

103^D CONGRESS
1ST SESSION

S. 1611

To authorize appropriations to carry out the Atlantic Tunas Convention Act of 1975, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 1993

Mr. KERRY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To authorize appropriations to carry out the Atlantic Tunas Convention Act of 1975, 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 “Atlantic Tunas Con-
5 vention Authorization Act of 1993”.

6 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 10 of the Atlantic Tunas Convention Act of
8 1975 (16 U.S.C. 971h) is amended to read as follows:

9 “SEC. 10. There are authorized to be appropriated
10 to carry out this Act, including use for payment of United

1 States share of the joint expenses of the Commission as
2 provided in article X of the Convention, the following
3 sums:

4 “(1) For fiscal year 1994, \$2,750,000, of which
5 \$50,000 are authorized in the aggregate for the ad-
6 visory committee established under section 4 and the
7 species working groups established under section 4A,
8 and \$1,500,000 are authorized for research activities
9 under this Act.

10 “(2) For fiscal year 1995, \$4,000,000, of which
11 \$62,000 are authorized in the aggregate for such
12 advisory committee and such working groups, and
13 \$2,500,000 are authorized for such research activi-
14 ties.

15 “(3) For fiscal year 1996, \$4,000,000 of which
16 \$75,000 are authorized in the aggregate for such
17 advisory committee and such working groups, and
18 \$2,500,000 are authorized for such research activi-
19 ties.”.

20 **SEC. 3. ADVISORY COMMITTEE PROCEDURES.**

21 Section 4 of the Atlantic Tunas Convention Act of
22 1975 (16 U.S.C. 971b) is amended—

23 (1) by designating the existing text as sub-
24 section (a); and

1 (2) by adding at the end the following new sub-
2 section:

3 “(b)(1) A majority of the members of the advisory
4 committee shall constitute a quorum, but one or more such
5 members designated by the advisory committee may hold
6 meetings to provide for public participation and to discuss
7 measures relating to the United States implementation of
8 Commission recommendations. All decisions of the advi-
9 sory committee shall be by a three-fifths majority vote of
10 the members present and voting.

11 “(2) The advisory committee shall elect a Chairman
12 from among its members.

13 “(3) The advisory committee shall meet at appro-
14 priate times and places at least twice a year, at the call
15 of the Chairman or upon the request of the majority of
16 its voting members, the United States Commissioners, the
17 Secretary, or the Secretary of State.

18 “(4)(A) The Secretary shall provide to the advisory
19 committee such administrative and technical support serv-
20 ices as are necessary for the effective functioning of the
21 committee.

22 “(B) The Secretary and the Secretary of State shall
23 furnish the advisory committee with relevant information
24 concerning fisheries and international fishery agreements.

1 “(5) The advisory committee shall determine its orga-
2 nization, and prescribe its practices and procedures for
3 carrying out its functions under this Act, the Magnuson
4 Fishery Conservation and Management Act (16 U.S.C.
5 1801 et seq.), and the Convention. The advisory commit-
6 tee shall publish and make available to the public a state-
7 ment of its organization, practices, and procedures.”.

8 **SEC. 4. RESEARCH ACTIVITIES.**

9 (a) REPORT TO CONGRESS.—The Secretary of Com-
10 merce shall, within 90 days after the date of enactment
11 of this Act, report to the Committee on Commerce,
12 Science, and Transportation of the Senate and the Com-
13 mittee on Merchant Marine and Fisheries of the House
14 of Representatives—

15 (1) identifying current governmental and non-
16 governmental research activities on Atlantic bluefin
17 tuna and other highly migratory species;

18 (2) describing the personnel and budgetary re-
19 sources allocated to such activities; and

20 (3) explaining how each activity contributes to
21 the conservation and management of Atlantic bluefin
22 tuna and other highly migratory species.

23 (b) RESEARCH PROGRAM.—Section 3 of the Act of
24 September 4, 1980 (16 U.S.C. 971i) is amended—

1 (1) by amending the section heading to read as
2 follows:

3 **“SEC. 3. RESEARCH ON ATLANTIC HIGHLY MIGRATORY**
4 **SPECIES.”;**

5 (2) by striking the last sentence;

6 (3) by inserting “(a) BIENNIAL REPORT ON
7 BLUEFIN TUNA.—” immediately before “The Sec-
8 retary of Commerce shall”; and

9 (4) by adding at the end the following new sub-
10 section:

11 “(b) HIGHLY MIGRATORY SPECIES RESEARCH.—(1)
12 Within 6 months after the date of enactment of this sub-
13 section, the Secretary of Commerce, in cooperation with
14 the advisory committee established under section 4 of the
15 Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b)
16 and in consultation with the United States Commissioners
17 on the International Commission for the Conservation of
18 Atlantic Tunas and the Secretary of State, shall develop
19 and implement a comprehensive research program to sup-
20 port the conservation and management of Atlantic bluefin
21 tuna and other highly migratory species that shall—

22 “(A) identify and define the range of stocks of
23 highly migratory species in the Atlantic Ocean, in-
24 cluding Atlantic bluefin tuna; and

1 “(B) provide for appropriate program participa-
2 tion by nations participating in the Commission.

3 “(2) The program shall provide for, but not be lim-
4 ited to—

5 “(A) statistically designed tagging studies;

6 “(B) genetic and biochemical stock analyses;

7 “(C) population censuses carried out through
8 aerial surveys of fishing grounds;

9 “(D) adequate observer coverage of commercial
10 and recreational fishing activity;

11 “(E) collection of real-time data on commercial
12 and recreational catches and landings, including
13 charter operations, fishing tournaments, and private
14 anglers;

15 “(F) studies of the life history parameters of
16 Atlantic bluefin tuna and other highly migratory
17 species; and

18 “(G) integration of data from all sources and
19 the preparation of data bases to support manage-
20 ment decisions.”.

21 **SEC. 5. ACTIONS TO IMPROVE CONSERVATION.**

22 (a) FINDINGS.—The Congress makes the following
23 findings:

1 (1) Atlantic bluefin tuna and other highly mi-
2 gratory species are valuable commercial and rec-
3 reational fisheries of the United States.

4 (2) The vessels of many countries, including the
5 United States, fish for Atlantic bluefin tuna and
6 other highly migratory species in the Atlantic Ocean
7 and the Mediterranean Sea.

8 (3) The International Commission for the Con-
9 servation of Atlantic Tunas (hereinafter referred to
10 as the “Commission”) is the international entity es-
11 tablished to adopt recommendations and develop
12 international agreements for the conservation and
13 management of Atlantic bluefin tuna and other high-
14 ly migratory species in the Atlantic Ocean and the
15 Mediterranean Sea.

16 (4) In the last 25 years Atlantic bluefin tuna
17 stocks and other stocks of highly migratory species
18 have declined from historic levels.

19 (5) Countries that are not members of the
20 Commission are having a detrimental impact on the
21 recovery of Atlantic bluefin tuna stocks and other
22 stocks of highly migratory species by fishing
23 throughout the Atlantic Ocean and the Mediterra-
24 nean Sea without regard for conservation and man-

1 agement recommendations and agreements adopted
2 by the Commission.

3 (6) For management purposes, the Commission
4 has adopted a working hypothesis of two stocks of
5 Atlantic bluefin tuna: a western stock found in the
6 Atlantic Ocean west of 45 degrees west longitude
7 (hereinafter referred to as the “45 degree line”),
8 and an eastern stock found in the Atlantic Ocean
9 east of the 45 degree line and in the Mediterranean
10 Sea.

11 (7) The existing scientific evidence is inconclu-
12 sive with respect to the working hypothesis of two
13 stocks, and the extent to which each of the hypoth-
14 esized stocks migrates across the 45 degree line is
15 unknown.

16 (8) The Commission adopted conservation and
17 management recommendations and agreements in
18 1974 to ensure the recovery and sustainability of all
19 Atlantic bluefin tuna throughout the Atlantic Ocean
20 and the Mediterranean Sea.

21 (9) In recent years, the Commission has adopt-
22 ed additional, more restrictive conservation and
23 management recommendations and agreements for
24 Atlantic bluefin tuna, for countries that fish for At-
25 lantic bluefin tuna west of the 45 degree line.

1 (10) The United States and other countries
2 that are members of the Commission and that fish
3 west of the 45 degree line have implemented all con-
4 servation and management recommendations and
5 agreements for Atlantic bluefin tuna adopted by the
6 Commission that apply west of the 45 degree line.
7 The implementing regulations have been vigorously
8 enforced by the Secretary of Commerce and the
9 Coast Guard.

10 (11) Many other countries that are members of
11 the Commission do not comply with conservation
12 and management recommendations and agreements
13 for Atlantic bluefin tuna adopted by the Commission
14 that apply east of the 45 degree line and in the
15 Mediterranean Sea. This noncompliance undermines
16 the recovery of Atlantic bluefin tuna stocks.

17 (12) Recent large increases in the catch of At-
18 lantic bluefin tuna within 100 miles east of the 45
19 degree line by countries that are members of the
20 Commission may be having a detrimental impact on
21 the recovery of Atlantic bluefin tuna and probably
22 do not comply with recommendations and agree-
23 ments of the Commission.

24 (b) OBJECTIVES.—It is the sense of the Congress
25 that—

1 (1) the United States and the Commission
2 should continue to promote the conservation and
3 management of Atlantic bluefin tuna and other high-
4 ly migratory species throughout the Atlantic Ocean
5 and the Mediterranean Sea;

6 (2) the United States should obtain commit-
7 ments through the Commission, from all countries
8 that are signatories to the International Convention
9 for the Conservation of Atlantic Tunas and that are
10 not in compliance with all of the conservation and
11 management recommendations and agreements for
12 Atlantic bluefin tuna and all other highly migratory
13 species that have been adopted by the Commission,
14 that those countries will immediately comply with
15 those recommendations and agreements;

16 (3) the United States should continue to en-
17 courage all other countries whose vessels fish for At-
18 lantic bluefin tuna and other highly migratory spe-
19 cies in the Atlantic Ocean or the Mediterranean Sea
20 to comply with the conservation and management
21 recommendations and agreements adopted for those
22 species by the Commission;

23 (4) if vessels of a country fish in the Atlantic
24 Ocean or the Mediterranean Sea for Atlantic bluefin
25 tuna or another highly migratory species without

1 complying with conservation and management rec-
2 ommendations and agreements of the Commission,
3 such fishing will be considered by the Congress to
4 diminish the effectiveness of an international fishery
5 conservation program, and as such will be considered
6 by the Congress to be certifiable under section
7 8(a)(1) of the Fishermen's Protective Act of 1967
8 (22 U.S.C. 1978(a)(1));

9 (5) the United States should encourage coun-
10 tries that have significant markets for Atlantic
11 bluefin tuna and other highly migratory species to
12 prohibit the importation of those species from coun-
13 tries whose vessels fish for such species without re-
14 gard for the conservation and management rec-
15 ommendations and agreements adopted by the Com-
16 mission;

17 (6) the United States should continue to ex-
18 plore, through the Commission, the appropriateness
19 of working hypotheses of the Commission that At-
20 lantic stocks of highly migratory species can be de-
21 linedated by lines of latitude or longitude and, specifi-
22 cally, that there are two stocks of Atlantic bluefin
23 tuna delineated by the 45 degree line; and

24 (7) the United States should seek through the
25 Commission an agreement to ensure that if the

1 Commission uses any line to divide stocks of Atlantic
2 bluefin tuna for management purposes and adopts
3 for that stock conservation and management rec-
4 ommendations and agreements for one side of the
5 line that are more restrictive than the conservation
6 and management recommendations and agreements
7 adopted by the Commission for the other side of the
8 line, then any fishing for Atlantic bluefin tuna with-
9 in 10 degrees of the line shall be conducted in com-
10 pliance with those more restrictive recommendations
11 and agreements.

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