical Tuna Commis-*

1        *sion, signed at Washington, May 31, 1949, by*  
 2        *the United States of America and the Republic*  
 3        *of Costa Rica;*

4                *“(B) the Antigua Convention, upon its*  
 5        *entry into force for the United States, and any*  
 6        *amendments thereto that are in force for the*  
 7        *United States; or*

8                *“(C) both such Conventions, as the context*  
 9        *requires.*

10                *“(4) IMPORT.—The term ‘import’ means to land*  
 11        *on, bring into, or introduce into, or attempt to land*  
 12        *on, bring into, or introduce into, any place subject to*  
 13        *the jurisdiction of the United States, whether or not*  
 14        *such landing, bringing, or introduction constitutes an*  
 15        *importation within the meaning of the customs laws*  
 16        *of the United States.*

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

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

23                *“(7) U.S. COMMISSIONERS.—The term ‘U.S.*  
 24        *commissioners’ means the members of the commission.*

1           “(8) U.S. SECTION.—The term ‘U.S. section’  
 2           means the U.S. Commissioners to the Commission  
 3           and a designee of the Secretary of State.”.

4   **SEC. 404. COMMISSIONERS; NUMBER, APPOINTMENT, AND**  
 5           **QUALIFICATIONS.**

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

8   **“SEC. 3. COMMISSIONERS.**

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

24           “(b) ALTERNATE COMMISSIONERS.—The Secretary of  
 25   State, in consultation with the Secretary, may designate

1 *from time to time and for periods of time deemed appro-*  
 2 *priate Alternate United States Commissioners to the Com-*  
 3 *mission. Any Alternate United States Commissioner may*  
 4 *exercise, at any meeting of the Commission or of the Gen-*  
 5 *eral Advisory Committee or Scientific Advisory Sub-*  
 6 *committee established pursuant to section 4(b), all powers*  
 7 *and duties of a United States Commissioner in the absence*  
 8 *of any Commissioner appointed pursuant to subsection (a)*  
 9 *of this section for whatever reason. The number of such Al-*  
 10 *ternate United States Commissioners that may be des-*  
 11 *ignated for any such meeting shall be limited to the number*  
 12 *of United States Commissioners appointed pursuant to sub-*  
 13 *section (a) of this section who will not be present at such*  
 14 *meeting.*

15       “(c) *ADMINISTRATIVE MATTERS.*—

16               “(1) *EMPLOYMENT STATUS.*—*Individuals serving*  
 17 *as such Commissioners, other than officers or employ-*  
 18 *ees of the United States Government, shall be consid-*  
 19 *ered to be Federal employees while performing such*  
 20 *service, only for purposes of—*

21               “(A) *injury compensation as provided in*  
 22 *chapter 81 of title 5, United States Code, and*  
 23 *tort claims liability under chapter 171 of title*  
 24 *28, United States Code;*

1           “(B) *the Ethics in Government Act of 1978*  
 2           *(5 U.S.C. App.) and the provisions of chapter 11*  
 3           *of title 18, United States Code; and*

4           “(C) *any other statute or regulation gov-*  
 5           *erning the conduct of Federal employees.*

6           *Notwithstanding subparagraph (B), section 208(a) of*  
 7           *title 18, United States Code, shall not apply to such*  
 8           *an individual if, after review of the financial disclo-*  
 9           *sure report filed by the individual pursuant to the*  
 10          *Ethics in Government Act of 1978 (5 U.S.C. App.),*  
 11          *the Secretary of Commerce, or his designee, certifies*  
 12          *in writing that the need for the individual’s services*  
 13          *outweighs the potential for a conflict of interest cre-*  
 14          *ated by the financial interest involved.”;*

15          “(2) *COMPENSATION.—The United States Com-*  
 16          *missioners or Alternate Commissioners, although offi-*  
 17          *cers of the United States while so serving, shall re-*  
 18          *ceive no compensation for their services as such Com-*  
 19          *missioners or Alternate Commissioners.*

20          “(3) *TRAVEL EXPENSES.—*

21                 “(A) *The Secretary of State shall pay the*  
 22                 *necessary travel expenses of United States Com-*  
 23                 *missioners and Alternate United States Commis-*  
 24                 *sioners to meetings of the IATTC and other meet-*  
 25                 *ings the Secretary deems necessary to fulfill their*

1 *duties, in accordance with the Federal Travel*  
 2 *Regulations and sections 5701, 5702, 5704*  
 3 *through 5708, and 5731 of title 5, United States*  
 4 *Code.*

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

8 **SEC. 405. GENERAL ADVISORY COMMITTEE AND SCIENTIFIC**  
 9 **ADVISORY SUBCOMMITTEE.**

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

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

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

14 *“(1) APPOINTMENTS; PUBLIC PARTICIPATION;*  
 15 *COMPENSATION.—*

16 *“(A) The Secretary, in consultation with*  
 17 *the Secretary of State, shall appoint a General*  
 18 *Advisory Committee which shall consist of not*  
 19 *more than 25 individuals who shall be represent-*  
 20 *ative of the various groups concerned with the*  
 21 *fisheries covered by the Convention, including*  
 22 *nongovernmental conservation organizations,*  
 23 *providing to the maximum extent practicable an*  
 24 *equitable balance among such groups. Members*  
 25 *of the General Advisory Committee will be eligi-*

1        *ble to participate as members of the U.S. delega-*  
2        *tion to the Commission and its working groups*  
3        *to the extent the Commission rules and space for*  
4        *delegations allow.*

5                *“(B) The chair of the Pacific Fishery Man-*  
6        *agement Council’s Advisory Subpanel for Highly*  
7        *Migratory Fisheries and the chair of the Western*  
8        *Pacific Fishery Management Council’s Advisory*  
9        *Committee shall be members of the General Advi-*  
10       *sory Committee by virtue of their positions in*  
11       *those Councils;*

12               *“(C) Each member of the General Advisory*  
13       *Committee appointed under subparagraph (A)*  
14       *shall serve for a term of 3 years and is eligible*  
15       *for reappointment.*

16               *“(D) The General Advisory Committee shall*  
17       *be invited to attend all non-executive meetings of*  
18       *the United States Section and at such meetings*  
19       *shall be given opportunity to examine and to be*  
20       *heard on all proposed programs of investigation,*  
21       *reports, recommendations, and regulations of the*  
22       *Commission.*

23               *“(E) The General Advisory Committee shall*  
24       *determine its organization, and prescribe its*  
25       *practices and procedures for carrying out its*



1 *functions under this chapter, the Magnuson-Ste-*  
 2 *vens Fishery Conservation and Management Act*  
 3 *(16 U.S.C. 1801 et seq.), and the Convention.*  
 4 *The General Advisory Committee shall publish*  
 5 *and make available to the public a statement of*  
 6 *its organization, practices and procedures. Meet-*  
 7 *ings of the General Advisory Committee, except*  
 8 *when in executive session, shall be open to the*  
 9 *public, and prior notice of meetings shall be*  
 10 *made public in timely fashion. The General Ad-*  
 11 *visory Committee shall not be subject to the Fed-*  
 12 *eral Advisory Committee Act (5 U.S.C. App.).*

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

18 “(3) *ADMINISTRATIVE MATTERS.—*

19 “(A) *The Secretary shall provide to the*  
 20 *General Advisory Committee in a timely manner*  
 21 *such administrative and technical support serv-*  
 22 *ices as are necessary for its effective functioning.*

23 “(B) *Individuals appointed to serve as a*  
 24 *member of the General Advisory Committee—*

1           “(i) shall serve without pay, but while  
2           away from their homes or regular places of  
3           business to attend meetings of the General  
4           Advisory Committee shall be allowed travel  
5           expenses, including per diem in lieu of sub-  
6           sistence, in the same manner as persons em-  
7           ployed intermittently in the Government  
8           service are allowed expenses under section  
9           5703 of title 5, United States Code; and

10          “(ii) shall be considered Federal em-  
11          ployees while performing service as members  
12          of the General Advisory Committee only for  
13          purposes of—

14               “(I) injury compensation as pro-  
15               vided in chapter 81 of title 5, United  
16               States Code, and tort claims liability  
17               under chapter 171 of title 28, United  
18               States Code;

19               “(II) the Ethics in Government  
20               Act of 1978 (5 U.S.C. App.) and the  
21               provisions of chapter 11 of title 18,  
22               United States Code; and

23               “(III) any other statute or regula-  
24               tion governing the conduct of Federal  
25               employees.

1           *Notwithstanding subclause (II), section*  
 2           *208(a) of title 18, United States Code, shall*  
 3           *not apply to such an individual if, after re-*  
 4           *view of the financial disclosure report filed*  
 5           *by the individual pursuant to the Ethics in*  
 6           *Government Act of 1978 (5 U.S.C. App.),*  
 7           *the Secretary of Commerce, or his designee,*  
 8           *certifies in writing that the need for the in-*  
 9           *dividual's services outweighs the potential*  
 10          *for a conflict of interest created by the fi-*  
 11          *nancial interest involved.”; and*

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

14          *“(b) SCIENTIFIC ADVISORY COMMITTEE.—(1) The Sec-*  
 15          *retary, in consultation with the Secretary of State, shall*  
 16          *appoint a Scientific Advisory Subcommittee of not less than*  
 17          *5 nor more than 15 qualified scientists with balanced rep-*  
 18          *resentation from the public and private sectors, including*  
 19          *nongovernmental conservation organizations.”.*

20    **SEC. 406. RULEMAKING.**

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

22               *(1) by striking the section caption and inserting*  
 23          *the following:*

24    **“SEC. 6. RULEMAKING.”; and**

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

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

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

1 **SEC. 407. PROHIBITED ACTS.**

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

4 **“SEC. 8. PROHIBITED ACTS.**

5       *“It is unlawful for any person—*

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

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

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

19               *“(4) to forcibly assault, resist, oppose, impede,*  
20 *intimidate, sexually harass, bribe, or interfere with*  
21 *any such authorized officer in the conduct of any*  
22 *search, investigations or inspection in connection*  
23 *with the enforcement of this Act or any regulation,*  
24 *permit, or the Convention;*

25               *“(5) to resist a lawful arrest for any act prohib-*  
26 *ited by this Act;*

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

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

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

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

20           “(10) to engage in fishing in violation of any  
21           regulation adopted pursuant to section 6(c) of this  
22           Act;

23           “(11) to ship, transport, purchase, sell, offer for  
24           sale, import, export, or have in custody, possession, or

1       *control any fish taken or retained in violation of such*  
2       *regulations;*

3               *“(12) to fail to make, keep, or furnish any catch*  
4       *returns, statistical records, or other reports as are re-*  
5       *quired by regulations adopted pursuant to this Act to*  
6       *be made, kept, or furnished;*

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

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

23   **SEC. 408. ENFORCEMENT.**

24       *Section 10 (16 U.S.C. 959) is amended to read as fol-*  
25       *lows:*

1   **“SEC. 10. ENFORCEMENT.**

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

5   **SEC. 409. REDUCTION OF BYCATCH.**

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

8   **SEC. 410. REPEAL OF EASTERN PACIFIC TUNA LICENSING**

9                   **ACT OF 1984.**

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





**Calendar No. 1028**

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 2907**

[Report No. 110-469]

**A BILL**

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

SEPTEMBER 17, 2008

Reported with an amendment