

**Calendar No. 710**

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2870**

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**

DECEMBER 10, 2009

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

DECEMBER 17, 2010

Reported by Mr. ROCKEFELLER, without amendment

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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.

Sec. 104. Liability.

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. 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  
11 enforce the statutes to which this section applies in  
12 accordance 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  
18 all elements of the Department of Defense, and of  
19 any State agency, in carrying out this section.

20 (3) STATUTES TO WHICH APPLICABLE.—This  
21 section applies to—

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

1 (B) the Pacific Salmon Treaty Act of 1985  
2 (16 U.S.C. 3631 et seq.);

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

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

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

9 (F) the South Pacific Tuna Act of 1988  
10 (16 U.S.C. 973 et seq.);

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

14 (H) the Atlantic Tunas Convention Act of  
15 1975 (16 U.S.C. 971 et seq.);

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

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

21 (K) the Northern Pacific Halibut Act of  
22 1982 (16 U.S.C. 773 et seq.);

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

1 (M) the Antigua Convention Implementing  
2 Act of 2009.

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

19 (c) SPECIAL RULES.—

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

1 son-Stevens Fishery Conservation and Management  
2 Act so incorporated, the provision of this subsection  
3 shall apply.

4 (2) CIVIL ADMINISTRATIVE ENFORCEMENT.—

5 The amount of the civil penalty for a violation of  
6 any Act to which this section applies shall not exceed  
7 \$250,000 for each violation. Each day of a con-  
8 tinuing violation shall constitute a separate violation.

9 (3) CIVIL JUDICIAL ENFORCEMENT.—The At-

10 torney General, upon the request of the Secretary,  
11 may commence a civil action in an appropriate dis-  
12 trict court of the United States to enforce this Act  
13 and any Act to which this section applies, and such  
14 court shall have jurisdiction to award civil penalties  
15 or such other relief as justice may require, including  
16 a permanent or temporary injunction. The amount  
17 of the civil penalty for a violation of any Act to  
18 which this section applies shall not exceed \$250,000  
19 for each violation. Each day of a continuing violation  
20 shall constitute a separate violation. In determining  
21 the amount of a civil penalty, the court shall take  
22 into account the nature, circumstances, extent, and  
23 gravity of the prohibited acts committed and, with  
24 respect to the violator, the degree of culpability, any  
25 history of prior violations and such other matters as

1 justice may require. In imposing such penalty, the  
2 district court may also consider information related  
3 to the ability of the violator to pay.

4 (4) CRIMINAL FINES AND PENALTIES.—

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

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

21 (5) OTHER CRIMINAL VIOLATIONS.—Any person  
22 (other than a foreign government or any entity of  
23 such government) who knowingly violates any provi-  
24 sion of subsection (e) of this section, or any provi-

1 sion of any regulation promulgated pursuant to this  
 2 Act, is guilty of a criminal offense punishable—

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

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

8 (6) CRIMINAL FORFEITURES.—

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

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

21 (ii) any property, real or personal,  
 22 used or intended to be used to commit or  
 23 to facilitate the commission of the offense,  
 24 including any shoreside facility, including



1           its 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  
5           provisions 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.—

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

21                (A) search or inspect any facility or con-  
22                veyance used or employed in, or which reason-  
23                ably appears to be used or employed in, the  
24                storage, processing, transport, or trade of fish  
25                or fish products;

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

4 (C) detain, for a period of up to 14 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  
9 is deemed to be perishable, sell and retain the  
10 proceeds therefrom for a period of up to 14  
11 days; and

12 (D) make an arrest, in accordance with  
13 any guidelines which may be issued by the At-  
14 torney General, for any offense under the laws  
15 of the United States committed in the person's  
16 presence, or for the commission of any felony  
17 under the laws of the United States, if the per-  
18 son has reasonable grounds to believe that the  
19 person to be arrested has committed or is com-  
20 mitting a felony; may search and seize, in ac-  
21 cordance with any guidelines which may be  
22 issued by the Attorney General and may exe-  
23 cute and serve any subpoena, arrest warrant,  
24 search warrant issued in accordance with rule  
25 41 of the Federal Rules of Criminal Procedure,

1           or other warrant or civil or criminal process  
2           issued by any officer or court of competent ju-  
3           risdiction.

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

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

24          (e) PROHIBITED ACTS.—It is unlawful for any per-  
25          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 vessel,  
6           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  
9           with the enforcement of this section or any Act to  
10          which this section applies or any regulation promul-  
11          gated thereunder;

12          (3) to forcibly assault, resist, oppose, impede,  
13          intimidate, or interfere with any such authorized of-  
14          ficer in the conduct of any search, investigation, or  
15          inspection 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 com-  
22          mitted any act prohibited by this section or any Act  
23          to which this section applies;

24          (6) to forcibly assault, resist, oppose, impede,  
25          intimidate, sexually harass, bribe, or interfere with

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

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

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

22 (f) REGULATIONS.—The Secretary may promulgate  
23 such regulations, in accordance with section 553 of title  
24 5, United States Code, as may be necessary to carry out  
25 this 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  
14 under section 101 of the International Fisheries Steward-  
15 ship and Enforcement Act.”.

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

20 (3) Section 609(a) of the High Seas Driftnet  
21 Fishing Moratorium Protection Act (16 U.S.C.  
22 1826j(a)) is amended to read as follows:

23 “(a) IDENTIFICATION.—

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

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

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

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

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

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

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

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

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

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

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

18 (5) Section 609(d)(2) of the High Seas Driftnet  
 19 Fishing Moratorium Protection Act (16 U.S.C.  
 20 1826j(d)(2)) is amended—

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

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



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

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

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

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

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

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

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

23 (2) by striking subsection (e) and inserting the  
 24 following:

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

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

7           (1) by striking “regulations.” in subsection (a)  
8 and inserting “regulation or for any person to make  
9 or submit any false record, account, or label for, or  
10 any false identification of, any fish or fish product  
11 (including the false identification of species, har-  
12 vesting vessel or nation or the location where har-  
13 vested) which has been, or is intended to be im-  
14 ported, exported, transported, sold, offered for sale,  
15 purchased, or received in interstate or foreign com-  
16 merce.”;

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

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

20           “(1) to refuse to permit any officer authorized  
21 to enforce the provisions of this Act to board a fish-  
22 ing vessel subject to such person’s control for pur-  
23 poses of conducting any search, investigation, or in-  
24 spection in connection with the enforcement of this

1 Act or any regulation promulgation or permit issued  
2 under this Act;

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

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

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

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

15 (4) by inserting after subsection (d) the fol-  
16 lowing:

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

20 (d) NORTHERN PACIFIC ANADROMOUS STOCKS ACT  
21 OF 1992.—

22 (1) UNLAWFUL ACTIVITIES.—Section 810 of  
23 the Northern Pacific Anadromous Stocks Act of  
24 1992 (16 U.S.C. 5009) is amended—

1 (A) by striking “purchases” in paragraph  
2 (5) and inserting “purposes”;

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

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

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

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

13 (F) by adding at the end thereof the fol-  
14 lowing:

15 “(10) for any person to make or submit any  
16 false record, account, or label for, or any false iden-  
17 tification of, any fish or fish product (including false  
18 identification of the species, harvesting vessel or na-  
19 tion, or the location where harvested) which has  
20 been, or is intended to be imported, exported, trans-  
21 ported, sold, offered for sale, purchased, or received  
22 in interstate or foreign commerce.”.

23 (2) ADMINISTRATION AND ENFORCEMENT.—  
24 Section 811 of the Northern Pacific Anadromous

1 Stocks Act of 1992 (16 U.S.C. 5010) is amended to  
2 read as follows:

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

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

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

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

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

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

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

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

22 “(7) for any person to make or submit any false  
23 record, account, or label for, or any false identifica-  
24 tion of, any fish or fish product (including false  
25 identification of the species, harvesting vessel or na-

1       tion, or the location where harvested) which has  
 2       been, or is intended to be imported, exported, trans-  
 3       ported, sold, offered for sale, purchased, or received  
 4       in interstate or foreign commerce.”; and

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

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

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

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

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

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

20               (C) by striking “or” after the semicolon in  
 21       paragraph (12);

22               (D) by striking “retained.” in paragraph  
 23       (13) and inserting “retained; or”; and

24               (E) by adding at the end thereof the fol-  
 25       lowing:

1           “(14) for any person to make or submit any  
 2           false record, account, or label for, or any false iden-  
 3           tification of, any fish or fish product (including false  
 4           identification of the species, harvesting vessel or na-  
 5           tion, or the location where harvested) which has  
 6           been, or is intended to be imported, exported, trans-  
 7           ported, sold, offered for sale, purchased, or received  
 8           in interstate or foreign commerce.”.

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

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

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

17          (g) ANTARCTIC MARINE LIVING RESOURCES CON-  
 18          VENTION ACT OF 1984.—

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

22                       (A) by striking “which he knows, or rea-  
 23                       sonably should have known, was” in paragraph

24                       (3);

1 (B) by striking “search or inspection” in  
2 paragraph (4) and inserting “search, investiga-  
3 tion, or inspection”;

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

7 (D) by striking “or” after the semicolon in  
8 paragraph (6);

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

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

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

21 (2) REGULATIONS.—Section 307 of the Ant-  
22 arctic Marine Living Resources Convention Act (16  
23 U.S.C. 2436) is amended by inserting after “title.”  
24 the following: “Notwithstanding the provisions of  
25 subsections (b), (c), and (d) of section 553 of title



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

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

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

16           (B) by striking subsection (b), (c), and (d)  
 17      of section 310 (16 U.S.C. 2439) and redesign-  
 18      nating subsection (e) as subsection (c); and

19           (C) by inserting after subsection (a) the  
 20      following:

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

24           (h) ATLANTIC TUNAS CONVENTION ACT OF 1975.—

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

4           (A) by striking subsections (e) and (f) and  
5       redesignating subsection (g) as subsection (f);  
6       and

7           (B) by inserting after subsection (d) the  
8       following:

9       “(e) MISLABELING.—It shall be unlawful for any per-  
10   son to make or submit any false record, account, or label  
11   for, or any false identification of, any fish or fish product  
12   (including the false identification of the species, harvesting  
13   vessel or nation, or the location where harvested) which  
14   has been, or is intended to be, imported, exported, trans-  
15   ported, sold, offered for sale, purchased or received in  
16   interstate or foreign commerce.”.

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

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

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

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

5 (i) NORTHWEST ATLANTIC FISHERIES CONVENTION  
 6 ACT OF 1995.—Section 207 of the Northwest Atlantic  
 7 Fisheries Convention Act of 1995 (16 U.S.C. 5606) is  
 8 amended—

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

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

15 (3) by striking “search or inspection” in sub-  
 16 section (a)(3) and inserting “search, investigation,  
 17 or inspection”;

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

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

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

24 “(7) to make or submit any false record, ac-  
 25 count, or label for, or any false identification of, any

1 fish or fish product (including false identification of  
 2 the species, harvesting vessel or nation, or the loca-  
 3 tion where harvested) 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.”; and

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

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

12 (j) WESTERN AND CENTRAL PACIFIC FISHERIES  
 13 CONVENTION IMPLEMENTATION ACT.—

14 (1) ADMINISTRATION AND ENFORCEMENT.—  
 15 Section 506(c) of the Western and Central Pacific  
 16 Fisheries Convention Implementation Act (16 U.S.C.  
 17 6905(c)) is amended to read as follows:

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

21 (2) PROHIBITED ACTS.—Section 507(a) of the  
 22 Western and Central Pacific Fisheries Convention  
 23 Implementation Act (16 U.S.C. 6906(a)) is amend-  
 24 ed—

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

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

5 (C) by adding at the end thereof the fol-  
 6 lowing:

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

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

16 (1) PROHIBITED ACTS.—Section 7 of the  
 17 Northern Pacific Halibut Act of 1982 (16 U.S.C.  
 18 773e) is amended—

19 (A) by redesignating subdivisions (a) and  
 20 (b) as paragraphs (1) and (2), respectively, and  
 21 subdivisions (1) through (6) of paragraph (1),  
 22 as redesignated, as subparagraphs (A) through  
 23 (F);

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

4 (C) by striking “search or inspection” in  
 5 paragraph (1)(C), as redesignated, and insert-  
 6 ing “search, investigation, or inspection”;

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

9 (E) by striking “section.” in paragraph  
 10 (1)(F), as redesignated, and inserting “sec-  
 11 tion;”; and

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

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

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

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

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

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

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

11 (a) IN GENERAL.—Section 608 of the High Seas  
12 Driftnet Fishing Moratorium Protection Act (16 U.S.C.  
13 1826i), as amended by section 302(a) of this Act, is fur-  
14 ther amended by adding at the end thereof the following:

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

18 “(1) develop, maintain, and make public a list  
19 of vessels and vessel owners engaged in illegal, unre-  
20 ported, or unregulated fishing, including vessels or  
21 vessel owners identified by an international fishery  
22 management organization or arrangement made pur-  
23 suant to an international fishery agreement, whether  
24 or not the United States is a party to such organiza-  
25 tion or arrangement;

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

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

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

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

24      (b) ADDITIONAL MEASURES.—



1 (1) AMENDMENT OF THE HIGH SEAS DRIFTNET  
2 FISHING MORATORIUM PROTECTION ACT.—

3 (A) Section 609(d)(3) of the High Seas  
4 Driftnet Fishing Moratorium Protection Act  
5 (16 U.S.C. 1826j(d)(3)) is amended by striking  
6 “that has not been certified by the Secretary  
7 under this subsection, or” in subparagraph  
8 (A)(i).

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

14 (2) AMENDMENT OF THE HIGH SEAS DRIFTNET  
15 FISHERIES ENFORCEMENT ACT.—

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

19 (i) by striking subsection (a)(2) and  
20 inserting the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 **SEC. 104. LIABILITY.**

11 Any claims arising from the actions of any officer,  
 12 authorized by the Secretary to enforce the provisions of  
 13 this Act or any Act to which this Act applies, taken pursu-  
 14 ant to any scheme for at-sea boarding and inspection au-  
 15 thorized under any international agreement to which the  
 16 United States is a party may be pursued under chapter  
 17 171 of title 28, United States Code, or such other legal  
 18 authority as may be pertinent.

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

22 **SEC. 201. INTERNATIONAL FISHERIES ENFORCEMENT PRO-**  
 23 **GRAM.**

24 (a) ESTABLISHMENT.—

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

7           (2) PURPOSE.—The Program shall be an inter-  
8           agency program established and administered by the  
9           Secretary in coordination with the heads of other de-  
10          partments and agencies for the purpose of detecting  
11          and investigating illegal, unreported, or unregulated  
12          fishing activity and enforcing the provisions of this  
13          Act.

14          (3) STAFF.—The Program shall be staffed with  
15          representation from the U.S. Coast Guard, U.S.  
16          Customs and Border Protection, U.S. Food and  
17          Drug Administration, and any other department or  
18          agency determined by the Secretary to be appro-  
19          priate and necessary to detect and investigate illegal,  
20          unreported, or unregulated fishing activity and en-  
21          force the provisions of this Act.

22          (b) PROGRAM ACTIONS.—

23                (1) STAFFING AND OTHER RESOURCES.—At the  
24                request of the Secretary, the heads of other depart-

1       ments and agencies providing staff for the Program  
2       shall—

3               (A) by agreement, on a reimbursable basis  
4               or otherwise, participate in staffing the Pro-  
5               gram;

6               (B) by agreement, on a reimbursable basis  
7               or otherwise, share personnel, services, equip-  
8               ment (including aircraft and vessels), and facili-  
9               ties with the Program; and

10              (C) to the extent possible, and consistent  
11              with other applicable law, extend the enforce-  
12              ment authorities provided by their enabling leg-  
13              islation to the other departments and agencies  
14              participating in the Program for the purposes  
15              of conducting joint operations to detect and in-  
16              vestigate illegal, unreported or unregulated fish-  
17              ing activity and enforcing the provisions of this  
18              Act.

19              (2) BUDGET.—The Secretary and the heads of  
20              other departments and agencies providing staff for  
21              the Program, may, at their discretion, develop inter-  
22              agency plans and budgets and engage in interagency  
23              financing for such purposes.

24              (3) 5-YEAR PLAN.—Within 180 days after the  
25              date on which the Program is established under sub-

1 section (a), the Secretary shall develop a 5-year stra-  
2 tegic plan for guiding interagency and intergovern-  
3 mental international fisheries enforcement efforts to  
4 carry out the provisions of this Act. The Secretary  
5 shall update the plan periodically as necessary, but  
6 at least once every 5 years.

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

10 (A) create and participate in task forces,  
11 committees, or other working groups with other  
12 Federal, State or local governments as well as  
13 with the governments of other nations for the  
14 purposes of detecting and investigating illegal,  
15 unreported, or unregulated fishing activity and  
16 carrying out the provisions of this Act; and

17 (B) enter into agreements with other Fed-  
18 eral, State, or local governments as well as with  
19 the governments of other nations, on a reim-  
20 bursable basis or otherwise, for such purposes.

21 (c) POWERS OF AUTHORIZED OFFICERS.—Notwith-  
22 standing any other provision of law, while operating under  
23 an agreement with the Secretary entered into under sec-  
24 tion 101 of this Act, and conducting joint operations as  
25 part of the Program for the purposes of detecting and in-



1 vestigating illegal, unreported or unregulated fishing activ-  
2 ity and enforcing the provisions of this Act, authorized of-  
3 ficers shall have the powers and authority provided in that  
4 section.

5 (d) INFORMATION COLLECTION, MAINTENANCE AND  
6 USE.—

7 (1) IN GENERAL.—The Secretary and the heads  
8 of other departments and agencies providing staff  
9 for the Program shall, to the maximum extent allow-  
10 able by law, share all applicable information, intel-  
11 ligence and data, related to the harvest, transpor-  
12 tation or trade of fish and fish product in order to  
13 detect and investigate illegal, unreported, or unregu-  
14 lated fishing activity and to carry out the provisions  
15 of this Act.

16 (2) COORDINATION OF DATA.—The Secretary,  
17 through the Program, shall coordinate the collection,  
18 storage, analysis, and dissemination of all applicable  
19 information, intelligence, and data related to the  
20 harvest, transportation, or trade of fish and fish  
21 product collected or maintained by the member  
22 agencies of the Program.

23 (3) CONFIDENTIALITY.—The Secretary,  
24 through the Program, shall ensure the protection  
25 and confidentiality required by law for information,

1 intelligence, and data related to the harvest, trans-  
2 portation, or trade of fish and fish product obtained  
3 by the Program.

4 (4) DATA STANDARDIZATION.—The Secretary  
5 and the heads of other departments and agencies  
6 providing staff for the Program shall, to the max-  
7 imum extent practicable, develop data standardiza-  
8 tion for fisheries related data for Program agencies  
9 and with international fisheries enforcement data-  
10 bases as appropriate.

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

1 and sharing of information shall be in accordance  
2 with the National Security Act of 1947 (50 U.S.C.  
3 401 et seq.).

4 (6) INFORMATION SHARING.—The Secretary,  
5 through the Program, shall have authority to share  
6 fisheries-related data with other Federal or State  
7 government agency, foreign government, the Food  
8 and Agriculture Organization of the United Nations,  
9 or the secretariat or equivalent of an international  
10 fisheries management organization or arrangement  
11 made pursuant to an international fishery agree-  
12 ment, if—

13 (A) such governments, organizations, or  
14 arrangements have policies and procedures to  
15 safeguard such information from unintended or  
16 unauthorized disclosure; and

17 (B) the exchange of information is nec-  
18 essary—

19 (i) to ensure compliance with any law  
20 or regulation enforced or administered by  
21 the Secretary;

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

24 (iii) to administer or enforce binding  
25 conservation measures adopted by any

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

3 (iv) to assist in investigative, judicial,  
4 or administrative enforcement proceedings  
5 in the United States; or

6 (v) to assist in any fisheries or living  
7 marine resource related law enforcement  
8 action undertaken by a law enforcement  
9 agency of a foreign government, or in rela-  
10 tion to a legal proceeding undertaken by a  
11 foreign government.

12 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
13 are authorized to be appropriated \$30,000,000 to the Sec-  
14 retary for each of fiscal years 2010 through 2015 to carry  
15 out this section.

16 **SEC. 202. INTERNATIONAL COOPERATION AND ASSISTANCE**  
17 **PROGRAM.**

18 (a) INTERNATIONAL COOPERATION AND ASSISTANCE  
19 PROGRAM.—The Secretary may establish an international  
20 cooperation and assistance program, including grants, to  
21 provide assistance for international capacity building ef-  
22 forts.

23 (b) AUTHORIZED ACTIVITIES.—In carrying out the  
24 program, the Secretary may—

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

4           (2) provide funding and technical expertise to  
5       other nations to assist them in reducing the loss and  
6       environmental impacts of derelict fishing gears, re-  
7       ducing the bycatch of living marine resources, and  
8       promoting international marine resource conserva-  
9       tion;

10          (3) provide funding, technical expertise, and  
11       training, in cooperation with the International Fish-  
12       eries Enforcement Program under section 201 of  
13       this Act, to other nations to aid them in building ca-  
14       pacity for enhanced fisheries management, fisheries  
15       monitoring, catch and trade tracking activities, en-  
16       forcement, and international marine resource con-  
17       servation;

18          (4) establish partnerships with other Federal  
19       agencies, as appropriate, to ensure that fisheries de-  
20       velopment assistance to other nations is directed to-  
21       ward projects that promote sustainable fisheries; and

22          (5) conduct outreach and education efforts in  
23       order to promote public and private sector awareness  
24       of international fisheries sustainability issues, in-  
25       cluding the need to combat illegal, unreported, or

1 unregulated fishing activity and to promote inter-  
 2 national marine resource conservation.

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

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
 6 are authorized to be appropriated to the Secretary  
 7 \$5,000,000 for each of fiscal years 2010 through 2015  
 8 to carry out this section. —

## 9 **TITLE III—MISCELLANEOUS** 10 **AMENDMENTS**

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

12 (a) ELIMINATION OF ANNUAL REPORT.—Section 11  
 13 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C.  
 14 971j) is repealed.

15 (b) CERTAIN REGULATIONS.—Section 971d(c)(2) of  
 16 the Atlantic Tunas Convention Act of 1975 (16 U.S.C.  
 17 971d(c)(2)) is amended—

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

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

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

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

1       “(B) The Secretary may issue final regulations to im-  
 2     plement Commission recommendations referred to in para-  
 3     graph (1) of this subsection concerning trade restrictive  
 4     measures against nations or fishing entities without re-  
 5     gard to the requirements of subparagraph (A) of this  
 6     paragraph and subsections (b) and (c) of section 553 of  
 7     title 5, United States Code.”.

8     **SEC. 302. DATA SHARING.**

9       (a) HIGH SEAS DRIFTNET FISHING MORATORIUM  
 10     PROTECTION ACT.—Section 608 of the High Seas  
 11     Driftnet Fishing Moratorium Protection Act (16 U.S.C.  
 12     1826i) is amended—

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

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

21             (3) by striking “and” after the semicolon in  
 22             paragraph (2)(C);

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

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

1           “(4) urging other nations, through the regional  
2           fishery management organizations of which the  
3           United States is a member, bilaterally and otherwise  
4           to seek and foster the sharing of accurate, relevant,  
5           and timely information—

6                   “(A) to improve the scientific under-  
7                   standing of marine ecosystems;

8                   “(B) to improve fisheries management de-  
9                   cisions;

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

12                   “(D) to combat illegal, unreported, and un-  
13                   regulated fishing; and

14                   “(E) to improve compliance with conserva-  
15                   tion and management measures in international  
16                   waters.

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



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

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

6 (2) by redesignating subparagraph (H) as sub-  
7 paragraph (J); and

8 (3) by inserting after subparagraph (G) the fol-  
9 lowing:

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

16 “(I) to any other Federal or State government  
17 agency, foreign government, the Food and Agri-  
18 culture Organization of the United Nations, or the  
19 secretariat or equivalent of an international fisheries  
20 management organization or arrangement made pur-  
21 suant to an international fishery agreement, as pro-  
22 vided in section 201(d)(6) of the International Fish-  
23 eries Stewardship and Enforcement Act; or”.

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

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

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

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

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

15 **SEC. 304. 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 “Management Council and” in  
 22 subsection (a) and inserting “Management Council,  
 23 and one of whom shall be the chairman or a member  
 24 of”;

25 (2) by striking subsection (c)(1) and inserting  
 26 the following:

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

9           (3) by striking subsection (d)(2)(B)(ii) and in-  
 10          serting the following:

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

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

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

22          (b) EMPLOYMENT STATUS.—Section 609(a) of the  
 23 Pacific Whiting Act of 2006 (16 U.S.C. 7008(a)) is  
 24 amended to read as follows:

1       “(a) EMPLOYMENT STATUS.—Individuals appointed  
 2 under section 603, 604, 605, or 606 of this title, other  
 3 than officers or employees of the United States Govern-  
 4 ment, shall not be considered to be Federal employees  
 5 while performing such service, except for purposes of in-  
 6 jury compensation or tort claims liability as provided in  
 7 chapter 81 of title 5, United States Code, and chapter 171  
 8 of title 28, United States Code.”.

9       **SEC. 306. COMMITTEE ON SCIENTIFIC COOPERATION FOR**  
 10                                   **PACIFIC SALMON AGREEMENT.**

11       Section 11 of the Pacific Salmon Treaty Act of 1985  
 12 (16 U.S.C. 3640) is amended by redesignating subsections  
 13 (c) and (d) as subsections (d) and (e), respectively, and  
 14 inserting after subsection (b) the following:

15       “(c) SCIENTIFIC COOPERATION COMMITTEE.—Mem-  
 16 bers of the Committee on Scientific Cooperation who are  
 17 not State or Federal employees shall receive compensation  
 18 at a rate equivalent to the rate payable for level IV of  
 19 the Executive Schedule under section 5315 of title 5,  
 20 United States Code, when engaged in actual performance  
 21 of duties for the Commission.”.

22       **SEC. 307. REAUTHORIZATIONS.**

23       (a) INTERNATIONAL DOLPHIN CONSERVATION PRO-  
 24 GRAM.—Section 304(c)(1) of the Marine Mammal Protec-

tion Act (16 U.S.C. 1414a(c)(1)) is amended by adding  
at the end thereof the following:

“(5) \$1,000,000 for each of fiscal years  
2009 through 2013.”.

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

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

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

### **SEC. 401. SHORT TITLE.**

This title may be cited as the “Antigua Convention  
Implementing Act of 2009”.

### **SEC. 402. AMENDMENT OF THE TUNA CONVENTIONS ACT OF 1950.**

Except as otherwise expressly provided, whenever in  
this title an amendment or repeal is expressed in terms  
of an amendment to, or repeal of, a section or other provi-  
sion, the reference shall be considered to be made to a

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

3 **SEC. 403. DEFINITIONS.**

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

6 **“SEC. 2. DEFINITIONS.**

7 “In this Act:

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

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

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

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

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

5           “(C) both such Conventions, as the context  
6           requires.

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

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

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

20          “(7) U.S. COMMISSIONERS.—The term ‘U.S.  
21          commissioners’ means the members of the commis-  
22          sion.

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

1 **SEC. 404. COMMISSIONERS; NUMBER, APPOINTMENT, AND**  
2 **QUALIFICATIONS.**

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

5 **“SEC. 3. COMMISSIONERS.**

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

22 “(b) ALTERNATE COMMISSIONERS.—The Secretary  
23 of State, in consultation with the Secretary, may designate  
24 from time to time and for periods of time deemed appro-  
25 priate Alternate United States Commissioners to the Com-  
26 mission. Any Alternate United States Commissioner may



1 exercise, at any meeting of the Commission or of the Gen-  
2 eral Advisory Committee or Scientific Advisory Sub-  
3 committee established pursuant to section 4(b), all powers  
4 and duties of a United States Commissioner in the ab-  
5 sence of any Commissioner appointed pursuant to sub-  
6 section (a) of this section for whatever reason. The num-  
7 ber of such Alternate United States Commissioners that  
8 may be designated for any such meeting shall be limited  
9 to the number of United States Commissioners appointed  
10 pursuant to subsection (a) of this section who will not be  
11 present at such meeting.

12 “(c) ADMINISTRATIVE MATTERS.—

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

21 “(2) COMPENSATION.—The United States Com-  
22 missioners or Alternate Commissioners, although of-  
23 ficers of the United States while so serving, shall re-  
24 ceive no compensation for their services as such  
25 Commissioners or Alternate Commissioners.

1 “(3) TRAVEL EXPENSES.—

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

11 “(B) The Secretary may reimburse the  
12 Secretary of State for amounts expended by the  
13 Secretary of State under this subsection.”.

14 **SEC. 405. GENERAL ADVISORY COMMITTEE AND SCI-**  
15 **ENTIFIC ADVISORY SUBCOMMITTEE.**

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

17 (1) by striking subsection (a) and inserting the  
18 following:

19 “(a) GENERAL ADVISORY COMMITTEE.—

20 “(1) APPOINTMENTS; PUBLIC PARTICIPATION;  
21 COMPENSATION.—

22 “(A) The Secretary, in consultation with  
23 the Secretary of State, shall appoint a General  
24 Advisory Committee which shall consist of not  
25 more than 25 individuals who shall be rep-

1           representative of the various groups concerned  
2           with the fisheries covered by the Convention, in-  
3           cluding nongovernmental conservation organiza-  
4           tions, providing to the maximum extent prac-  
5           ticable an equitable balance among such groups.  
6           Members of the General Advisory Committee  
7           will be eligible to participate as members of the  
8           U.S. delegation to the Commission and its  
9           working groups to the extent the Commission  
10          rules and space for delegations allow.

11                 “(B) The chair of the Pacific Fishery  
12           Management Council’s Advisory Subpanel for  
13           Highly Migratory Fisheries and the chair of the  
14           Western Pacific Fishery Management Council’s  
15           Advisory Committee shall be members of the  
16           General Advisory Committee by virtue of their  
17           positions in those Councils;

18                 “(C) Each member of the General Advi-  
19           sory Committee appointed under subparagraph  
20           (A) shall serve for a term of 3 years and is eli-  
21           gible for reappointment.

22                 “(D) The General Advisory Committee  
23           shall be invited to attend all non-executive  
24           meetings of the United States Section and at  
25           such meetings shall be given opportunity to ex-

1           amine and to be heard on all proposed pro-  
2           grams of investigation, reports, recommenda-  
3           tions, and regulations of the Commission.

4           “(E) The General Advisory Committee  
5           shall determine its organization, and prescribe  
6           its practices and procedures for carrying out its  
7           functions under this chapter, the Magnuson-  
8           Stevens Fishery Conservation and Management  
9           Act (16 U.S.C. 1801 et seq.), and the Conven-  
10          tion. The General Advisory Committee shall  
11          publish and make available to the public a  
12          statement of its organization, practices and pro-  
13          cedures. Meetings of the General Advisory Com-  
14          mittee, except when in executive session, shall  
15          be open to the public, and prior notice of meet-  
16          ings shall be made public in timely fashion. The  
17          General Advisory Committee shall not be sub-  
18          ject to the Federal Advisory Committee Act (5  
19          U.S.C. App.).

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

25          “(3) ADMINISTRATIVE MATTERS.—

1           “(A) The Secretary shall provide to the  
2           General Advisory Committee in a timely man-  
3           ner such administrative and technical support  
4           services as are necessary for its effective func-  
5           tioning.

6           “(B) Individuals appointed to serve as a  
7           member of the General Advisory Committee—

8                   “(i) shall serve without pay, but while  
9                   away from their homes or regular places of  
10                  business to attend meetings of the General  
11                  Advisory Committee shall be allowed travel  
12                  expenses, including per diem in lieu of sub-  
13                  sistence, in the same manner as persons  
14                  employed intermittently in the Government  
15                  service are allowed expenses under section  
16                  5703 of title 5, United States Code; and

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

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

1       “(b) SCIENTIFIC ADVISORY COMMITTEE.—(1) The  
2 Secretary, in consultation with the Secretary of State,  
3 shall appoint a Scientific Advisory Subcommittee of not  
4 less than 5 nor more than 15 qualified scientists with bal-  
5 anced representation from the public and private sectors,  
6 including nongovernmental conservation organizations.”.

7   **SEC. 406. RULEMAKING.**

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

9           (1) by striking the section caption and inserting  
10       the following:

11   **“SEC. 6. RULEMAKING.”;**

12       and

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

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

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

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

12 **SEC. 407. PROHIBITED ACTS.**

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

15 **“SEC. 8. PROHIBITED ACTS.**

16 “It is unlawful for any person—

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

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

23 “(3) to refuse to permit any officer authorized  
 24 to enforce the provisions of this Act (as provided for  
 25 in section 10) to board a fishing vessel subject to

1       such person's control for the purposes of conducting  
2       any search, investigation or inspection in connection  
3       with the enforcement of this Act or any regulation,  
4       permit, or the Convention;

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

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

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

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

22          “(8) to knowingly and willfully submit to the  
23      Secretary false information regarding any matter  
24      that the Secretary is considering in the course of  
25      carrying out this Act;



1           “(9) to forcibly assault, resist, oppose, impede,  
2           intimidate, sexually harass, bribe, or interfere with  
3           any observer on a vessel under this Act, or any data  
4           collector employed by the National Marine Fisheries  
5           Service or under contract to any person to carry out  
6           responsibilities under this Act;

7           “(10) to engage in fishing in violation of any  
8           regulation adopted pursuant to section 6(c) of this  
9           Act;

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

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

18          “(13) to fail to stop a vessel upon being hailed  
19          and instructed to stop by a duly authorized official  
20          of the United States; and

21          “(14) to import, in violation of any regulation  
22          adopted pursuant to section 6(c) of this Act, any  
23          fish in any form of those species subject to regula-  
24          tion pursuant to a recommendation, resolution, or  
25          decision of the Commission, or any tuna in any form

1 not under regulation but under investigation by the  
2 Commission, during the period such fish have been  
3 denied entry in accordance with the provisions of  
4 section 6(c) of this Act, unless such person provides  
5 such proof as the Secretary of Commerce may re-  
6 quire that a fish described in this paragraph offered  
7 for entry into the United States is not ineligible for  
8 such entry under the terms of section 6(c) of this  
9 Act.”.

10 **SEC. 408. ENFORCEMENT.**

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

13 **“SEC. 10. ENFORCEMENT.**

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

17 **SEC. 409. REDUCTION OF BYCATCH.**

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

20 **SEC. 410. REPEAL OF EASTERN PACIFIC TUNA LICENSING**  
21 **ACT OF 1984.**

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



Calendar No. 710

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

**S. 2870**

**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.

DECEMBER 17, 2010

Reported without amendment