

111TH CONGRESS  
1ST 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, and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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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,*

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

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

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 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.

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

7 **SEC. 101. AUTHORITY OF THE SECRETARY TO ENFORCE**  
 8 **STATUTES.**

9 (a) IN GENERAL.—

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

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

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

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

18                 (B) the Pacific Salmon Treaty Act of 1985  
19                 (16 U.S.C. 3631 et seq.);

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

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

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

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

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

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

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

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

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

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

18 (M) the Antigua Convention Implementing  
19 Act of 2009.

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

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

11 (c) SPECIAL RULES.—

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

21 (2) CIVIL ADMINISTRATIVE ENFORCEMENT.—

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

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

21           (4) CRIMINAL FINES AND PENALTIES.—

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

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

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

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

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

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

24 (6) CRIMINAL FORFEITURES.—

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

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

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

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



1 (7) ADDITIONAL ENFORCEMENT AUTHORITY.—

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

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

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

21 (C) detain, for a period of up to 14 days,  
22 any shipment of fish or fish product imported  
23 into, landed on, introduced into, exported from,  
24 or transported within the jurisdiction of the  
25 United States, or, if such fish or fish product

1 is deemed to be perishable, sell and retain the  
2 proceeds therefrom for a period of up to 14  
3 days; and

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

21 (8) SUBPOENAS.—In addition to any subpoena  
22 authority pursuant to subsection (b), the Secretary  
23 may, for the purposes of conducting any investiga-  
24 tion under this section, or any other statute adminis-  
25 tered by the Secretary, issue subpoenas for the pro-

1       duction of relevant papers, photographs, records,  
2       books, and documents in any form, including those  
3       in electronic, electrical, or magnetic form.

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

16      (e) PROHIBITED ACTS.—It is unlawful for any per-  
17      son—

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

21           (2) to refuse to permit any authorized enforce-  
22           ment officer to board, search, or inspect a vessel,  
23           conveyance, or shoreside facility that is subject to  
24           the person's control for purposes of conducting any  
25           search, investigation, or inspection in connection

1 with the enforcement of this section or any Act to  
2 which this section applies or any regulation promul-  
3 gated thereunder;

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

8 (4) to resist a lawful arrest for any act prohib-  
9 ited by this section or any Act to which this section  
10 applies;

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

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

24 (7) to import, export, transport, sell, receive,  
25 acquire, or purchase in interstate or foreign com-

1 merce any fish or fish product taken, possessed,  
2 transported, or sold in violation of any treaty or  
3 binding conservation measure adopted pursuant to  
4 an international agreement or organization to which  
5 the United States is a party; or

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

14 (f) REGULATIONS.—The Secretary may promulgate  
15 such regulations, in accordance with section 553 of title  
16 5, United States Code, as may be necessary to carry out  
17 this section or any Act to which this section applies.

18 **SEC. 102. CONFORMING, MINOR, AND TECHNICAL AMEND-**  
19 **MENTS.**

20 (a) HIGH SEAS DRIFTNET FISHING MORATORIUM  
21 PROTECTION ACT.—

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

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

4 (B) by adding at the end thereof the fol-  
5 lowing:

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

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

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

16 “(a) IDENTIFICATION.—

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

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

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

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

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

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

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

1           lated fishing in areas described in paragraph  
2           (1)(C).

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

9           (4) Section 609(d)(1) of the High Seas Driftnet  
10          Fishing Moratorium Protection Act (16 U.S.C.  
11          1826j(d)(1)) is amended by striking “of its fishing  
12          vessels” each place it appears.

13          (5) Section 609(d)(2) of the High Seas Driftnet  
14          Fishing Moratorium Protection Act (16 U.S.C.  
15          1826j(d)(2)) is amended—

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

18                (B) by striking “basis of fish” and insert-  
19                ing “basis, for allowing importation of fish”;  
20                and

21                (C) by striking “harvesting nation not cer-  
22                tified under paragraph (1)” and inserting “na-  
23                tion issued a negative certification under para-  
24                graph (1)”.



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

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

6                   (B) by striking “practices;” and inserting  
7                   “practices—”.

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

11                   (1) by adding at the end of subsection (d) the  
12                   following:

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

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

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

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

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

14 (2) by striking subsection (d) and inserting the  
15 following:

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

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

24 “(2) to forcibly assault, resist, oppose, impede,  
25 intimidate, or interfere with any such authorized of-

1        ficer in the conduct of any search, investigation or  
2        inspection described in paragraph (1);

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

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

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

11            (4) by inserting after subsection (d) the fol-  
12        lowing:

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

16        (d) NORTHERN PACIFIC ANADROMOUS STOCKS ACT  
17        OF 1992.—

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

21            (A) by striking “purchases” in paragraph  
22        (5) and inserting “purposes”;

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

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

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

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

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

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

18 (2) ADMINISTRATION AND ENFORCEMENT.—  
19 Section 811 of the Northern Pacific Anadromous  
20 Stocks Act of 1992 (16 U.S.C. 5010) is amended to  
21 read as follows:

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

23 “This Act shall be enforced under section 101 of the  
24 International Fisheries Stewardship and Enforcement  
25 Act.”.

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

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

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

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

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

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

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

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

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

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

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

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

11           (B) by striking “search or inspection” in  
12 paragraph (10)(A) and inserting “search, inves-  
13 tigation, or inspection”;

14           (C) by striking “or” after the semicolon in  
15 paragraph (12);

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

18           (E) by adding at the end thereof the fol-  
19 lowing:

20           “(14) for any person to make or submit any  
21 false record, account, or label for, or any false iden-  
22 tification of, any fish or fish product (including false  
23 identification of the species, harvesting vessel or na-  
24 tion, or the location where harvested) which has  
25 been, or is intended to be imported, exported, trans-

1 ported, sold, offered for sale, purchased, or received  
2 in interstate or foreign commerce.”.

3 (2) ADMINISTRATION AND ENFORCEMENT.—

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

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

8 “This Act shall be enforced under section 101 of the  
9 International Fisheries Stewardship and Enforcement  
10 Act.”.

11 (g) ANTARCTIC MARINE LIVING RESOURCES CON-  
12 VENTION ACT OF 1984.—

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

16 (A) by striking “which he knows, or rea-  
17 sonably should have known, was” in paragraph  
18 (3);

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

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

1 (D) by striking “or” after the semicolon in  
2 paragraph (6);

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

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

7 “(8) 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 (2) REGULATIONS.—Section 307 of the Ant-  
16 arctic Marine Living Resources Convention Act (16  
17 U.S.C. 2436) is amended by inserting after “title.”  
18 the following: “Notwithstanding the provisions of  
19 subsections (b), (c), and (d) of section 553 of title  
20 5, United States Code, the Secretary of Commerce  
21 may publish in the Federal Register a final rule to  
22 implement conservation measures, described in sec-  
23 tion 305(a) of this Act, that are in effect for 12  
24 months or less, adopted by the Commission, and not  
25 objected to by the United States within the time pe-



1 riod allotted under Article IX of the Convention.  
2 Upon publication in the Federal Register, such con-  
3 servation measures shall be in force with respect to  
4 the United States.”.

5 (3) PENALTIES AND ENFORCEMENT.—The  
6 Antarctic Marine Living Resources Convention Act  
7 (16 U.S.C. 2431 et seq.) is amended—

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

10 (B) by striking subsection (b), (c), and (d)  
11 of section 310 (16 U.S.C. 2439) and redesignig-  
12 nating subsection (e) as subsection (c); and

13 (C) by inserting after subsection (a) the  
14 following:

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

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

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

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

1 (B) by inserting after subsection (d) the  
2 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8           (1) ADMINISTRATION AND ENFORCEMENT.—  
9           Section 506(c) of the Western and Central Pacific  
10          Fisheries Convention Implementation Act (16 U.S.C.  
11          6905(c)) is amended to read as follows:

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

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

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

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

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

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

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

10           (1) PROHIBITED ACTS.—Section 7 of the  
11           Northern Pacific Halibut Act of 1982 (16 U.S.C.  
12           773e) is amended—

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 103. ILLEGAL, UNREPORTED, OR UNREGULATED FISH-**  
2 **ING.**

3 (a) IN GENERAL.—Section 608 of the High Seas  
4 Driftnet Fishing Moratorium Protection Act (16 U.S.C.  
5 1826i), as amended by section 302(a) of this Act, is fur-  
6 ther amended by adding at the end thereof the following:

7 “(c) VESSELS AND VESSEL OWNERS ENGAGED IN IL-  
8 LEGAL, UNREPORTED, OR UNREGULATED FISHING.—The  
9 Secretary may—

10 “(1) develop, maintain, and make public a list  
11 of vessels and vessel owners engaged in illegal, unre-  
12 ported, or unregulated fishing, including vessels or  
13 vessel owners identified by an international fishery  
14 management organization or arrangement made pur-  
15 suant to an international fishery agreement, whether  
16 or not the United States is a party to such organiza-  
17 tion or arrangement;

18 “(2) take appropriate action against listed ves-  
19 sels and vessel owners, including action against fish,  
20 fish parts, or fish products from such vessels, in ac-  
21 cordance with applicable United States law and con-  
22 sistent with applicable international law, including  
23 principles, rights, and obligations established in ap-  
24 plicable international fishery management and trade  
25 agreements; and

1           “(3) provide notification to the public of vessels  
2           and vessel owners identified by international fishery  
3           management organizations or arrangements made  
4           pursuant to an international fishery agreement as  
5           having been engaged in illegal, unreported, or un-  
6           regulated fishing, as well as any measures adopted  
7           by such organizations or arrangements to address il-  
8           legal, unreported, or unregulated fishing.

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

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

16          (b) ADDITIONAL MEASURES.—

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

19                          (A) Section 609(d)(3) of the High Seas  
20                  Driftnet Fishing Moratorium Protection Act  
21                  (16 U.S.C. 1826j(d)(3)) is amended by striking  
22                  “that has not been certified by the Secretary  
23                  under this subsection, or” in subparagraph  
24                  (A)(i).



1           (B) Section 610(c)(5) of the High Seas  
2           Driftnet Fishing Moratorium Protection Act  
3           (16 U.S.C. 1826k(c)(5)) is amended by striking  
4           “that has not been certified by the Secretary  
5           under this subsection, or”.

6           (2) AMENDMENT OF THE HIGH SEAS DRIFTNET  
7           FISHERIES ENFORCEMENT ACT.—

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

11                   (i) by striking subsection (a)(2) and  
12                   inserting the following:

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

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

19                           “(i) any large-scale driftnet fishing  
20                           vessel that is documented under the law of  
21                           the United States or of a nation included  
22                           on a list published under paragraph (1); or

23                           “(ii) any fishing vessel of a nation  
24                           that receives a negative certification under  
25                           section 609(d) or 610(e) of the High Seas

1           Driftnet Fishing Moratorium Protection  
2           Act (16 U.S.C. 1826j(d) or 1826k(e)); and

3           “(B) deny entry of that vessel to any place  
4           in the United States and to the navigable wa-  
5           ters of the United States, except for the pur-  
6           pose of inspecting the vessel, conducting an in-  
7           vestigation, or taking other appropriate enforce-  
8           ment action.”;

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

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

14          (iv) by striking “nation.” in sub-  
15          section (b)(3)(A)(ii) and inserting “nation;  
16          or”;

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

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

23                 (vi) by inserting “or after issuing a  
24                 negative certification under section  
25                 609(d)(1) or 610(c)(1) of the High Seas

1 Driftnet Fishing Moratorium Protection  
2 Act (16 U.S.C. 1826j(d)(1) or  
3 1826k(c)(1),” after “paragraph (1),” in  
4 subsection (b)(4)(A); and

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

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

9 “(I) to terminate large-scale driftnet fish-  
10 ing conducted by its nationals and vessels be-  
11 yond the exclusive economic zone of any nation;

12 “(II) to address illegal, unreported, or un-  
13 regulated fishing activities for which a nation  
14 has been identified under section 609 of the  
15 High Seas Driftnet Fishing Moratorium Protec-  
16 tion Act (16 U.S.C. 1826j); or

17 “(III) to address bycatch of a protected  
18 living marine resource for which a nation has  
19 been identified under section 610 of such Act  
20 (16 U.S.C. 1826k); or”.

21 (B) Section 102 of the High Seas Driftnet  
22 Fisheries Enforcement Act (16 U.S.C. 1826b)  
23 is amended by striking “such nation has termi-  
24 nated large-scale driftnet fishing or illegal, un-  
25 reported, or unregulated fishing by its nationals

1           and vessels beyond the exclusive economic zone  
2           of any nation.” and inserting “such nation  
3           has—

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

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

12          “(3) addressed bycatch of a protected living  
13          marine resource for which a nation has been identi-  
14          fied under section 610 of that Act (16 U.S.C.  
15          1826k).”.

16 **SEC. 104. LIABILITY.**

17          Any claims arising from the actions of any officer,  
18          authorized by the Secretary to enforce the provisions of  
19          this Act or any Act to which this Act applies, taken pursu-  
20          ant to any scheme for at-sea boarding and inspection au-  
21          thorized under any international agreement to which the  
22          United States is a party may be pursued under chapter  
23          171 of title 28, United States Code, or such other legal  
24          authority as may be pertinent.

1 **TITLE II—LAW ENFORCEMENT**  
2 **AND INTERNATIONAL OPER-**  
3 **ATIONS.**

4 **SEC. 201. INTERNATIONAL FISHERIES ENFORCEMENT PRO-**  
5 **GRAM.**

6 (a) ESTABLISHMENT.—

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

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

20 (3) STAFF.—The Program shall be staffed with  
21 representation from the U.S. Coast Guard, U.S.  
22 Customs and Border Protection, U.S. Food and  
23 Drug Administration, and any other department or  
24 agency determined by the Secretary to be appro-  
25 priate and necessary to detect and investigate illegal,

1 unreported, or unregulated fishing activity and en-  
2 force the provisions of this Act.

3 (b) PROGRAM ACTIONS.—

4 (1) STAFFING AND OTHER RESOURCES.—At the  
5 request of the Secretary, the heads of other depart-  
6 ments and agencies providing staff for the Program  
7 shall—

8 (A) by agreement, on a reimbursable basis  
9 or otherwise, participate in staffing the Pro-  
10 gram;

11 (B) by agreement, on a reimbursable basis  
12 or otherwise, share personnel, services, equip-  
13 ment (including aircraft and vessels), and facili-  
14 ties with the Program; and

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

24 (2) BUDGET.—The Secretary and the heads of  
25 other departments and agencies providing staff for

1 the Program, may, at their discretion, develop inter-  
2 agency plans and budgets and engage in interagency  
3 financing for such purposes.

4 (3) 5-YEAR PLAN.—Within 180 days after the  
5 date on which the Program is established under sub-  
6 section (a), the Secretary shall develop a 5-year stra-  
7 tegic plan for guiding interagency and intergovern-  
8 mental international fisheries enforcement efforts to  
9 carry out the provisions of this Act. The Secretary  
10 shall update the plan periodically as necessary, but  
11 at least once every 5 years.

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

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

22 (B) enter into agreements with other Fed-  
23 eral, State, or local governments as well as with  
24 the governments of other nations, on a reim-  
25 bursable basis or otherwise, for such purposes.

1           (c) POWERS OF AUTHORIZED OFFICERS.—Notwith-  
2 standing any other provision of law, while operating under  
3 an agreement with the Secretary entered into under sec-  
4 tion 101 of this Act, and conducting joint operations as  
5 part of the Program for the purposes of detecting and in-  
6 vestigating illegal, unreported or unregulated fishing activ-  
7 ity and enforcing the provisions of this Act, authorized of-  
8 ficers shall have the powers and authority provided in that  
9 section.

10           (d) INFORMATION COLLECTION, MAINTENANCE AND  
11 USE.—

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

21           (2) COORDINATION OF DATA.—The Secretary,  
22 through the Program, shall coordinate the collection,  
23 storage, analysis, and dissemination of all applicable  
24 information, intelligence, and data related to the  
25 harvest, transportation, or trade of fish and fish



1 product collected or maintained by the member  
2 agencies of the Program.

3 (3) CONFIDENTIALITY.—The Secretary,  
4 through the Program, shall ensure the protection  
5 and confidentiality required by law for information,  
6 intelligence, and data related to the harvest, trans-  
7 portation, or trade of fish and fish product obtained  
8 by the Program.

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

16 (5) ASSISTANCE FROM INTELLIGENCE COMMU-  
17 NITY.—Upon request of the Secretary, elements of  
18 the intelligence community (as defined in section  
19 3(4) of the National Security Act of 1947 (50  
20 U.S.C. 401a(4))) shall collect information related to  
21 illegal, unreported, or unregulated fishing activity  
22 outside the United States about individuals who are  
23 not United States persons (as defined in section  
24 105A(c)(2) of such Act (50 U.S.C. 403–5a(c)(2))).  
25 Such elements of the intelligence community shall

1 collect and share such information with the Sec-  
2 retary through the Program for law enforcement  
3 purposes in order to detect and investigate illegal,  
4 unreported, or unregulated fishing activities and to  
5 carry out the provisions of this Act. All collection  
6 and sharing of information shall be in accordance  
7 with the National Security Act of 1947 (50 U.S.C.  
8 401 et seq.).

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

18 (A) such governments, organizations, or  
19 arrangements have policies and procedures to  
20 safeguard such information from unintended or  
21 unauthorized disclosure; and

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

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

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

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

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

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

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

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

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

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

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

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

19 (3) provide funding, technical expertise, and  
20 training, in cooperation with the International Fish-  
21 eries Enforcement Program under section 201 of  
22 this Act, to other nations to aid them in building ca-  
23 pacity for enhanced fisheries management, fisheries  
24 monitoring, catch and trade tracking activities, en-  
25 forcement, and international marine resource con-  
26 servation;

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

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

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

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

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

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

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

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

1 (1) by inserting “(A)” after “(2)”;

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

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

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

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

16 **SEC. 302. DATA SHARING.**

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

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

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

1 agreement (as defined in section 3(24) of the Mag-  
2 nuson-Stevens Fishery Conservation and Manage-  
3 ment Act),”;

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

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

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

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

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

16 “(B) to improve fisheries management de-  
17 cisions;

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

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

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

1       “(b) INFORMATION SHARING.—In carrying out this  
2 section, the Secretary may disclose, as necessary and ap-  
3 propriate, information to the Food and Agriculture Orga-  
4 nization of the United Nations, international fishery man-  
5 agement organizations (as so defined), or arrangements  
6 made pursuant to an international fishery agreement, if  
7 such organizations or arrangements have policies and pro-  
8 cedures to safeguard such information from unintended or  
9 unauthorized disclosure.”.

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

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

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

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

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



1           “(I) to any other Federal or State government  
2           agency, foreign government, the Food and Agri-  
3           culture Organization of the United Nations, or the  
4           secretariat or equivalent of an international fisheries  
5           management organization or arrangement made pur-  
6           suant to an international fishery agreement, as pro-  
7           vided in section 201(d)(6) of the International Fish-  
8           eries Stewardship and Enforcement Act; or”.

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

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

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

15           “(1) 1 or more permits or authorizations re-  
16           quired for a vessel to fish, in addition to a permit  
17           issued under this section, expire, are revoked, or are  
18           suspended; or

19           “(2) the vessel is no longer eligible for United  
20           States documentation, such documentation is re-  
21           voked or denied, or the vessel is deleted from such  
22           documentation.”.

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

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

7 (1) by striking “Management Council and” in  
8 subsection (a) and inserting “Management Council,  
9 and one of whom shall be the chairman or a member  
10 of”;

11 (2) by striking subsection (c)(1) and inserting  
12 the following:

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.”; and

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

23 “(ii) shall not be considered Federal  
24 employees except for the purposes of injury  
25 compensation or tort claims liability as  
26 provided in chapter 81 of title 5, United

1 States Code, and chapter 171 of title 28,  
2 United States Code.”.

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

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

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

11 “(a) **EMPLOYMENT STATUS.**—Individuals appointed  
12 under section 603, 604, 605, or 606 of this title, other  
13 than officers or employees of the United States Govern-  
14 ment, shall not be considered to be Federal employees  
15 while performing such service, except for purposes of in-  
16 jury compensation or tort claims liability as provided in  
17 chapter 81 of title 5, United States Code, and chapter 171  
18 of title 28, United States Code.”.

19 **SEC. 306. COMMITTEE ON SCIENTIFIC COOPERATION FOR**  
20 **PACIFIC SALMON AGREEMENT.**

21 Section 11 of the Pacific Salmon Treaty Act of 1985  
22 (16 U.S.C. 3640) is amended by redesignating subsections  
23 (c) and (d) as subsections (d) and (e), respectively, and  
24 inserting after subsection (b) the following:

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

8       **SEC. 307. REAUTHORIZATIONS.**

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

13                       “(5) \$1,000,000 for each of fiscal years  
14                       2009 through 2013.”.

15       (b) PACIFIC SALMON TREATY ACT OF 1985.—Sec-  
16       tion 16(d)(2)(A) of the Pacific Salmon Treaty Act of 1985  
17       (16 3645(d)(2)(A)) is amended by striking “and 2009,”  
18       and inserting “2009, 2010, 2011, 2012, and 2013,”.

19       (c) SOUTH PACIFIC TUNA ACT OF 1988.—Section  
20       20(a) of the South Pacific Tuna Act of 1988 (16 U.S.C.  
21       973r(a)) is amended by striking “1992, 1993, 1994, 1995,  
22       1996, 1997, 1998, 1999, 2000, 2001, and 2002,” each  
23       place it appears and inserting “2009 through 2013”.

1 **TITLE IV—IMPLEMENTATION OF**  
2 **THE ANTIGUA CONVENTION**

3 **SEC. 401. SHORT TITLE.**

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

6 **SEC. 402. AMENDMENT OF THE TUNA CONVENTIONS ACT**  
7 **OF 1950.**

8 Except as otherwise expressly provided, whenever in  
9 this title an amendment or repeal is expressed in terms  
10 of an amendment to, or repeal of, a section or other provi-  
11 sion, the reference shall be considered to be made to a  
12 section or other provision of the Tuna Conventions Act  
13 of 1950 (16 U.S.C. 951 et seq.).

14 **SEC. 403. DEFINITIONS.**

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

17 **“SEC. 2. DEFINITIONS.**

18 “In this Act:

19 “(1) ANTIGUA CONVENTION.—The term ‘Anti-  
20 guia Convention’ means the Convention for the  
21 Strengthening of the Inter-American Tropical Tuna  
22 Commission Established by the 1949 Convention  
23 Between the United States of America and the Re-  
24 public of Costa Rica, signed at Washington, Novem-  
25 ber 14, 2003.

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

4           “(3) CONVENTION.—The term ‘Convention’  
5 means—

6                   “(A) the Convention for the Establishment  
7 of an Inter-American Tropical Tuna Commis-  
8 sion, signed at Washington, May 31, 1949, by  
9 the United States of America and the Republic  
10 of Costa Rica;

11                   “(B) the Antigua Convention, upon its  
12 entry into force for the United States, and any  
13 amendments thereto that are in force for the  
14 United States; or

15                   “(C) both such Conventions, as the context  
16 requires.

17           “(4) IMPORT.—The term ‘import’ means to  
18 land on, bring into, or introduce into, or attempt to  
19 land on, bring into, or introduce into, any place sub-  
20 ject to the jurisdiction of the United States, whether  
21 or not such landing, bringing, or introduction con-  
22 stitutes an importation within the meaning of the  
23 customs laws of the United States.

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

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

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

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

13 **SEC. 404. COMMISSIONERS; NUMBER, APPOINTMENT, AND**  
 14 **QUALIFICATIONS.**

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

17 **“SEC. 3. COMMISSIONERS.**

18           “(a) COMMISSIONERS.—The United States shall be  
 19           represented on the Commission by 5 United States Com-  
 20           missioners. The President shall appoint individuals to  
 21           serve on the Commission at the pleasure of the President.  
 22           In making the appointments, the President shall select  
 23           Commissioners from among individuals who are knowl-  
 24           edgeable or experienced concerning highly migratory fish  
 25           stocks in the eastern tropical Pacific Ocean, one of whom

1 shall be an officer or employee of the Department of Com-  
2 merce, one of whom shall be the chairman or a member  
3 of the Western Pacific Fishery Management Council, and  
4 one of whom shall be the chairman or a member of the  
5 Pacific Fishery Management Council. Not more than 2  
6 Commissioners may be appointed who reside in a State  
7 other than a State whose vessels maintain a substantial  
8 fishery in the area of the Convention.

9       “(b) ALTERNATE COMMISSIONERS.—The Secretary  
10 of State, in consultation with the Secretary, may designate  
11 from time to time and for periods of time deemed appro-  
12 priate Alternate United States Commissioners to the Com-  
13 mission. Any Alternate United States Commissioner may  
14 exercise, at any meeting of the Commission or of the Gen-  
15 eral Advisory Committee or Scientific Advisory Sub-  
16 committee established pursuant to section 4(b), all powers  
17 and duties of a United States Commissioner in the ab-  
18 sence of any Commissioner appointed pursuant to sub-  
19 section (a) of this section for whatever reason. The num-  
20 ber of such Alternate United States Commissioners that  
21 may be designated for any such meeting shall be limited  
22 to the number of United States Commissioners appointed  
23 pursuant to subsection (a) of this section who will not be  
24 present at such meeting.

25       “(c) ADMINISTRATIVE MATTERS.—



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.

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

14          “(3) TRAVEL EXPENSES.—

15                 “(A) The Secretary of State shall pay the  
16                 necessary travel expenses of United States  
17                 Commissioners and Alternate United States  
18                 Commissioners to meetings of the IATTC and  
19                 other meetings the Secretary deems necessary  
20                 to fulfill their duties, in accordance with the  
21                 Federal Travel Regulations and sections 5701,  
22                 5702, 5704 through 5708, and 5731 of title 5,  
23                 United States Code.

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

4 **SEC. 405. GENERAL ADVISORY COMMITTEE AND SCI-**  
5 **ENTIFIC ADVISORY SUBCOMMITTEE.**

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

7           (1) by striking subsection (a) and inserting the  
8           following:

9           “(a) GENERAL ADVISORY COMMITTEE.—

10           “(1) APPOINTMENTS; PUBLIC PARTICIPATION;  
11           COMPENSATION.—

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

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

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

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

19           “(E) The General Advisory Committee  
20 shall determine its organization, and prescribe  
21 its practices and procedures for carrying out its  
22 functions under this chapter, the Magnuson-  
23 Stevens Fishery Conservation and Management  
24 Act (16 U.S.C. 1801 et seq.), and the Conven-  
25 tion. The General Advisory Committee shall

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

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

15 “(3) ADMINISTRATIVE MATTERS.—

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

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

23 “(i) shall serve without pay, but while  
24 away from their homes or regular places of  
25 business to attend meetings of the General

1           Advisory Committee shall be allowed travel  
2           expenses, including per diem in lieu of sub-  
3           sistence, in the same manner as persons  
4           employed intermittently in the Government  
5           service are allowed expenses under section  
6           5703 of title 5, United States Code; and

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

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

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

21   **SEC. 406. RULEMAKING.**

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

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

1 **“SEC. 6. RULEMAKING.”;**

2 and

3 (2) by striking subsections (a) and (b) and in-  
4 serting the following:

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

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

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

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

4 **“SEC. 8. PROHIBITED ACTS.**

5 “It is unlawful for any person—

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

1 **SEC. 408. ENFORCEMENT.**

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

4 **“SEC. 10. ENFORCEMENT.**

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

8 **SEC. 409. REDUCTION OF BYCATCH.**

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

11 **SEC. 410. REPEAL OF EASTERN PACIFIC TUNA LICENSING**  
12 **ACT OF 1984.**

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

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