

112TH CONGRESS
2D SESSION

H. R. 4100

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2012

Ms. BORDALLO (for herself, Mr. GUINTA, Mr. FARR, Mr. SABLAN, Mr. PIERLUISI, Mr. FALEOMAVAEGA, and Mrs. CHRISTENSEN) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Illegal, Unreported,
5 and Unregulated Fishing Enforcement Act of 2011”.

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

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

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—STRENGTHENING FISHERIES ENFORCEMENT MECHANISMS

- Sec. 101. Amendments to the High Seas Driftnet Fishing Moratorium Protection Act.
- Sec. 102. Amendments to the High Seas Driftnet Fisheries Enforcement Act.
- Sec. 103. Amendments to North Pacific Anadromous Stocks Act of 1992.
- Sec. 104. Amendments to the Pacific Salmon Treaty Act of 1985.
- Sec. 105. Amendments to the Western and Central Pacific Fisheries Convention Implementation Act.
- Sec. 106. Amendments to the South Pacific Tuna Act of 1988.
- Sec. 107. Amendments to the Antarctic Marine Living Resources Convention Act.
- Sec. 108. Amendments to the Atlantic Tunas Convention Act.
- Sec. 109. Amendments to the High Seas Fishing Compliance Act of 1965.
- Sec. 110. Amendments to the Dolphin Protection Consumer Information Act.
- Sec. 111. Amendments to the Northern Pacific Halibut Act of 1982.
- Sec. 112. Amendments to the Northwest Atlantic Fisheries Convention Act of 1995.
- Sec. 113. Amendment to the Magnuson-Stevens Fishery Conservation and Management Act.
- Sec. 114. International cooperation and assistance.

TITLE II—IMPLEMENTATION OF THE ANTIGUA CONVENTION

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

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

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

6 (a) ADMINISTRATION AND ENFORCEMENT.—Section
7 606 of the High Seas Driftnet Fishing Moratorium Pro-

1 tion Act (16 U.S.C. 1826g) is amended by inserting
2 before the first sentence the following:

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

12 “(b) ACTS TO WHICH SECTION APPLIES.—This sec-
13 tion applies to—

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

16 “(2) the Dolphin Protection Consumer Informa-
17 tion Act (16 U.S.C. 1385);

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

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

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

24 “(6) the Antarctic Marine Living Resources
25 Convention Act of 1984 (16 U.S.C. 2431 et seq.);

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

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

5 “(9) the Western and Central Pacific Fisheries
6 Convention Implementation Act (16 U.S.C. 6901 et
7 seq.).

8 “(c) ADMINISTRATION AND ENFORCEMENT.—The
9 Secretary shall prevent any person from violating this Act,
10 or any Act to which this section applies, in the same man-
11 ner, by the same means, and with the same jurisdiction,
12 powers, and duties as though sections 308 through 311
13 of the Magnuson-Stevens Fishery Conservation and Man-
14 agement Act (16 U.S.C. 1858 through 1861) were incor-
15 porated into and made a part of and applicable to this
16 Act and each such Act.

17 “(d) SPECIAL RULES.—

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

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

3 “(2) ADDITIONAL ENFORCEMENT AUTHOR-
4 ITY.—In addition to the powers of officers author-
5 ized pursuant to subsection (c), any officer who is
6 authorized by the Secretary, or the head of any Fed-
7 eral or State agency that has entered into an agree-
8 ment with the Secretary under subsection (a), to en-
9 force the provisions of any Act to which this section
10 applies may, with the same jurisdiction, powers, and
11 duties as though section 311 of the Magnuson-Ste-
12 vens Fishery Conservation and Management Act (16
13 U.S.C. 1861) were incorporated into and made a
14 part of each such Act—

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

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

23 “(C) detain, for a period of up to 5 days,
24 any shipment of fish or fish product imported
25 into, landed on, introduced into, exported from,

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

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

14 “(E) search and seize, in accordance with
15 any guidelines that are issued by the Attorney
16 General; and

17 “(F) execute and serve any subpoena, ar-
18 rest warrant, search warrant issued in accord-
19 ance with rule 41 of the Federal Rules of
20 Criminal Procedure, or other warrant or civil or
21 criminal process issued by any officer or court
22 of competent jurisdiction.

23 “(3) DISCLOSURE OF ENFORCEMENT INFORMA-
24 TION.—The Secretary may disclose, as necessary
25 and appropriate, information, including information

1 collected under joint authority of the Magnuson-Ste-
2 vens Fishery Conservation and Management Act (16
3 U.S.C. 1801 et seq.) and the Atlantic Tunas Con-
4 vention Act of 1975 (16 U.S.C. 71 et seq.) or the
5 Western and Central Pacific Fisheries Convention
6 Implementation Act (16 U.S.C. 6901 et seq.) or
7 other statutes implementing international fishery
8 agreements, to any other Federal or State govern-
9 ment agency, the Food and Agriculture Organization
10 of the United Nations, the secretariat or equivalent
11 of an international fishery management organization
12 or arrangement made pursuant to an international
13 fishery agreement, or a foreign government, if—

14 “(A) such government, organization, or ar-
15 rangement has policies and procedures to pro-
16 tect such information from unintended or unau-
17 thorized disclosure; and

18 “(B) such disclosure is necessary—

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

22 “(ii) to administer or enforce any
23 international fishery agreement to which
24 the United States is a party;

1 “(iii) to administer or enforce a bind-
2 ing conservation measure adopted by any
3 international organization or arrangement
4 to which the United States is a party;

5 “(iv) to assist in any investigative, ju-
6 dicial, or administrative enforcement pro-
7 ceeding in the United States; or

8 “(v) to assist in any law enforcement
9 action undertaken by a law enforcement
10 agency of a foreign government, or in rela-
11 tion to a legal proceeding undertaken by a
12 foreign government.

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

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

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

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; or

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

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

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

22 “(f) CIVIL PENALTY.—Any person who commits any
23 act that is unlawful under subsection (e) shall be liable
24 to the United States for a civil penalty, and may be subject
25 to a permit sanction, under section 308 of the Magnuson-

1 Stevens Fishery Conservation and Management Act (16
2 U.S.C. 1858).

3 “(g) CRIMINAL PENALTY.—Any person who commits
4 an act that is unlawful under subsection (e)(2), (e)(3),
5 (e)(4), (e)(5), or (e)(6) is deemed to be guilty of an offense
6 punishable under section 309(b) of the Magnuson-Stevens
7 Fishery Conservation and Management Act (16 U.S.C.
8 1859(b)).

9 “(h) UTILIZATION OF FEDERAL AGENCY ASSETS.—
10 ”.

11 (b) ACTIONS TO IMPROVE THE EFFECTIVENESS OF
12 INTERNATIONAL FISHERY MANAGEMENT ORGANIZA-
13 TIONS.—Section 608 of such Act (16 U.S.C. 1826i) is
14 amended by—

15 (1) inserting before the first sentence the fol-
16 lowing: “(a) IN GENERAL.—”;

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

22 (3) adding at the end the following new sub-
23 sections:

24 “(b) DISCLOSURE OF INFORMATION.—The Secretary
25 may disclose, as necessary and appropriate, information,

1 including information collected under joint authority of
2 the Magnuson-Stevens Fishery Conservation and Manage-
3 ment Act (16 U.S.C. 1801 et seq.) and the Atlantic Tunas
4 Convention Act of 1975 (16 U.S.C. 71 et seq.), the West-
5 ern and Central Pacific Fisheries Convention Implementa-
6 tion Act (16 U.S.C. 6901 et seq.), any other statute imple-
7 menting an international fishery agreement, to any other
8 Federal or State government agency, the Food and Agri-
9 culture Organization of the United Nations, or the secre-
10 tariat or equivalent of an international fishery manage-
11 ment organization or arrangement made pursuant to an
12 international fishery agreement, if such government, orga-
13 nization, or arrangement, respectively, has policies and
14 procedures to protect such information from unintended
15 or unauthorized disclosure.

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

17 “(1) develop, maintain, and make public a list
18 of vessels and vessel owners engaged in illegal, unre-
19 ported, or unregulated fishing or fishing-related ac-
20 tivities in support of illegal, unreported, or unregu-
21 lated fishing, including vessels or vessel owners iden-
22 tified by an international fishery management orga-
23 nization or arrangement made pursuant to an inter-
24 national fishery agreement, that—

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

1 “(B) the United States is not party to, but
2 whose procedures and criteria in developing and
3 maintaining a list of such vessels and vessel
4 owners are substantially similar to such proce-
5 dures and criteria adopted pursuant to an inter-
6 national fishery agreement to which the United
7 States is a party; and

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

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

18 (c) NOTIFICATION REGARDING IDENTIFICATION OF
19 NATIONS.—Section 609(b) of such Act (166 U.S.C.
20 1826j(b)) is amended to read as follows:

21 “(b) NOTIFICATION.—The Secretary shall notify the
22 President and that nation of such an identification.”.

23 (d) NATIONS IDENTIFIED UNDER SECTION 610.—
24 Section 610(b)(1) of such Act (16 U.S.C. 1826k(b)(1))
25 is amended to read as follows:

1 “(1) notify, as soon as possible, the President
 2 and nations that have been identified under sub-
 3 section (a), and also notify other nations whose ves-
 4 sels engage in fishing activities or practices de-
 5 scribed in subsection (a), about the provisions of this
 6 section and this Act;”.

7 (e) EFFECT OF CERTIFICATION UNDER SECTION
 8 609.—Section 609(d)(3)(A)(i) of such Act (16 U.S.C.
 9 1826j(d)(3)(A)(i)) is amended by striking “that has not
 10 been certified by the Secretary under this subsection, or”.

11 (f) EFFECT OF CERTIFICATION UNDER SECTION
 12 610.—Section 610(c)(5) of such Act (16 U.S.C.
 13 1826k(c)(5)) is amended by striking “that has not been
 14 certified by the Secretary under this subsection, or”.

15 (g) IDENTIFICATION OF NATIONS.—

16 (1) SCOPE OF IDENTIFICATION FOR ACTIONS
 17 OF FISHING VESSELS.—Section 609(a) of such Act
 18 (16 U.S.C. 1826j(a)) is amended—

19 (A) in the matter preceding paragraph (1)
 20 by striking “2 years” and inserting “3 years”;

21 (B) in paragraph (1), by inserting “that
 22 undermines the effectiveness of measures re-
 23 quired by an international fishery management
 24 organization, taking into account whether”
 25 after “(1)”; and

1 (C) in paragraph (1), by striking “vessels
2 of”.

3 (2) ADDITIONAL GROUNDS FOR IDENTIFICA-
4 TION.—Section 609(a) of such Act (16 U.S.C.
5 1826j(a)) is further amended—

6 (A) by redesignating paragraphs (1) and
7 (2) in order as subparagraphs (A) and (B) (and
8 by moving the margins of such subparagraphs
9 2 ems to the right);

10 (B) by inserting before the first sentence
11 the following:

12 “(1) IDENTIFICATION FOR ACTIONS OF FISHING
13 VESSELS.—”; and

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

15 “(2) IDENTIFICATION FOR ACTIONS OF NA-
16 TION.—Taking into account the factors described
17 under section 609(a)(1), the Secretary shall also
18 identify, and list in such report, a nation—

19 “(A) if it is violating, or has violated at
20 any point during the preceding three years, con-
21 servation and management measures required
22 under an international fishery management
23 agreement to which the United States is a
24 party and the violations undermine the effec-
25 tiveness of such measures; or

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

6 “(3) APPLICATION TO OTHER ENTITIES.—
7 Where the provisions of this Act are applicable to
8 nations, they shall also be applicable, as appropriate,
9 to other entities that have competency to enter into
10 international fishery management agreements.”.

11 (3) PERIOD OF FISHING PRACTICES SUP-
12 PORTING IDENTIFICATION.—Section 610(a)(1) of
13 such Act (16 U.S.C. 1826k(a)(1)) is amended by
14 striking “calendar year” and replacing with “three
15 years”.

16 (h) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) Section 609(f) of such Act (16 U.S.C.
18 1826j) is amended by—

19 (A) striking “2007” and inserting “2012”;

20 and

21 (B) striking “2013” and inserting “2017”.

22 (2) Section 610(f) of such Act (16 U.S.C.
23 1826k) is amended by—

24 (A) striking “2007” and inserting “2012”;

25 and

1 (B) striking “2013” and inserting “2017”.

2 (i) TECHNICAL CORRECTIONS.—

3 (1) Section 607(2) of such Act (16 U.S.C.
4 1826h(2)) is amended by striking “whose vessels”
5 and inserting “that”.

6 (2) Section 609(d)(1) of such Act (16 U.S.C.
7 1826j(d)(1)) is amended by striking “of its fishing
8 vessels”.

9 (3) Section 609(d)(1)(A) of such Act (16
10 U.S.C. 1826j(d)(1)(A)) is amended by striking “of
11 its fishing vessels”.

12 (4) Section 609(d)(2) of such Act (16 U.S.C.
13 1826j(d)(2)) is amended—

14 (A) by striking “for certification” and in-
15 serting “to authorize”;

16 (B) by inserting “the importation” after
17 “or other basis”;

18 (C) by striking “harvesting”; and

19 (D) by striking “not certified under para-
20 graph (1)” and inserting “issued a negative cer-
21 tification under paragraph (1)”.

22 (5) Section 610 of such Act (16 U.S.C. 1826k)
23 is amended as follows:

24 (A) In subsection (a)(1), by striking “prac-
25 tices;” and inserting “practices—”.

1 (B) In subsection (c)(1)(A), by striking “,
 2 and which, in the case of pelagic longline fish-
 3 ing, includes mandatory use of circle hooks,
 4 careful handling and release equipment, and
 5 training and observer programs”.

6 (C) In subsection (c)(4), by striking all
 7 preceding subparagraph (B) and inserting the
 8 following:

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

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

21 **SEC. 102. AMENDMENTS TO THE HIGH SEAS DRIFTNET**
 22 **FISHERIES ENFORCEMENT ACT.**

23 (a) NEGATIVE CERTIFICATION EFFECTS.—Section
 24 101 of the High Seas Driftnet Fisheries Enforcement Act
 25 (16 U.S.C. 1826a) is amended—

1 (1) in subsection (a)(2), by striking “recognized
2 principles of” after “in accordance with”;

3 (2) in subsection (a)(2)(A), by inserting “or, as
4 appropriate, for fishing vessels of a nation that re-
5 ceives a negative certification under section 609(d)
6 or section 610(c) of the High Seas Driftnet Fishing
7 Moratorium Protection Act (16 U.S.C. 1826)” after
8 “(1)”;

9 (3) in subsection (a)(2)(B), by inserting before
10 the period the following: “, except for the purposes
11 of inspecting such vessel, conducting an investiga-
12 tion, or taking other appropriate enforcement ac-
13 tion”;

14 (4) in subsection (b)(1)(A)(i), by striking “or il-
15 legal, unreported, or unregulated fishing” after
16 “driftnet fishing”;

17 (5) in subsection (b)(1)(B) and subsection
18 (b)(2), by striking “or illegal, unreported, or unregu-
19 lated fishing” after “driftnet fishing” each place it
20 appears;

21 (6) in subsection (b)(3)(A)(i), by inserting “or
22 a negative certification under section 609(d) or sec-
23 tion 610(c) of the High Seas Driftnet Fishing Mora-
24 torium Protection Act (16 U.S.C. 1826j(d),
25 1826k(c))” after “(1)(A)”;

1 (7) in subsection (b)(4)(A), by inserting “or
2 issues a negative certification under section 609(d)
3 or section 610(c) of the High Seas Driftnet Fishing
4 Moratorium Protection Act (16 U.S.C. 1826j(d),
5 1826k(c))” after “paragraph (1)”;

6 (8) in subsection (b)(4)(A)(i), by striking “or il-
7 legal, unreported, or unregulated fishing” after
8 “driftnet fishing”; and

9 (9) in subsection (b)(4)(A)(i), by inserting “, or
10 to address the offending activities for which a nation
11 received a negative certification under section 609(d)
12 or 610(c) of the High Seas Driftnet Fishing Morato-
13 rium Protection Act (16 U.S.C. 1826j(d),
14 1826k(c))” after “beyond the exclusive economic
15 zone of any nation”.

16 (b) DURATION OF NEGATIVE CERTIFICATION EF-
17 FECTS.—Section 102 of such Act (16 U.S.C. 1826b) is
18 amended by—

19 (1) striking “or illegal, unreported, or unregu-
20 lated fishing”; and

21 (2) inserting “or effectively addressed the of-
22 fending activities for which the nation received a
23 negative certification under 609(d) or 610(c) of the
24 High Seas Driftnet Fishing Moratorium Protection

1 Act (16 U.S.C. 1826j(d), 1826k(c))” before the pe-
2 riod at the end.

3 **SEC. 103. AMENDMENTS TO NORTH PACIFIC ANADROMOUS**
4 **STOCKS ACT OF 1992.**

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

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

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

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

16 **“SEC. 811. ADDITIONAL PROHIBITIONS AND ENFORCE-**
17 **MENT.**

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

22 **SEC. 104. AMENDMENTS TO THE PACIFIC SALMON TREATY**
23 **ACT OF 1985.**

24 Section 8 of the Pacific Salmon Treaty Act of 1985
25 (16 U.S.C. 3637) is amended—

1 (1) in subsection (a)(2)—

2 (A) by inserting “, investigation,” after
3 “search”; and

4 (B) by striking “this title;” and inserting
5 “this Act;”;

6 (2) in subsection (a)(3)—

7 (A) by inserting “, investigation,” after
8 “search”; and

9 (B) by striking “subparagraph (2) ;” and
10 inserting “paragraph (2);”;

11 (3) in subsection (a)(5), by striking “this title;
12 or” and inserting “this Act;” and

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

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

20 **SEC. 105. AMENDMENTS TO THE WESTERN AND CENTRAL**
21 **PACIFIC FISHERIES CONVENTION IMPLE-**
22 **MENTATION ACT.**

23 The Western and Central Pacific Fisheries Conven-
24 tion Implementation Act (title V of Public Law 109–479)
25 is amended—

1 (1) by amending section 506(c) (16 U.S.C.
2 6905(c)) to read as follows:

3 “(c) ADDITIONAL PROHIBITIONS AND ENFORCE-
4 MENT.—For additional prohibitions relating to this Act
5 and enforcement of this Act, see section 606 of the High
6 Seas Driftnet Fishing Moratorium Protection Act (16
7 U.S.C. 1826g).”; and

8 (2) in section 507(a)(2) (16 U.S.C. 6906(a)(2))
9 by striking “suspension, on” and inserting “suspension,
10 of”.

11 **SEC. 106. AMENDMENTS TO THE SOUTH PACIFIC TUNA ACT**
12 **OF 1988.**

13 The South Pacific Tuna Act of 1988 is amended—

14 (1) in section 5(a) (16 U.S.C. 973c(a))—

15 (A) in paragraph (8), by inserting “, inves-
16 tigation,” after “search”; and

17 (B) in paragraph (10), by inserting “, in-
18 vestigation,” after “search”; and

19 (2) by striking sections 7 and 8 (16 U.S.C.
20 973e and 973f) and inserting the following:

21 **“SEC. 7. ADDITIONAL PROHIBITIONS AND ENFORCEMENT.**

22 “For additional prohibitions relating to this Act and
23 enforcement of this Act, see section 606 of the High Seas
24 Driftnet Fishing Moratorium Protection Act (16 U.S.C.
25 1826g).”.

1 **SEC. 107. AMENDMENTS TO THE ANTARCTIC MARINE LIV-**
2 **ING RESOURCES CONVENTION ACT.**

3 The Antarctic Marine Living Resources Convention
4 Act of 1984 is amended—

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

6 (A) in paragraph (3), by striking “which
7 he knows, or reasonably should have known,
8 was”;

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

11 (C) in paragraph (5), by inserting “, inves-
12 tigation,” after “search”;

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

14 (A) by inserting “(a) IN GENERAL.—” be-
15 fore the first sentence; and

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

17 “(b) REGULATIONS TO IMPLEMENT CONSERVATION
18 MEASURES.—

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

1 “(A) that has been in effect for 12 months
2 or less;

3 “(B) that is adopted by the Commission;
4 and

5 “(C) with respect to which the Secretary of
6 State does not notify Commission in accordance
7 with section 305(a)(1) within the time period
8 allotted for objections under Article IX of the
9 Convention.

10 “(2) ENTERING INTO FORCE.—Upon publica-
11 tion of such regulation in the Federal Register, such
12 conservation measure shall enter into force with re-
13 spect to the United States.”; and

14 (3) by striking sections 308 and 309 (16 U.S.C.
15 2437 and 2438) and inserting the following:

16 **“SEC. 308. ADDITIONAL PROHIBITIONS AND ENFORCE-**
17 **MENT.**

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

22 **SEC. 108. AMENDMENTS TO THE ATLANTIC TUNAS CONVEN-**
23 **TION ACT.**

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

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

3 (A) by striking “(A)” and inserting “(i”;

4 (B) by striking “(B)” and inserting “(ii”;

5 (C) by inserting “(A)” after “(2)”;

6 (D) by adding at the end the following:

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

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

16 (3) in section 8 (16 U.S.C. 971f)—

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

18 and

19 (B) by inserting before subsection (b) the
20 following:

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

1 (4) in section 8(b) by striking “the enforcement
2 activities specified in section 8(a) of this Act” each
3 place it appears and inserting “enforcement activi-
4 ties with respect to this Act that are otherwise au-
5 thorized by law”; and

6 (5) by striking section 11 (16 U.S.C. 971j) and
7 redesignating sections 12 and 13 as sections 11 and
8 12, respectively.

9 **SEC. 109. AMENDMENTS TO THE HIGH SEAS FISHING COM-**
10 **PLIANCE ACT OF 1965.**

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

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

16 “(1) any other permit or authorization required
17 for the vessel to fish is expired, revoked, or sus-
18 pended; or

19 “(2) the vessel is no longer documented under
20 the laws of the United States or eligible for such
21 documentation.”.

1 **SEC. 110. AMENDMENTS TO THE DOLPHIN PROTECTION**
2 **CONSUMER INFORMATION ACT.**

3 The Dolphin Protection Consumer Information Act
4 (16 U.S.C. 1385) is amended by amending subsection (e)
5 to read as follows:

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

11 **SEC. 111. AMENDMENTS TO THE NORTHERN PACIFIC HAL-**
12 **IBUT ACT OF 1982.**

13 (a) **PROHIBITED ACTS.**—Section 7 of the Northern
14 Pacific Halibut Act of 1982 (16 U.S.C. 773e) is amend-
15 ed—

16 (1) in paragraph (a) by redesignating subpara-
17 graphs (1) through (6) as subparagraphs (A)
18 through (F);

19 (2) by redesignating paragraphs (a) and (b) as
20 paragraphs (1) and (2), respectively;

21 (3) by in paragraph (1)(B), as so redesignated,
22 by inserting “, investigation,” before “or inspec-
23 tion”;

24 (4) by in paragraph (1)(C), as so redesignated,
25 by inserting “, investigation,” before “or inspec-
26 tion”;

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

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

5 (b) ENFORCEMENT POWERS.—Section 11 of the
6 Northern Pacific Halibut Act of 1982 (16 U.S.C. 773i)
7 is amended by adding at the end the following:

8 “(g) In addition to the powers of officers authorized
9 pursuant to subsection (b), any officer who is authorized
10 by the Secretary, or by the head of any Federal or State
11 agency that has entered into an agreement with the Sec-
12 retary under subsection (a), to enforce the Convention,
13 this Act, or any regulation adopted under this Act, may—

14 “(1) search or inspect any facility or convey-
15 ance used or employed in, or which reasonably ap-
16 pears to be used or employed in, the storage, proc-
17 essing, transport, or trade of fish or fish products;

18 “(2) inspect records pertaining to the storage,
19 processing, transport, or trade of fish or fish prod-
20 ucts; and

21 “(3) detain, for a period of up to 5 days, any
22 shipment of fish or fish product imported into, land-
23 ed on, introduced into, exported from, or transported
24 within the jurisdiction of the United States, or, if
25 such fish or fish product is deemed to be perishable,

1 sell and retain the proceeds therefrom for a period
 2 of up to 5 days.”.

3 **SEC. 112. AMENDMENTS TO THE NORTHWEST ATLANTIC**
 4 **FISHERIES CONVENTION ACT OF 1995.**

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

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

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

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

14 (4) by striking subsections (b) through (f) and
 15 inserting the following:

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

21 **SEC. 113. AMENDMENT TO THE MAGNUSON-STEVENSON FISHERY**
 22 **CONSERVATION AND MANAGEMENT ACT.**

23 Section 307(1)(Q) of the Magnuson-Stevens Fishery
 24 Conservation and Management Act (16 U.S.C.
 25 1857(1)(Q)) is amended by inserting before the semicolon

1 the following: “or any treaty or in contravention of any
2 binding conservation measure adopted by an international
3 agreement or organization to which the United States is
4 a party”.

5 **SEC. 114. INTERNATIONAL COOPERATION AND ASSIST-**
6 **ANCE.**

7 (a) INTERNATIONAL COOPERATION AND ASSIST-
8 ANCE.—The Secretary of Commerce, acting through the
9 National Marine Fisheries Service, may engage in inter-
10 national cooperation and provide assistance, including
11 grants, to help other nations achieve sustainable fisheries.

12 (b) AUTHORIZED ACTIVITIES.—In providing assist-
13 ance to other nations, the Secretary may—

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

17 (2) provide funding and technical expertise to
18 other nations to assist them in reducing the loss and
19 environmental impacts of derelict fishing gear, re-
20 ducing the bycatch of living marine resources, and
21 promoting international marine resource conserva-
22 tion;

23 (3) provide funding, technical expertise, and
24 training to other nations to aid them in building ca-
25 pacity for enhanced fisheries management, fisheries

1 monitoring, catch and trade tracking activities, en-
2 forcement, and international marine resource con-
3 servation;

4 (4) establish partnerships with other Federal
5 agencies or non-governmental organizations, as ap-
6 propriate, to ensure that fisheries development as-
7 sistance to other nations is directed toward projects
8 that promote sustainable fisheries; and

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

15 (c) GUIDELINES.—The Secretary may establish
16 guidelines necessary to implement this section.

17 **TITLE II—IMPLEMENTATION OF** 18 **THE ANTIGUA CONVENTION**

19 **SEC. 201. SHORT TITLE.**

20 This title may be cited as the “Antigua Convention
21 Implementing Act of 2011”.

22 **SEC. 202. AMENDMENT OF THE TUNA CONVENTIONS ACT** 23 **OF 1950.**

24 Except as otherwise expressly provided, whenever in
25 this title an amendment or repeal is expressed in terms

1 of an amendment to, or repeal of, a section or other provi-
 2 sion, the reference shall be considered to be made to a
 3 section or other provision of the Tuna Conventions Act
 4 of 1950 (16 U.S.C. 951 et seq.).

5 **SEC. 203. DEFINITIONS.**

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

8 **“SEC. 2. DEFINITIONS.**

9 “In this Act:

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

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

20 “(3) CONVENTION.—The term ‘Convention’
 21 means—

22 “(A) the Convention for the Establishment
 23 of an Inter-American Tropical Tuna Commis-
 24 sion, signed at Washington, May 31, 1949, by

1 the United States of America and the Republic
2 of Costa Rica;

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

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

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

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

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

18 **SEC. 204. COMMISSIONERS; NUMBER, APPOINTMENT, AND**
19 **QUALIFICATIONS.**

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

22 **“SEC. 3. COMMISSIONERS.**

23 “(a) COMMISSIONERS.—The United States shall be
24 represented on the Commission by 4 United States Com-
25 missioners. The President shall appoint individuals to

1 serve on the Commission at the pleasure of the President.
2 In making the appointments, the President shall select
3 United States Commissioners from among individuals who
4 are knowledgeable or experienced concerning highly migra-
5 tory fish stocks in the eastern tropical Pacific Ocean, one
6 of whom shall be an officer or employee of the Department
7 of Commerce. Not more than 2 United States Commis-
8 sioners may be appointed who reside in a State other than
9 a State whose vessels maintain a substantial fishery in the
10 area of the Convention.

11 “(b) ALTERNATE COMMISSIONERS.—The Secretary
12 of State, in consultation with the Secretary, may designate
13 from time to time and for periods of time deemed appro-
14 priate Alternate United States Commissioners to the Com-
15 mission. Any Alternate United States Commissioner may
16 exercise, at any meeting of the Commission or of the Gen-
17 eral Advisory Committee or Scientific Advisory Sub-
18 committee established pursuant to section 4(b), all powers
19 and duties of a United States Commissioner in the ab-
20 sence of any United States Commissioner appointed pur-
21 suant to subsection (a) of this section for whatever reason.
22 The number of such Alternate United States Commis-
23 sioners that may be designated for any such meeting shall
24 be limited to the number of United States Commissioners

1 appointed pursuant to subsection (a) of this section who
2 will not be present at such meeting.

3 “(c) ADMINISTRATIVE MATTERS.—

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

12 “(2) COMPENSATION.—The United States Com-
13 missioners or Alternate Commissioners, although of-
14 ficers of the United States while so serving, shall re-
15 ceive no compensation for their services as United
16 States Commissioners or Alternate Commissioners.

17 “(3) TRAVEL EXPENSES.—

18 “(A) The Secretary of State shall pay the
19 necessary travel expenses of United States
20 Commissioners and Alternate United States
21 Commissioners to meetings of the Inter-Amer-
22 ican Tropical Tuna Commission and other
23 meetings the Secretary of State deems nec-
24 essary to fulfill their duties, in accordance with
25 the Federal Travel Regulations and sections

1 5701, 5702, 5704 through 5708, and 5731 of
2 title 5, United States Code.

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

6 **SEC. 205. GENERAL ADVISORY COMMITTEE AND SCI-**
7 **ENTIFIC ADVISORY SUBCOMMITTEE.**

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

9 (1) by striking subsection (a) and inserting the
10 following:

11 “(a) GENERAL ADVISORY COMMITTEE.—

12 “(1) APPOINTMENTS; PUBLIC PARTICIPATION;
13 COMPENSATION.—

14 “(A) The Secretary, in consultation with
15 the Secretary of State, shall appoint a General
16 Advisory Committee which shall consist of not
17 more than 25 individuals who shall be rep-
18 resentative of the various groups concerned
19 with the fisheries covered by the Convention, in-
20 cluding nongovernmental conservation organiza-
21 tions, providing to the maximum extent prac-
22 ticable an equitable balance among such groups.
23 Members of the General Advisory Committee
24 will be eligible to participate as members of the
25 United States delegation to the Commission

1 and its working groups to the extent the Com-
2 mission rules and space for delegations allow.

3 “(B) The chair of the Pacific Fishery
4 Management Council’s Advisory Subpanel for
5 Highly Migratory Fisheries and the chair of the
6 Western Pacific Fishery Management Council’s
7 Advisory Committee shall be ex-officio members
8 of the General Advisory Committee by virtue of
9 their positions in those Councils.

10 “(C) Each member of the General Advi-
11 sory Committee appointed under subparagraph
12 (A) shall serve for a term of 3 years and is eli-
13 gible for reappointment.

14 “(D) The General Advisory Committee
15 shall be invited to attend all non-executive
16 meetings of the United States delegation and at
17 such meetings shall be given opportunity to ex-
18 amine and to be heard on all proposed pro-
19 grams of investigation, reports, recommenda-
20 tions, and regulations of the Commission.

21 “(E) The General Advisory Committee
22 shall determine its organization, and prescribe
23 its practices and procedures for carrying out its
24 functions under this title, the Magnuson-Ste-
25 vens Fishery Conservation and Management

1 Act (16 U.S.C. 1801 et seq.), and the Conven-
2 tion. The General Advisory Committee shall
3 publish and make available to the public a
4 statement of its organization, practices and pro-
5 cedures. Meetings of the General Advisory Com-
6 mittee, except when in executive session, shall
7 be open to the public, and prior notice of meet-
8 ings shall be made public in timely fashion. The
9 General Advisory Committee shall not be sub-
10 ject to the Federal Advisory Committee Act (5
11 U.S.C. App.).

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

17 “(3) ADMINISTRATIVE MATTERS.—

18 “(A) The Secretary shall provide to the
19 General Advisory Committee in a timely man-
20 ner such administrative and technical support
21 services as are necessary for its effective func-
22 tioning.

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
7 employed intermittently in the Government
8 service are allowed expenses under section
9 5703 of title 5, United States Code; and

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

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

18 “(b) SCIENTIFIC ADVISORY SUBCOMMITTEE.—(1)
19 The Secretary, in consultation with the Secretary of State,
20 shall appoint a Scientific Advisory Subcommittee of not
21 less than 5 nor more than 15 qualified scientists with bal-
22 anced representation from the public and private sectors,
23 including nongovernmental conservation organizations.”;
24 and

1 (3) in subsection (b)(3), by striking “General
2 Advisory Subcommittee” and inserting “General Ad-
3 visory Committee”.

4 **SEC. 206. RULEMAKING.**

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

7 **“(a) REGULATIONS.—**

8 The Secretary, in consultation
9 with the Secretary of State and, with respect to enforce-
10 ment measures, the Secretary of the Department in which
11 the Coast Guard is operating, may promulgate such regu-
12 lations as may be necessary to carry out the United States
13 international obligations under the Convention and this
14 Act, including recommendations and decisions adopted by
15 the Commission. In cases where the Secretary has discre-
16 tion in the implementation of one or more measures adopt-
17 ed by the Commission that would govern fisheries under
18 the authority of a Regional Fishery Management Council,
19 the Secretary may, to the extent practicable within the im-
20 plementation schedule of the Convention and any rec-
21 ommendations and decisions adopted by the Commission,
22 promulgate such regulations in accordance with the proce-
23 dures established by the Magnuson-Stevens Fishery Con-
24 servation and Management Act (16 U.S.C. 1801 et seq.).

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

6 **SEC. 207. PROHIBITED ACTS.**

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

8 (1) by striking “section 6(c) of this Act” each
9 place it appears and inserting “section 6”; and

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

11 “(i) ADDITIONAL PROHIBITIONS AND ENFORCE-
12 MENT.—For prohibitions relating to this Act and enforce-
13 ment of this Act, see section 606 of the High Seas
14 Driftnet Fishing Moratorium Protection Act (16 U.S.C.
15 1826g).”.

16 **SEC. 208. ENFORCEMENT.**

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

19 **“SEC. 10. ENFORCEMENT.**

20 “For enforcement of this Act, see section 606 of the
21 High Seas Driftnet Fishing Moratorium Protection Act
22 (16 U.S.C. 1826g).”.

23 **SEC. 209. REDUCTION OF BYCATCH.**

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

1 **SEC. 210. REPEAL OF EASTERN PACIFIC TUNA LICENSING**

2 **ACT OF 1984.**

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

