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[Report No. 113–127]

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2013

Mr. ROCKEFELLER (for himself, Mr. BEGICH, Ms. MURKOWSKI, Mr. SCHATZ, Ms. CANTWELL, Mr. WHITEHOUSE, Mr. WYDEN, Ms. HIRONO, Mr. MERKLEY, Mr. NELSON, Mrs. BOXER, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 17, 2013

Reported by Mr. ROCKEFELLER, with an amendment

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

A BILL

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

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

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

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

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

Sec. 1. Short title; table of contents.

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

Sec. 101. Authority of the Secretary of Commerce 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.

Sec. 202. International cooperation and assistance.

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. Committee on scientific cooperation for Pacific salmon agreement.

TITLE IV—IMPLEMENTATION OF THE ANTIGUA CONVENTION

Sec. 401. Short title; references to the Tuna Conventions Act of 1950.

Sec. 402. Definitions.

Sec. 403. Commissioners; number, appointment, and qualifications.

Sec. 404. General advisory committee and scientific advisory subcommittee.

Sec. 405. Rulemaking.

Sec. 406. Prohibited acts.

Sec. 407. Enforcement.

Sec. 408. Reduction of bycatch.

Sec. 409. Repeal of Eastern Pacific Tuna Licensing Act of 1984.

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

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

7 (a) IN GENERAL.—

8 (1) ENFORCEMENT.—The Secretary of Com-
9 merce and the Secretary of the department in which
10 the Coast Guard is operating shall enforce the Acts
11 to which this section applies in accordance with the
12 provisions of this section.

13 (2) NONDEPARTMENTAL RESOURCES.—The
14 Secretary of Commerce may, by agreement, on a re-
15 imburseable basis or otherwise, utilize the personnel
16 services, equipment (including aircraft and vessels),
17 and facilities of any other Federal agency, including
18 all elements of the Department of Defense, and of
19 any State agency, in carrying out this section.

20 (3) APPLICATION.—This section applies to—

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

24 (B) the Pacific Salmon Treaty Act of 1985
25 (16 U.S.C. 3631 et seq.);

- 1 (C) the Dolphin Protection Consumer In-
2 formation Act (16 U.S.C. 1385);
- 3 (D) the Tuna Conventions Act of 1950 (16
4 U.S.C. 951 et seq.);
- 5 (E) the North Pacific Anadromous Stocks
6 Act of 1992 (16 U.S.C. 5001 et seq.);
- 7 (F) the South Pacific Tuna Act of 1988
8 (16 U.S.C. 973 et seq.);
- 9 (G) the Antarctic Marine Living Resources
10 Convention Act of 1984 (16 U.S.C. 2431 et
11 seq.);
- 12 (H) the Atlantic Tunas Convention Act of
13 1975 (16 U.S.C. 971 et seq.);
- 14 (I) the Northwest Atlantic Fisheries Con-
15 vention Act of 1995 (16 U.S.C. 5601 et seq.);
- 16 (J) the Western and Central Pacific Fish-
17 eries Convention Implementation Act (16
18 U.S.C. 6901 et seq.);
- 19 (K) the Northern Pacific Halibut Act of
20 1982 (16 U.S.C. 773 et seq.);
- 21 (L) the Antigua Convention Implementing
22 Act of 2013; and
- 23 (M) any other Act in pari materia, so des-
24 ignated by the Secretary after notice and an op-
25 portunity for a hearing.

1 (b) ADMINISTRATION AND ENFORCEMENT.—The
2 Secretary of Commerce shall prevent any person from vio-
3 lating any Act to which this section applies in the same
4 manner, by the same means, and with the same jurisdic-
5 tion, powers, and duties as though sections 308 through
6 311 of the Magnuson-Stevens Fishery Conservation and
7 Management Act (16 U.S.C. 1858 through 1861) were in-
8 corporated into and made a part of each such Act. Except
9 as provided in subsection (e), any person that violates any
10 Act to which this section applies shall be subject to the
11 penalties, and entitled to the privileges and immunities,
12 provided in the Magnuson-Stevens Fishery Conservation
13 and Management Act (16 U.S.C. 1801 et seq.) in the same
14 manner and by the same means as though sections 308
15 through 311 of that Act (16 U.S.C. 1858 through 1861)
16 were incorporated into and made a part of each such Act.

17 (e) SPECIAL RULES.—

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

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

3 ~~(2) ADDITIONAL ENFORCEMENT AUTHORITY.—~~

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

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

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

23 ~~(C) detain, for a period of up to 14 days,~~
24 ~~any shipment of fish or fish product imported~~
25 ~~into, landed on, introduced into, exported from,~~

1 or transported within the jurisdiction of the
2 United States; or, if such fish or fish product
3 is deemed to be perishable, sell and retain the
4 proceeds therefrom for a period of up to 14
5 days;

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

15 (E) search and seize, in accordance with
16 any guidelines which may be issued by the At-
17 torney General; and

18 (F) execute and serve any subpoena, arrest
19 warrant, search warrant issued in accordance
20 with rule 41 of the Federal Rules of Criminal
21 Procedure, or other warrant or civil or criminal
22 process issued by any officer or court of com-
23 petent jurisdiction.

24 (3) INFORMATION COLLECTION, MAINTENANCE
25 AND USE.—

1 (A) IN GENERAL.—The Secretary of Com-
2 merce and the head of each department and
3 agency providing personnel for the task force
4 under section 201, to the maximum extent per-
5 missible under law, shall share all applicable in-
6 formation, intelligence, and data, related to the
7 harvest, transportation, or trade of fish and fish
8 product for the purposes under section
9 201(a)(2).

10 (B) COORDINATION OF DATA.—The Sec-
11 retary of Commerce, through the task force
12 under section 201, shall coordinate the collec-
13 tion, storage, analysis, and dissemination of all
14 applicable information, intelligence, and data
15 related to the harvest, transportation, or trade
16 of fish and fish product collected or maintained
17 by a member agency of the task force.

18 (C) CONFIDENTIALITY.—The Secretary of
19 Commerce, through the task force under section
20 201, shall ensure the protection and confiden-
21 tiality required by law for information, intel-
22 ligence, and data related to the harvest, trans-
23 portation, or trade of fish and fish product ob-
24 tained by the task force.

1 (D) DATA STANDARDIZATION.—The Sec-
2 retary of Commerce and the head of each de-
3 partment and agency providing personnel for
4 the task force, to the maximum extent prac-
5 ticable, shall develop data standardization for
6 fisheries related data for each member agency
7 of the task force under section 201 and with
8 international fisheries enforcement databases as
9 appropriate.

10 (E) ASSISTANCE FROM INTELLIGENCE
11 COMMUNITY.—Upon request of the Secretary of
12 Commerce, elements of the intelligence commu-
13 nity (as defined in section 3(4) of the National
14 Security Act of 1947 (50 U.S.C. 401a(4))) shall
15 collect information related to illegal, unre-
16 ported, or unregulated fishing activity outside
17 the United States about individuals who are not
18 United States persons (as defined in section
19 105A(e)(2) of such Act (50 U.S.C. 403-
20 5a(e)(2))). Such elements of the intelligence
21 community shall collect and share such infor-
22 mation with the Secretary through the task
23 force under section 201 of this Act for law en-
24 forcement purposes in order to detect and in-
25 vestigate illegal, unreported, or unregulated

1 fishing activities and to carry out the provisions
2 of this Act. All collection and sharing of infor-
3 mation shall be in accordance with the National
4 Security Act of 1947 (50 U.S.C. 401 et seq.):

5 (F) INFORMATION SHARING.—

6 (i) IN GENERAL.—Subject to clause
7 (ii), the Secretary of Commerce, through
8 the task force under section 201, shall
9 have authority to share fisheries-related
10 data with—

11 (I) other Federal or State gov-
12 ernment agencies;

13 (II) foreign governments;

14 (III) the Food and Agriculture
15 Organization formed at Quebec, Can-
16 ada, on October 16, 1945; or

17 (IV) the secretariat or equivalent
18 of an international fisheries manage-
19 ment organization or arrangement
20 made pursuant to an international
21 fishery agreement.

22 (ii) LIMITATIONS.—An entity listed
23 under clause (i) may receive data under
24 this subparagraph if—

1 (I) the entity has policies and
2 procedures to safeguard such data
3 from unintended or unauthorized dis-
4 closure; and

5 (II) the exchange of information
6 is necessary—

7 (aa) to ensure compliance
8 with any law (including regula-
9 tions) enforced or administered
10 by the Secretary of Commerce;

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

14 (cc) to administer or enforce
15 binding conservation measures
16 adopted by any international or-
17 ganization or arrangement to
18 which the United States is a
19 party;

20 (dd) to assist in investiga-
21 tive, judicial, or administrative
22 enforcement proceedings in the
23 United States; or

24 (ee) to assist in any fisheries
25 or living marine resource related

1 law enforcement action under-
2 taken by a law enforcement agen-
3 cy of a foreign government, or in
4 relation to a legal proceeding un-
5 dertaken by a foreign govern-
6 ment.

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

19 (e) PROHIBITED ACTS.—For purposes of this section
20 and each Act to which this section applies, it is unlawful
21 for any person—

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

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

9 (3) to forcibly assault, resist, oppose, impede,
10 intimidate, or interfere with any such authorized of-
11 ficer in the conduct of any search, investigation, or
12 inspection described in paragraph (2);

13 (4) to resist a lawful arrest for any act prohib-
14 ited by this section or any Act to which this section
15 applies;

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

21 (6) to forcibly assault, resist, oppose, impede,
22 intimidate, sexually harass, bribe, or interfere with
23 any observer on a vessel under this section or any
24 Act to which this section applies, or any data col-
25 lector employed by or under contract to the National

1 Marine Fisheries Service to carry out responsibilities
2 under this section or any Act to which this section
3 applies;

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

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

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

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

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

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

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

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

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

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

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

22 “(a) IDENTIFICATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (2) by amending subsection (e) to read as fol-
 24 lows:

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

4 (e) NORTH PACIFIC ANADROMOUS STOCKS ACT OF
5 1992.—

6 (1) UNLAWFUL ACTIVITIES.—Section 810 of
7 the North Pacific Anadromous Stocks Act of 1992
8 (16 U.S.C. 5009) is amended—

9 (A) by striking “purchases” in paragraph
10 (5) and inserting “purposes”;

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

14 (C) by striking “search or inspection” in
15 paragraph (6) and inserting “search, investiga-
16 tion, or inspection”.

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

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

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

25 (d) PACIFIC SALMON TREATY ACT OF 1985.—

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

3 (A) in subsection (a)—

4 (i) by striking “search or inspection”
5 in paragraph (2) and inserting “search, in-
6 vestigation, or inspection”; and

7 (ii) by striking “search or inspection”
8 in paragraph (3) and inserting “search, in-
9 vestigation, or inspection”; and

10 (B) by striking subsections (b) through (f)

11 and inserting the following:

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

15 (2) Section 16(d)(2)(A) of the Pacific Salmon
16 Treaty Act of 1985 (16 U.S.C. 3645(d)(2)(A)) is
17 amended by striking “and” between “2002,” and
18 “2003”.

19 (c) SOUTH PACIFIC TUNA ACT OF 1988.—

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

23 (A) by striking “a search or inspection” in
24 paragraph (8) and inserting “any search, inves-
25 tigation, or inspection”; and

1 (B) by striking “a search or inspection” in
2 paragraph (10)(A) and inserting “any search,
3 investigation, or inspection”.

4 (2) ADMINISTRATION AND ENFORCEMENT.—

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

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

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

12 (f) ANTARCTIC MARINE LIVING RESOURCES CON-
13 VENTION ACT OF 1984.—

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

17 (A) in paragraph (3), by striking “which
18 he knows, or reasonably should have known,
19 was”;

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

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

1 (2) REGULATIONS.—Section 307 of the Ant-
2 arctic Marine Living Resources Convention Act (16
3 U.S.C. 2436) is amended by inserting after “title.”
4 the following: “Notwithstanding the provisions of
5 subsections (b), (c), and (d) of section 553 of title
6 5, United States Code, the Secretary of Commerce
7 may publish in the Federal Register a final rule to
8 implement conservation measures, described in sec-
9 tion 305(a) of this Act, that are in effect for 12
10 months or less, adopted by the Commission, and not
11 objected to by the United States within the time pe-
12 riod allotted under Article IX of the Convention.
13 Upon publication in the Federal Register, such con-
14 servation measures shall be in force with respect to
15 the United States.”.

16 (3) PENALTIES AND ENFORCEMENT.—The Ant-
17 arctic Marine Living Resources Convention Act (16
18 U.S.C. 2431 et seq.) is amended—

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

21 (B) in section 310 (16 U.S.C. 2439)—

22 (i) by striking subsections (b), (c),
23 and (d);

24 (ii) by redesignating subsection (e) as
25 subsection (c); and

1 (iii) by inserting after subsection (a)
2 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 (g) ATLANTIC TUNAS CONVENTION ACT OF 1975.—

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

10 (A) by striking subsections (e) and (f); and

11 (B) by redesignating subsection (g) as sub-
12 section (e).

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

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

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

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

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

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

8 (2) in subsection (a)—

9 (A) by striking “search or inspection” in
 10 paragraph (2) and inserting “search, investiga-
 11 tion, or inspection”; and

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

15 (3) by striking subsections (b) through (f) and
 16 inserting the following:

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

20 (i) WESTERN AND CENTRAL PACIFIC FISHERIES
 21 CONVENTION IMPLEMENTATION ACT.—

22 (1) ADMINISTRATION AND ENFORCEMENT.—
 23 Section 506(e) of the Western and Central Pacific
 24 Fisheries Convention Implementation Act (16 U.S.C.
 25 6905(e)) is amended to read as follows:

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

4 (2) PROHIBITED ACTS.—Section 507(a)(2) of
5 the Western and Central Pacific Fisheries Conven-
6 tion Implementation Act (16 U.S.C. 6906(a)(2)) is
7 amended by striking “suspension, on” and inserting
8 “suspension of”.

9 (j) 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 paragraphs (1)
14 through (6) of subsection (a), as subparagraphs
15 (A) through (F), respectively;

16 (B) by redesignating subsections (a) and
17 (b) as paragraphs (1) and (2), respectively;

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

21 (D) in paragraph (1)(C), as redesignated,
22 by striking “search or inspection described in
23 paragraph (2)” and inserting “search, inves-
24 tigation, or inspection described in subpara-
25 graph (B)”.

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

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

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

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

12 **SEC. 103. ILLEGAL, UNREPORTED, OR UNREGULATED FISH-**
 13 **ING.**

14 (a) AMENDMENT OF THE HIGH SEAS DRIFTNET
 15 FISHING MORATORIUM PROTECTION ACT.—

16 (1) Section 608 of the High Seas Driftnet Fish-
 17 ing Moratorium Protection Act (16 U.S.C. 1826i),
 18 as amended by section 302(a) of this Act, is further
 19 amended by adding at the end the following:

20 “~~(c) VESSELS AND VESSEL OWNERS ENGAGED IN IL-~~
 21 LEGAL, UNREPORTED, OR UNREGULATED FISHING.—The
 22 Secretary may—

23 “(1) develop, maintain, and make public a list
 24 of vessels and vessel owners engaged in illegal, unre-
 25 ported, or unregulated fishing, including vessels or

1 vessel owners identified by an international fishery
2 management organization or arrangement made pur-
3 suant to an international fishery agreement, whether
4 or not the United States is a party to such organiza-
5 tion or arrangement;

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

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

22 “(d) RESTRICTIONS ON PORT ACCESS OR USE.—Ac-
23 tion taken by the Secretary under subsection (e)(2) that
24 includes measures to restrict use of or access to ports or

1 port services shall apply to all ports of the United States
2 and its territories.

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

5 (2) Section 609 of the High Seas Driftnet Fish-
6 ing Moratorium Protection Act (16 U.S.C. 1826j) is
7 amended—

8 (A) in subsection (d)(3)(A)(i), by striking
9 “that has not been certified by the Secretary
10 under this subsection, or”; and

11 (B) in subsection (e)(3)—

12 (i) by striking “and” at the end of
13 subparagraph (B);

14 (ii) by striking “agreement.” and in-
15 serting “agreement, and”; and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(D) to the extent possible—

19 “(i) fishing activities conducted in
20 waters under the jurisdiction of a nation
21 without permission of that nation; and

22 “(ii) fishing activities conducted in
23 contravention of a nation’s laws (including
24 regulations), including fishing activity that
25 has not been reported or that has been

1 misreported to the relevant national au-
 2 thority of a nation in contravention of that
 3 nation's laws (including regulations).”.

4 (3) Section 610(c)(5) of the High Seas Driftnet
 5 Fishing Moratorium Protection Act (16 U.S.C.
 6 1826k(c)(5)) is amended by striking “that has not
 7 been certified by the Secretary under this sub-
 8 section, or”.

9 (b) AMENDMENT OF THE HIGH SEAS DRIFTNET
 10 FISHERIES ENFORCEMENT ACT.—

11 (1) Section 101 of the High Seas Driftnet Fish-
 12 eries Enforcement Act (16 U.S.C. 1826a) is amend-
 13 ed—

14 (A) in subsection (a), by striking para-
 15 graph (2) and inserting the following:

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

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

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

1 “(ii) any fishing vessel of a nation
2 that receives a negative certification under
3 section 609(d) or 610(e) of the High Seas
4 Driftnet Fishing Moratorium Protection
5 Act (16 U.S.C. 1826j(d) or 1826k(e)); and

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

12 (B) in subsection (b)—

13 (i) by striking “or illegal, unreported,
14 or unregulated fishing” each place it ap-
15 pears in paragraphs (1) and (2);

16 (ii) by striking paragraph (3)(A) and
17 inserting the following:

18 “(A) PROHIBITION.—The President shall
19 direct the Secretary of the Treasury to prohibit
20 the importation into the United States of fish
21 and fish products and sport fishing equipment
22 (as that term is defined in section 4162 of the
23 Internal Revenue Code of 1986 (26 U.S.C.
24 4162)) from a nation—

1 “(i) upon receipt of notification of the
2 identification of the nation under para-
3 graph (1)(A);

4 “(ii) if the consultations with the gov-
5 ernment of the nation under paragraph (2)
6 are not satisfactorily concluded within
7 ninety days; or

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

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

21 (iv) by striking paragraph (4)(A)(i)
22 and inserting the following:

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

1 “(I) to terminate large-scale
2 driftnet fishing conducted by its na-
3 tionals and vessels beyond the exclu-
4 sive economic zone of any nation;

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

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

16 (2) Section 102 of the High Seas Driftnet Fish-
17 eries Enforcement Act (16 U.S.C. 1826b) is amend-
18 ed by striking “such nation has terminated large-
19 scale driftnet fishing or illegal, unreported, or un-
20 regulated fishing by its nationals and vessels beyond
21 the exclusive economic zone of any nation.” and in-
22 serting “such nation—

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

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

6 “(3) has addressed bycatch of a protected living
7 marine resource for which a nation has been identi-
8 fied under section 610 of the High Seas Driftnet
9 Fishing Moratorium Protection Act (16 U.S.C.
10 1826k).”.

11 **SEC. 104. LIABILITY.**

12 Any claims arising from the actions of any officer,
13 authorized by the Secretary of Commerce or the Secretary
14 of the department in which the Coast Guard is operating
15 to enforce the provisions of this Act or any Act to which
16 this Act applies, taken pursuant to any scheme for at-sea
17 boarding and inspection authorized under any inter-
18 national agreement to which the United States is a party
19 may be pursued under chapter 171 of title 28, United
20 States Code, or such other legal authority as may be perti-
21 nent.

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

4 **SEC. 201. INTERNATIONAL FISHERIES ENFORCEMENT.**

5 (a) ESTABLISHMENT OF INTERNATIONAL FISHERIES
 6 ENFORCEMENT TASK FORCE.—

7 (1) IN GENERAL.—Not later than 12 months
 8 after the date of enactment of this Act, the Sec-
 9 retary of Commerce shall establish, through the Na-
 10 tional Marine Fisheries Service's international en-
 11 forcement program, an interagency International
 12 Fisheries Enforcement Task Force.

13 (2) PURPOSES.—The purposes of the task force
 14 shall be—

15 (A) to detect and investigate illegal, unre-
 16 ported, or unregulated fishing activity and traf-
 17 ficking in the resulting fish or fish product; and

18 (B) to enforce the provisions of this Act or
 19 any Act to which section 101 applies.

20 (3) MEMBERSHIP.—The task force shall include
 21 permanent representation from—

22 (A) the National Marine Fisheries Serv-
 23 ice's international enforcement program;

24 (B) the U.S. Coast Guard;

25 (C) U.S. Customs and Border Protection;

1 ~~(D)~~ the U.S. Food and Drug Administra-
2 tion; and

3 ~~(E)~~ such other Federal agencies as the
4 Secretary considers appropriate and necessary
5 to carry out the purposes under paragraph ~~(2)~~.

6 ~~(b) TASK FORCE ORGANIZATION.—~~

7 ~~(1) STAFFING AND OTHER RESOURCES.—~~The
8 Secretary of Commerce and the head of each depart-
9 ment and agency identified under subsection ~~(a)(3)~~
10 shall—

11 ~~(A)~~ by agreement, on a reimbursable basis
12 or otherwise, provide permanent representation
13 to the task force;

14 ~~(B)~~ by agreement, on a reimbursable basis
15 or otherwise, share personnel, services, equip-
16 ment (including aircraft and vessels), and facili-
17 ties with the task force for the purposes under
18 subsection ~~(a)(2)~~; and

19 ~~(C)~~ to the extent possible, and consistent
20 with other applicable law, extend the authorities
21 provided under their enabling legislation to the
22 other departments and agencies participating in
23 the task force.

24 ~~(2) BUDGET.—~~The Secretary of Commerce and
25 the head of each department and agency providing

1 personnel for the task force, at their discretion, may
2 develop interagency plans and budgets and engage in
3 interagency financing for such purposes.

4 (3) 5-YEAR STRATEGIC PLAN.—Not later than
5 180 days after the date on which the task force is
6 established under subsection (a), the Secretary of
7 Commerce shall develop a 5-year strategic plan for
8 guiding interagency and intergovernmental inter-
9 national fisheries enforcement efforts to carry out
10 the provisions of this Act. The Secretary shall up-
11 date the plan periodically as necessary, but at least
12 once every 5 years.

13 (4) COOPERATIVE ACTIVITIES.—The Secretary,
14 in coordination with the head of each department
15 and agency providing personnel for the task force—

16 (A) may conduct one or more joint oper-
17 ations for the purposes under subsection (a)(2);

18 (B) shall, to the maximum extent permis-
19 sible under law, create and participate in com-
20 mittees or other working groups with other
21 Federal, State, or local governments, and with
22 the governments of other nations for the pur-
23 poses under subsection (a)(2);

24 (C) may enter into agreements with other
25 Federal, State, or local governments, and with

1 the governments of other nations, on a reim-
 2 bursable basis or otherwise, for the purposes
 3 under subsection (a)(2).

4 (c) POWERS OF AUTHORIZED OFFICERS.—Notwith-
 5 standing any other provision of law, while operating under
 6 an agreement with the Secretary of Commerce entered
 7 into under section 101, or while conducting a joint oper-
 8 ation under subsection (b)(4) of this section, each author-
 9 ized officer shall have the powers and authority provided
 10 in section 101.

11 **SEC. 202. INTERNATIONAL COOPERATION AND ASSIST-**
 12 **ANCE.**

13 (a) INTERNATIONAL COOPERATION AND ASSIST-
 14 ANCE.—The Secretary of Commerce may provide inter-
 15 national cooperation and assistance for international ca-
 16 pacity building efforts.

17 (b) AUTHORIZED ACTIVITIES.—In carrying out this
 18 section, the Secretary may—

19 (1) provide technical expertise to other nations
 20 to assist them in addressing illegal, unreported, or
 21 unregulated fishing activities;

22 (2) provide technical expertise to other nations
 23 to assist them in reducing the loss and environ-
 24 mental impacts of derelict fishing gears, reducing

1 the bycatch of living marine resources, and pro-
2 moting international marine resource conservation;

3 ~~(3)~~ provide technical expertise, and training, in
4 cooperation with the International Fisheries En-
5 forcement Task Force under section 201 of this Act,
6 to other nations to aid them in building capacity for
7 enhanced fisheries management, fisheries moni-
8 toring, catch and trade tracking activities, enforce-
9 ment, and international marine resource conserva-
10 tion;

11 ~~(4)~~ establish partnerships with other Federal
12 agencies, as appropriate, to ensure that fisheries de-
13 velopment assistance to other nations is directed to-
14 ward efforts that promote sustainable fisheries; and

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

21 ~~(c)~~ GUIDELINES.—The Secretary may establish
22 guidelines as necessary to implement this section.

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

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

4 Section 6 of the Atlantic Tunas Convention Act of
 5 1975 (16 U.S.C. 971d(c)(2)) is amended—

6 (1) by inserting “(A)” after “(2)”;

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

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

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

14 “(B) The Secretary may issue final regula-
 15 tions to implement Commission recommenda-
 16 tions referred to in paragraph (1) of this sub-
 17 section concerning trade restrictive measures
 18 against nations or fishing entities without re-
 19 gard to the requirements of subparagraph (A)
 20 of this paragraph and subsections (b) and (c) of
 21 section 553 of title 5, United States Code.”.

22 **SEC. 302. DATA SHARING.**

23 (a) **HIGH SEAS DRIFTNET FISHING MORATORIUM**
 24 **PROTECTION ACT.**—Section 608 of the High Seas

1 Driftnet Fishing Moratorium Protection Act (16 U.S.C.
2 1826i) is amended—

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

5 (2) by striking “organizations” the first place it
6 appears and inserting, “organizations, or arrange-
7 ments made pursuant to an international fishery
8 agreement (as defined in section 3(24) of the Mag-
9 nuson-Stevens Fishery Conservation and Manage-
10 ment Act (16 U.S.C. 1802(24))),”;

11 (3) by striking “and” after the semicolon in
12 paragraph (3);

13 (4) by striking “territories.” in paragraph (4)
14 and inserting “territories; and”;

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

16 “(5) urging other nations, through the regional
17 fishery management organizations of which the
18 United States is a member, bilaterally and otherwise
19 to seek and foster the sharing of accurate, relevant,
20 and timely information—

21 “(A) to improve the scientific under-
22 standing of marine ecosystems;

23 “(B) to improve fisheries management de-
24 cisions;

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

3 “(D) to combat illegal, unreported, and un-
4 regulated fishing; and

5 “(E) to improve compliance with conserva-
6 tion and management measures in international
7 waters.

8 “(b) INFORMATION SHARING.—In carrying out this
9 section, the Secretary may disclose, as necessary and ap-
10 propriate, information to the Food and Agriculture Orga-
11 nization formed at Quebec, Canada, on October 16, 1945,
12 international fishery management organizations, or ar-
13 rangements made pursuant to an international fishery
14 agreement, if such organizations or arrangements have
15 policies and procedures to safeguard such information
16 from unintended or unauthorized disclosure.”.

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

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

22 (2) by redesignating subparagraph (H) as sub-
23 paragraph (J); and

24 (3) by inserting after subparagraph (G) the fol-
25 lowing:

1 “(H) to the Food and Agriculture Organi-
 2 zation formed at Quebec, Canada, on October
 3 16, 1945, international fishery management or-
 4 ganizations, or arrangements made pursuant to
 5 an international fishery agreement as provided
 6 under section 608(b) of the High Seas Driftnet
 7 Fishing Moratorium Protection Act (16 U.S.C.
 8 1826i(b));

9 “(I) to any other Federal or State govern-
 10 ment agency, foreign government, the Food and
 11 Agriculture Organization formed at Quebec,
 12 Canada, on October 16, 1945, or the secretariat
 13 or equivalent of an international fisheries man-
 14 agement organization or arrangement made
 15 pursuant to an international fishery agreement,
 16 as provided under section 101(c)(9) of the
 17 International Fisheries Stewardship and En-
 18 forcement Act; or”.

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

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

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

1 “(1) ~~1~~ or more permits or authorizations re-
 2 quired for a vessel to fish, in addition to a permit
 3 issued under this section, expire, are revoked, or are
 4 suspended; or

5 “(2) the vessel is no longer eligible for United
 6 States documentation; such documentation is re-
 7 voked or denied; or the vessel is deleted from such
 8 documentation.”.

9 **SEC. 304. COMMITTEE ON SCIENTIFIC COOPERATION FOR**
 10 **PACIFIC SALMON AGREEMENT.**

11 Section 11 of the Pacific Salmon Treaty Act of 1985
 12 (16 U.S.C. 3640) is amended—

13 (1) by redesignating subsections (c) and (d) as
 14 subsections (d) and (e), respectively;

15 (2) by inserting after subsection (b) the fol-
 16 lowing:

17 “(e) **COMPENSATION OF COMMITTEE ON SCIENTIFIC**
 18 **COOPERATION MEMBERS.**—Members of the Committee on
 19 Scientific Cooperation who are not State or Federal em-
 20 ployees shall receive compensation at a rate equivalent to
 21 the rate payable for level IV of the Executive Schedule
 22 under section 5315 of title 5, United States Code, when
 23 engaged in actual performance of duties for the Commis-
 24 sion.”; and

1 (3) by striking “71” in subsection (c), as redese-
 2 ignated, and inserting “171”.

3 **TITLE IV—IMPLEMENTATION OF**
 4 **THE ANTIGUA CONVENTION**

5 **SEC. 401. SHORT TITLE; REFERENCES TO THE TUNA CON-**
 6 **VENTIONS ACT OF 1950.**

7 (a) **SHORT TITLE.**—This title may be cited as the
 8 “Antigua Convention Implementing Act of 2013”.

9 (b) **REFERENCES TO THE TUNA CONVENTIONS ACT**
 10 **OF 1950.**—Except as otherwise expressly provided, when-
 11 ever in this title an amendment or repeal is expressed in
 12 terms of an amendment to, or repeal of, a section or other
 13 provision, the reference shall be considered to be made to
 14 a section or other provision of the Tuna Conventions Act
 15 of 1950 (16 U.S.C. 951 et seq.).

16 **SEC. 402. DEFINITIONS.**

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

19 **“SEC. 2. DEFINITIONS.**

20 **“In this Act:**

21 **“(1) ANTIGUA CONVENTION.**—The term ‘Anti-
 22 gua Convention’ means the Convention for the
 23 Strengthening of the Inter-American Tropical Tuna
 24 Commission Established by the 1949 Convention
 25 Between the United States of America and the Re-

1 public of Costa Rica, signed at Washington, Novem-
2 ber 14, 2003.

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

6 “(3) CONVENTION.—The term ‘Convention’
7 means—

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

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

17 “(C) both subparagraphs (A) and (B), as
18 the context requires.

19 “(4) IMPORT.—The term ‘import’ means to
20 land on, bring into, or introduce into, or attempt to
21 land on, bring into, or introduce into, any place sub-
22 ject to the jurisdiction of the United States, whether
23 or not such landing, bringing, or introduction con-
24 stitutes an importation within the meaning of the
25 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) UNITED STATES COMMISSIONERS.—The
8 term ‘United States Commissioners’ means the
9 members of the Commission.

10 “(8) UNITED STATES SECTION.—The term
11 ‘United States Section’ means the United States
12 Commissioners to the Commission and a designee of
13 the Secretary of State.”.

14 **SEC. 403. COMMISSIONERS; NUMBER, APPOINTMENT, AND**
15 **QUALIFICATIONS.**

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

18 **“SEC. 3. COMMISSIONERS.**

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

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

10 “(b) ALTERNATE UNITED STATES COMMIS-
11 SIONERS.—The Secretary of State, in consultation with
12 the Secretary, may designate from time to time and for
13 periods of time deemed appropriate Alternate United
14 States Commissioners to the Commission. Any Alternate
15 United States Commissioner may exercise, at any meeting
16 of the Commission or of the General Advisory Committee
17 or Scientific Advisory Subcommittee established pursuant
18 to section 4(b), all powers and duties of a United States
19 Commissioner in the absence of any Commissioner ap-
20 pointed pursuant to subsection (a) of this section for what-
21 ever reason. The number of such Alternate United States
22 Commissioners that may be designated for any such meet-
23 ing shall be limited to the number of United States Com-
24 missioners appointed pursuant to subsection (a) of this
25 section who will not be present at such meeting.

1 “(c) ADMINISTRATIVE MATTERS.—

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

10 “(2) COMPENSATION.—The United States Com-
11 missioners or Alternate United States Commis-
12 sioners, although officers of the United States while
13 so serving, shall receive no compensation for their
14 services as such United States Commissioners or Al-
15 ternate United States Commissioners.

16 “(3) TRAVEL EXPENSES.—

17 “(A) The Secretary of State shall pay the
18 necessary travel expenses of United States
19 Commissioners and Alternate United States
20 Commissioners to meetings of the Commission
21 and other meetings the Secretary deems nec-
22 essary to fulfill their duties, in accordance with
23 the Federal Travel Regulations and sections
24 5701, 5702, 5704 through 5708, and 5731 of
25 title 5, 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. 404. 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 PARTICIPA-**
11 **TION.—**

12 “(A) **APPOINTMENTS.—**The Secretary, in
13 consultation with the Secretary of State, shall
14 appoint a General Advisory Committee which
15 shall consist of not more than 25 individuals
16 who shall be representative of the various
17 groups concerned with the fisheries covered by
18 the Convention, including nongovernmental con-
19 servation organizations, providing to the max-
20 imum extent practicable an equitable balance
21 among such groups. Members of the General
22 Advisory Committee will be eligible to partici-
23 pate as members of the U.S. delegation to the
24 Commission and its working groups to the ex-

1 tent the Commission rules and space for delega-
2 tions allow.

3 “(B) ~~ADDITIONAL MEMBERS.~~—The chair
4 of the Pacific Fishery Management Council’s
5 Advisory Subpanel for Highly Migratory Fish-
6 eries and the chair of the Western Pacific Fish-
7 ery Management Council’s Advisory Committee
8 shall be members of the General Advisory Com-
9 mittee by virtue of their positions in those
10 Councils.

11 “(C) ~~TERMS.~~—Each member of the Gen-
12 eral Advisory Committee appointed under sub-
13 paragraph (A) shall serve for a term of 3 years
14 and shall be eligible for reappointment.

15 “(D) ~~NON-EXECUTIVE MEETINGS OF THE~~
16 ~~UNITED STATES SECTION.~~—The General Advi-
17 sory Committee shall be invited to attend all
18 non-executive meetings of the United States
19 Section and at such meetings shall be given op-
20 portunity to examine and to be heard on all
21 proposed programs of investigation, reports,
22 recommendations, and regulations of the Com-
23 mission.

24 “(E) ~~PUBLIC PARTICIPATION.~~—The Gen-
25 eral Advisory Committee shall determine its or-

1 organization, and prescribe its practices and pro-
2 cedures for carrying out its functions under this
3 chapter, the Magnuson-Stevens Fishery Con-
4 servation and Management Act (16 U.S.C.
5 1801 et seq.), and the Convention. The General
6 Advisory Committee shall publish and make
7 available to the public a statement of its organi-
8 zation, practices and procedures. Meetings of
9 the General Advisory Committee, except when
10 in executive session, shall be open to the public,
11 and prior notice of meetings shall be made pub-
12 lic in timely fashion. The General Advisory
13 Committee shall not be subject to the Federal
14 Advisory Committee Act (5 U.S.C. App.).

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

20 “(3) ADMINISTRATIVE MATTERS.—

21 “(A) IN GENERAL.—The Secretary shall
22 provide to the General Advisory Committee in a
23 timely manner such administrative and tech-
24 nical support services as are necessary for its
25 effective functioning.

1 “(B) COMPENSATION.—An individual ap-
2 pointed to serve as a member of the General
3 Advisory Committee—

4 “(i) shall serve without pay, but while
5 away from home or regular place of busi-
6 ness to attend meetings of the General Ad-
7 visory Committee shall be allowed travel
8 expenses, including per diem in lieu of sub-
9 sistence, in the same manner as a person
10 employed intermittently in the Government
11 service is allowed expenses under section
12 5703 of title 5, United States Code; and

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

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

21 “(b) SCIENTIFIC ADVISORY SUBCOMMITTEE.—

22 “(c) IN GENERAL.—The Secretary, in consultation
23 with the Secretary of State, shall appoint a Scientific Ad-
24 visory Subcommittee of not less than 5 nor more than 15
25 qualified scientists with balanced representation from the

1 public and private sectors, including nongovernmental con-
2 servation organizations.”.

3 **SEC. 405. RULEMAKING.**

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

5 (1) by striking the section heading and insert-
6 ing the following:

7 **“SEC. 6. RULEMAKING.”;**

8 and

9 (2) by striking subsections (a) and (b) and in-
10 serting the following:

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

1 dures established by the Magnuson-Stevens Fishery Con-
 2 servation and Management Act (16 U.S.C. 1801 et seq.).

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

8 **SEC. 406. PROHIBITED ACTS.**

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

11 **“SEC. 8. PROHIBITED ACTS.**

12 “It is unlawful for any person—

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

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

19 “(3) to refuse to permit any officer authorized
 20 to enforce the provisions of this Act (as provided for
 21 in section 10) to board a fishing vessel subject to
 22 such person’s control for the purposes of conducting
 23 any search, investigation or inspection in connection
 24 with the enforcement of this Act or any regulation,
 25 permit, or the Convention;

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

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

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

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

18 “(8) to knowingly and willfully submit to the
19 Secretary false information regarding any matter
20 that the Secretary is considering in the course of
21 carrying out this Act;

22 “(9) to forcibly assault, resist, oppose, impede,
23 intimidate, sexually harass, bribe, or interfere with
24 any observer on a vessel under this Act, or any data
25 collector employed by the National Marine Fisheries

1 Service or under contract to any person to carry out
2 responsibilities under this Act;

3 “(10) to engage in fishing in violation of any
4 regulation adopted pursuant to section 6 of this Act;

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

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

13 “(13) to fail to stop a vessel upon being hailed
14 and instructed to stop by a duly authorized official
15 of the United States; or

16 “(14) to import, in violation of any regulation
17 adopted pursuant to section 6 of this Act, any fish
18 in any form of those species subject to regulation
19 pursuant to a recommendation, resolution, or deci-
20 sion of the Commission, or any tuna in any form not
21 under regulation but under investigation by the
22 Commission, during the period such fish have been
23 denied entry in accordance with the provisions of
24 section 6 of this Act, unless such person provides
25 such proof as the Secretary of Commerce may re-

1 quire that a fish described in this paragraph offered
 2 for entry into the United States is not ineligible for
 3 such entry under the terms of section 6 of this
 4 Act.”.

5 **SEC. 407. ENFORCEMENT.**

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

8 **“SEC. 10. ENFORCEMENT.**

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

12 **SEC. 408. REDUCTION OF BYCATCH.**

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

15 **SEC. 409. REPEAL OF EASTERN PACIFIC TUNA LICENSING**
 16 **ACT OF 1984.**

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

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

20 (a) *SHORT TITLE.*—*This Act may be cited as the*
 21 *“International Fisheries Stewardship and Enforcement*
 22 *Act”.*

23 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 24 *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 of Commerce 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.*
Sec. 202. International cooperation and assistance.

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. Committee on scientific cooperation for Pacific salmon agreement.

TITLE IV—IMPLEMENTATION OF THE ANTIGUA CONVENTION

- Sec. 401. Short title; references to the Tuna Conventions Act of 1950.*
Sec. 402. Definitions.
Sec. 403. Commissioners; number, appointment, and qualifications.
Sec. 404. General advisory committee and scientific advisory subcommittee.
Sec. 405. Rulemaking.
Sec. 406. Prohibited acts.
Sec. 407. Enforcement.
Sec. 408. Reduction of bycatch.
Sec. 409. Repeal of Eastern Pacific Tuna Licensing Act of 1984.
Sec. 410. Conforming amendments to the Marine Mammal Protection Act of 1972.

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

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

7 *(a) IN GENERAL.—*

8 *(1) ENFORCEMENT.—The Secretary of Commerce*
 9 *and the Secretary of the department in which the*
 10 *Coast Guard is operating shall enforce the Acts to*

1 *which this section applies in accordance with the pro-*
2 *visions of this section.*

3 (2) *NONDEPARTMENTAL RESOURCES.*—*The Sec-*
4 *retary of Commerce may, by agreement, on a reim-*
5 *bursable basis or otherwise, utilize the personnel serv-*
6 *ices, equipment (including aircraft and vessels), and*
7 *facilities of any other Federal agency, including all*
8 *elements of the Department of Defense, and of any*
9 *State agency, in carrying out this section.*

10 (3) *APPLICATION.*—*This section applies to—*

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

13 (B) *the Pacific Salmon Treaty Act of 1985*
14 *(16 U.S.C. 3631 et seq.);*

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

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

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

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

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

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

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

5 (J) *the Western and Central Pacific Fish-*
6 *eries Convention Implementation Act (16 U.S.C.*
7 *6901 et seq.);*

8 (K) *the Northern Pacific Halibut Act of*
9 *1982 (16 U.S.C. 773 et seq.);*

10 (L) *the Antigua Convention Implementing*
11 *Act of 2013; and*

12 (M) *any other Act in pari materia, so des-*
13 *ignated by the Secretary after notice and an op-*
14 *portunity for a hearing.*

15 (b) *ADMINISTRATION AND ENFORCEMENT.—The Sec-*
16 *retary of Commerce shall prevent any person from violating*
17 *any Act to which this section applies in the same manner,*
18 *by the same means, and with the same jurisdiction, powers,*
19 *and duties as though sections 308 through 311 of the Mag-*
20 *nuson-Stevens Fishery Conservation and Management Act*
21 *(16 U.S.C. 1858 through 1861) were incorporated into and*
22 *made a part of each such Act. Except as provided in sub-*
23 *section (c), any person that violates any Act to which this*
24 *section applies shall be subject to the penalties, and entitled*
25 *to the privileges and immunities, provided in the Magnu-*

1 *son-Stevens Fishery Conservation and Management Act (16*
2 *U.S.C. 1801 et seq.) in the same manner and by the same*
3 *means as though sections 308 through 311 of that Act (16*
4 *U.S.C. 1858 through 1861) were incorporated into and*
5 *made a part of each such Act.*

6 (c) *SPECIAL RULES.—*

7 (1) *IN GENERAL.—Notwithstanding the incorpo-*
8 *ration by reference of certain sections of the Magnu-*
9 *son-Stevens Fishery Conservation and Management*
10 *Act under subsection (b), if there is a conflict between*
11 *a provision of this subsection and the corresponding*
12 *provision of any section of the Magnuson-Stevens*
13 *Fishery Conservation and Management Act so incor-*
14 *porated, the provision of this subsection shall apply.*

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

1 (A) search or inspect any facility or convey-
2 ance used or employed in, or which reasonably
3 appears to be used or employed in, the storage,
4 processing, transport, or trade of fish or fish
5 products;

6 (B) inspect records pertaining to the stor-
7 age, processing, transport, or trade of fish or fish
8 products;

9 (C) detain, for a period of up to 14 days,
10 any shipment of fish or fish product imported
11 into, landed on, introduced into, exported from,
12 or transported within the jurisdiction of the
13 United States, or, if such fish or fish product is
14 deemed to be perishable, sell and retain the pro-
15 ceeds therefrom for a period of up to 14 days;

16 (D) carry firearms and make an arrest, in
17 accordance with any guidelines which may be
18 issued by the Attorney General, for any offense
19 under the laws of the United States committed
20 in the officer's presence, or for the commission of
21 any felony under the laws of the United States,
22 if the officer has reasonable grounds to believe
23 that the person to be arrested has committed or
24 is committing a felony;

1 (E) search and seize, in accordance with
2 any guidelines which may be issued by the Attor-
3 ney General; and

4 (F) execute and serve any subpoena, arrest
5 warrant, search warrant issued in accordance
6 with rule 41 of the Federal Rules of Criminal
7 Procedure, or other warrant or civil or criminal
8 process issued by any officer or court of com-
9 petent jurisdiction.

10 (3) *NORTHERN PACIFIC HALIBUT ACT OF 1982.*—

11 *Notwithstanding the provisions of subsection (b)—*

12 (A) any person who is found by the Sec-
13 retary, after notice and opportunity for a hear-
14 ing in accordance with section 554 of title 5,
15 United States Code, to have committed an act
16 prohibited under section 7 of the Northern Pa-
17 cific Halibut Act of 1982 (16 U.S.C. 773e) shall
18 be liable to the United States for a civil penalty
19 under section 8 of that Act (16 U.S.C. 773f);

20 (B) any act prohibited under subpara-
21 graphs (B), (C), (D), or (F) of section 7(1) or
22 section 7(2) of the Northern Pacific Halibut Act
23 of 1982 (16 U.S.C. 773e) is punishable under
24 section 9 of that Act (16 U.S.C. 773g); and

1 (C) *the Secretary, in cooperation with such*
2 *other agencies as may be appropriate, may con-*
3 *duct or cause to be conducted investigations in*
4 *accordance with section 11(d) of the Northern*
5 *Pacific Halibut Act of 1982 (16 U.S.C. 773i(d))*
6 *as are deemed necessary to carry out the pur-*
7 *poses of the Northern Pacific Halibut Act of*
8 *1982 (16 U.S.C. 773 et seq.).*

9 (4) *INFORMATION COLLECTION, MAINTENANCE*
10 *AND USE.—*

11 (A) *IN GENERAL.—The Secretary of Com-*
12 *merce and the head of each department and*
13 *agency providing personnel for the task force*
14 *under section 201, to the maximum extent per-*
15 *missible under law, shall share all applicable in-*
16 *formation, intelligence, and data, related to the*
17 *harvest, transportation, or trade of fish and fish*
18 *product for the purposes under section 201(a)(2).*

19 (B) *COORDINATION OF DATA.—The Sec-*
20 *retary of Commerce, through the task force under*
21 *section 201, shall coordinate the collection, stor-*
22 *age, analysis, and dissemination of all applica-*
23 *ble information, intelligence, and data related to*
24 *the harvest, transportation, or trade of fish and*

1 *fish product collected or maintained by a mem-*
2 *ber agency of the task force.*

3 (C) *CONFIDENTIALITY.*—*The Secretary of*
4 *Commerce, through the task force under section*
5 *201, shall ensure the protection and confiden-*
6 *tiality required by law for information, intel-*
7 *ligence, and data related to the harvest, trans-*
8 *portation, or trade of fish and fish product ob-*
9 *tained by the task force.*

10 (D) *DATA STANDARDIZATION.*—*The Sec-*
11 *retary of Commerce and the head of each depart-*
12 *ment and agency providing personnel for the*
13 *task force, to the maximum extent practicable,*
14 *shall develop data standardization for fisheries*
15 *related data for each member agency of the task*
16 *force under section 201 and with international*
17 *fisheries enforcement databases as appropriate.*

18 (E) *ASSISTANCE FROM INTELLIGENCE COM-*
19 *MUNITY.*—*Upon request of the Secretary of Com-*
20 *merce, elements of the intelligence community (as*
21 *defined in section 3(4) of the National Security*
22 *Act of 1947 (50 U.S.C. 401a(4))) shall collect in-*
23 *formation related to illegal, unreported, or un-*
24 *regulated fishing activity outside the United*
25 *States about individuals who are not United*

1 *States persons (as defined in section 105A(c)(2)*
2 *of such Act (50 U.S.C. 403–5a(c)(2))). Such ele-*
3 *ments of the intelligence community shall collect*
4 *and share such information with the Secretary*
5 *through the task force under section 201 of this*
6 *Act for law enforcement purposes in order to de-*
7 *tect and investigate illegal, unreported, or un-*
8 *regulated fishing activities and to carry out the*
9 *provisions of this Act. All collection and sharing*
10 *of information shall be in accordance with the*
11 *National Security Act of 1947 (50 U.S.C. 401 et*
12 *seq.).*

13 *(F) INFORMATION SHARING.—*

14 *(i) IN GENERAL.—Subject to clause*
15 *(ii), the Secretary of Commerce, through the*
16 *task force under section 201, shall have au-*
17 *thority to share fisheries-related data*
18 *with—*

19 *(I) other Federal or State govern-*
20 *ment agencies;*

21 *(II) foreign governments;*

22 *(III) the Food and Agriculture*
23 *Organization formed at Quebec, Can-*
24 *ada, on October 16, 1945; or*

1 (IV) *the secretariat or equivalent*
2 *of an international fisheries manage-*
3 *ment organization or arrangement*
4 *made pursuant to an international*
5 *fishery agreement.*

6 (ii) *LIMITATIONS.—An entity listed*
7 *under clause (i) may receive data under*
8 *this subparagraph if—*

9 (I) *the entity has policies and*
10 *procedures to safeguard such data from*
11 *unintended or unauthorized disclosure;*
12 *and*

13 (II) *the exchange of information*
14 *is necessary—*

15 (aa) *to ensure compliance*
16 *with any law (including regula-*
17 *tions) enforced or administered by*
18 *the Secretary of Commerce;*

19 (bb) *to administer or enforce*
20 *treaties to which the United*
21 *States is a party;*

22 (cc) *to administer or enforce*
23 *binding conservation measures*
24 *adopted by any international or-*
25 *ganization or arrangement to*

1 *which the United States is a*
2 *party;*

3 *(dd) to assist in investiga-*
4 *tive, judicial, or administrative*
5 *enforcement proceedings in the*
6 *United States; or*

7 *(ee) to assist in any fisheries*
8 *or living marine resource related*
9 *law enforcement action under-*
10 *taken by a law enforcement agen-*
11 *cy of a foreign government, or in*
12 *relation to a legal proceeding un-*
13 *dertaken by a foreign government.*

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

1 (e) *PROHIBITED ACTS.*—*For purposes of this section*
2 *and each Act to which this section applies, it is unlawful*
3 *for any person—*

4 (1) *to violate any provision of this section or*
5 *any Act to which this section applies or any regula-*
6 *tion promulgated thereunder;*

7 (2) *to refuse to permit any authorized enforce-*
8 *ment officer to board, search, or inspect a vessel, con-*
9 *voyance, or shoreside facility that is subject to the*
10 *person’s control for purposes of conducting any*
11 *search, investigation, or inspection in connection with*
12 *the enforcement of this section or any Act to which*
13 *this section applies or any regulation promulgated*
14 *thereunder;*

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

19 (4) *to resist a lawful arrest for any act prohib-*
20 *ited by this section or any Act to which this section*
21 *applies;*

22 (5) *to interfere with, delay, or prevent, by any*
23 *means, the apprehension, arrest, or detection of an-*
24 *other person, knowing that such person has committed*

1 *any act prohibited by this section or any Act to which*
2 *this section applies;*

3 (6) *to forcibly assault, resist, oppose, impede, in-*
4 *timidate, sexually harass, bribe, or interfere with any*
5 *observer on a vessel under this section or any Act to*
6 *which this section applies, or any data collector em-*
7 *ployed by or under contract to the National Marine*
8 *Fisheries Service to carry out responsibilities under*
9 *this section or any Act to which this section applies;*

10 (7) *to import, export, transport, sell, receive, ac-*
11 *quire, or purchase in interstate or foreign commerce*
12 *any fish or fish product taken, possessed, transported,*
13 *or sold in violation of any treaty or binding con-*
14 *servation measure adopted pursuant to an inter-*
15 *national agreement or organization to which the*
16 *United States is a party; or*

17 (8) *to make or submit any false record, account,*
18 *or label for, or any false identification of, any fish or*
19 *fish product (including false identification of the spe-*
20 *cies, harvesting vessel or nation, or the location where*
21 *harvested) which has been, or is intended to be im-*
22 *ported, exported, transported, sold, offered for sale,*
23 *purchased, or received in interstate or foreign com-*
24 *merce.*

1 (f) *REGULATIONS.*—*The Secretary of Commerce may*
 2 *promulgate such regulations, in accordance with section*
 3 *553 of title 5, United States Code, as may be necessary to*
 4 *carry out this section or any Act to which this section ap-*
 5 *plies.*

6 **SEC. 102. CONFORMING, MINOR, AND TECHNICAL AMEND-**
 7 **MENTS.**

8 (a) *HIGH SEAS DRIFTNET FISHING MORATORIUM*
 9 *PROTECTION ACT.*—

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

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

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

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

20 (2) *Section 607 of the High Seas Driftnet Fish-*
 21 *ing Moratorium Protection Act (16 U.S.C. 1826h) is*
 22 *amended by inserting “not later than June 1” after*
 23 *“2006, and”.*

24 (3) *Section 607(2) of the High Seas Driftnet*
 25 *Fishing Moratorium Protection Act (16 U.S.C.*

1 1826h(2)) is amended by striking “whose vessels” and
2 inserting “that”.

3 (4) Section 609(a) of the High Seas Driftnet
4 Fishing Moratorium Protection Act (16 U.S.C.
5 1826j(a)) is amended to read as follows:

6 “(a) IDENTIFICATION.—

7 “(1) IN GENERAL.—The Secretary shall identify,
8 and list in the report under section 607, a nation if
9 that nation is engaged, or has been engaged at any
10 time during the preceding 3 years, in illegal, unre-
11 ported, or unregulated fishing and—

12 “(A) such fishing undermines the effective-
13 ness of measures required under the relevant
14 international fishery management organization;

15 “(B) the relevant international fishery
16 management organization has failed to imple-
17 ment effective measures to end the illegal, unre-
18 ported, or unregulated fishing activity by vessels
19 of that nation, or the nation is not a party to,
20 or does not maintain cooperating status with,
21 such organization; or

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

1 “(2) *OTHER IDENTIFYING ACTIVITIES.*—The Sec-
2 retary shall also identify, and list in the report under
3 section 607, a nation if—

4 “(A) it is violating, or has violated at any
5 time during the preceding 3 years, conservation
6 and management measures required under an
7 international fishery management agreement to
8 which the United States is a party and the vio-
9 lations undermine the effectiveness of such meas-
10 ures, taking into account the factors described in
11 paragraph (1); or

12 “(B) it is failing, or has failed at any time
13 during the preceding 3 years, to effectively ad-
14 dress or regulate illegal, unreported, or unregu-
15 lated fishing.

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

22 (5) Section 609(d)(1) of the High Seas Driftnet
23 Fishing Moratorium Protection Act (16 U.S.C.
24 1826j(d)(1)) is amended by striking “of its fishing
25 vessels” each place it appears.

1 (6) *Section 609(d)(2) of the High Seas Driftnet*
2 *Fishing Moratorium Protection Act (16 U.S.C.*
3 *1826j(d)(2)) is amended—*

4 (A) *by striking “procedure for certifi-*
5 *cation,” and inserting “procedure,”;*

6 (B) *by striking “basis of fish” and inserting*
7 *“basis, for allowing importation of fish”;*

8 (C) *by striking “harvesting nation not cer-*
9 *tified under paragraph (1)” and inserting “na-*
10 *tion issued a negative certification under para-*
11 *graph (1)”;* and

12 (D) *in subparagraph (A), by striking*
13 *“under an international fishery management*
14 *agreement to which the United States is a party;*
15 *or” and inserting “; and”.*

16 (7) *Section 610(a) of the High Seas Driftnet*
17 *Fishing Moratorium Protection Act (16 U.S.C.*
18 *1826k(a)) is amended—*

19 (A) *by striking “calendar year” each place*
20 *it appears and inserting “3 years”;* and

21 (B) *in paragraph (1), by striking “prac-*
22 *tices;” and inserting “practices—”.*

23 (8) *Section 610(c)(5) of the High Seas Driftnet*
24 *Fishing Moratorium Protection Act (16 U.S.C.*
25 *1826k(c)(5)) is amended by striking “or fish or fish*

1 *products not caught by the vessels engaged in illegal,*
 2 *unreported, or unregulated fishing”.*

3 *(b) DOLPHIN PROTECTION CONSUMER INFORMATION*
 4 *ACT.—Section 901 of the Dolphin Protection Consumer In-*
 5 *formation Act (16 U.S.C. 1385) is amended—*

6 *(1) by adding at the end of subsection (d) the fol-*
 7 *lowing:*

8 *“(4) It is a violation of section 101 of the Inter-*
 9 *national Fisheries Stewardship and Enforcement Act*
 10 *for any person to assault, resist, oppose, impede, in-*
 11 *timidate, or interfere with an authorized officer in the*
 12 *conduct of any search, investigation or inspection*
 13 *under this Act.” and*

14 *(2) by amending subsection (e) to read as fol-*
 15 *lows:*

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

19 *(c) NORTH PACIFIC ANADROMOUS STOCKS ACT OF*
 20 *1992.—*

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

24 *(A) by striking “purchases” in paragraph*

25 *(5) and inserting “purposes”;*

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

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

7 (2) *ADMINISTRATION AND ENFORCEMENT.*—Sec-
8 tion 811 of the North Pacific Anadromous Stocks Act
9 of 1992 (16 U.S.C. 5010) is amended to read as fol-
10 lows:

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

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

15 (d) *PACIFIC SALMON TREATY ACT OF 1985.*—

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

18 (A) in subsection (a)—

19 (i) by striking “search or inspection”
20 in paragraph (2) and inserting “search, in-
21 vestigation, or inspection”; and

22 (ii) by striking “search or inspection”
23 in paragraph (3) and inserting “search, in-
24 vestigation, or inspection”; and

1 (B) by striking subsections (b) through (f)
2 and inserting the following:

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

6 (2) *Section 16(d)(2)(A) of the Pacific Salmon*
7 *Treaty Act of 1985 (16 U.S.C. 3645(d)(2)(A)) is*
8 *amended by striking “and” between “2002,” and*
9 *“2003”.*

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

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

14 (A) by striking “a search or inspection” in
15 paragraph (8) and inserting “any search, inves-
16 tigation, or inspection”; and

17 (B) by striking “a search or inspection” in
18 paragraph (10)(A) and inserting “any search,
19 investigation, or inspection”.

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

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

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

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

7 (1) *UNLAWFUL ACTIVITIES.—Section 306 of the*
8 *Antarctic Marine Living Resources Convention Act*
9 *(16 U.S.C. 2435) is amended—*

10 (A) *in paragraph (3), by striking “which he*
11 *knows, or reasonably should have known, was”;*

12 (B) *in paragraph (4), by striking “search*
13 *or inspection” and inserting “search, investiga-*
14 *tion, or inspection”;* and

15 (C) *in paragraph (5), by striking “search or*
16 *inspection” and inserting “search, investigation,*
17 *or inspection”.*

18 (2) *REGULATIONS.—Section 307 of the Antarctic*
19 *Marine Living Resources Convention Act (16 U.S.C.*
20 *2436) is amended by inserting after “title.” the fol-*
21 *lowing: “Notwithstanding the provisions of sub-*
22 *sections (b) and (c) of section 553 of title 5, United*
23 *States Code, the Secretary of Commerce may publish*
24 *in the Federal Register a final rule to implement con-*
25 *servation measures that are in effect for 12 months or*
26 *less, adopted by the Commission, and not objected to*

1 *by the United States within the time period allotted*
 2 *under Article IX of the Convention.”.*

3 (3) *PENALTIES AND ENFORCEMENT.—The Ant-*
 4 *arctic Marine Living Resources Convention Act (16*
 5 *U.S.C. 2431 et seq.) is amended—*

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

8 (B) *in section 310 (16 U.S.C. 2439)—*

9 (i) *by striking subsections (b), (c), and*
 10 (i) *by striking subsections (b), (c), and*
 10 (d);

11 (ii) *by redesignating subsection (e) as*
 12 sub*section (c); and*

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

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

18 (g) *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 (B) *by redesignating subsection (g) as sub-*
 24 section (e).

1 (2) *ENFORCEMENT.*—Section 8 of the Atlantic
2 *Tunas Convention Act of 1975 (16 U.S.C. 971f)* is
3 amended—

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

5 (B) by striking “(b) *INTERNATIONAL EN-*
6 *FORCEMENT.*—” in subsection (b) and inserting
7 “*This Act shall be enforced under section 101 of*
8 *the International Fisheries Stewardship and En-*
9 *forcement Act.*”; and

10 (C) by striking “*shall have the authority to*
11 *carry out the enforcement activities specified in*
12 *section 8(a) of this Act*” each place it appears
13 and inserting “*shall enforce this Act*”.

14 (h) *NORTHWEST ATLANTIC FISHERIES CONVENTION*
15 *ACT OF 1995.*—Section 207 of the Northwest Atlantic Fish-
16 *eries Convention Act of 1995 (16 U.S.C. 5606)* is amend-
17 ed—

18 (1) in the section heading, by striking “**AND**
19 **PENALTIES.**” and inserting “**AND ENFORCE-**
20 **MENT.**”;

21 (2) in subsection (a)—

22 (A) by striking “*search or inspection*” in
23 paragraph (2) and inserting “*search, investiga-*
24 *tion, or inspection*”; and

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

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

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

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

11 (1) *ADMINISTRATION AND ENFORCEMENT.*—*Sec-*
12 *tion 506(c) of the Western and Central Pacific Fish-*
13 *eries Convention Implementation Act (16 U.S.C.*
14 *6905(c)) is amended to read as follows:*

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

18 (2) *PROHIBITED ACTS.*—*Section 507(a)(2) of the*
19 *Western and Central Pacific Fisheries Convention*
20 *Implementation Act (16 U.S.C. 6906(a)(2)) is amend-*
21 *ed by striking “suspension, on” and inserting “sus-*
22 *pension of”.*

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

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

4 (A) *by redesignating paragraphs (1)*
5 *through (6) of subsection (a), as subparagraphs*
6 *(A) through (F), respectively;*

7 (B) *by redesignating subsections (a) and (b)*
8 *as paragraphs (1) and (2), respectively;*

9 (C) *in paragraph (1)(B), as redesignated,*
10 *by striking “search or inspection” and inserting*
11 *“search, investigation, or inspection”; and*

12 (D) *in paragraph (1)(C), as redesignated,*
13 *by striking “search or inspection described in*
14 *paragraph (2)” and inserting “search, investiga-*
15 *tion, or inspection described in subparagraph*
16 *(B)”.*

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

20 (A) *in section 8 (16 U.S.C. 773f)—*

21 (i) *by striking the subsection designa-*
22 *tion and heading preceding the text of sub-*
23 *section (a); and*

24 (ii) *by striking subsections (b) through*
25 *(e);*

1 (B) in section 9(a) (16 U.S.C. 773g(a)), by
2 striking “section 7(a)(2), (3), (4), or (6); or sec-
3 tion 7(b)” and inserting “section 7(1)(B), (C),
4 (D), or (F) or section 7(2)”;

5 (C) by striking section 10 (16 U.S.C. 773h);
6 and

7 (D) in section 11 (16 U.S.C. 773i)—

8 (i) by striking subsections (b) through
9 (d) of section 11 (16 U.S.C. 773i) and in-
10 sserting the following:

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

14 (ii) by redesignating subsections (e)
15 and (f) as subsections (c) and (d), respec-
16 tively.

17 (k) NATIONAL SEA GRANT COLLEGE PROGRAM REAU-
18 THORIZATION ACT OF 1998.—Section 10 of the National
19 Sea Grant College Program Reauthorization Act of 1998
20 (15 U.S.C. 1541) is amended by striking “the United States
21 Coast Guard” each place it appears and inserting “another
22 Federal agency”.

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

3 (a) *AMENDMENT OF THE HIGH SEAS DRIFTNET FISH-*
4 *ING MORATORIUM PROTECTION ACT.*—

5 (1) *Section 608 of the High Seas Driftnet Fish-*
6 *ing Moratorium Protection Act (16 U.S.C. 1826i), as*
7 *amended by section 302(a) of this Act, is further*
8 *amended by adding at the end the following:*

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

12 “(1) *develop, maintain, and make public a list*
13 *of vessels and vessel owners that are engaged, or have*
14 *been engaged at any point during the preceding 2*
15 *years, in illegal, unreported, or unregulated fishing,*
16 *including vessels or vessel owners identified by an*
17 *international fishery management organization or ar-*
18 *rangement made pursuant to an international fishery*
19 *agreement, whether or not the United States is a*
20 *party to such organization or arrangement;*

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

1 *plicable international fishery management and trade*
2 *agreements; and*

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

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

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

18 *(2) Section 609 of the High Seas Driftnet Fish-*
19 *ing Moratorium Protection Act (16 U.S.C. 1826j) is*
20 *amended—*

21 *(A) in subsection (d)(3)(A)(i), by striking*
22 *“that has not been certified by the Secretary*
23 *under this subsection, or”;*

24 *(B) in subsection (e)(2), by striking “With-*
25 *in 3 months after the date of enactment of the*

1 *Magnuson-Stevens Fishery Conservation and*
2 *Management Reauthorization Act of 2006” and*
3 *inserting “Not later than 180 days after the date*
4 *of enactment of the International Fisheries Stew-*
5 *ardship and Enforcement Act”;* and

6 *(C) in subsection (e)(3)—*

7 *(i) by striking “and” at the end of sub-*
8 *paragraph (B);*

9 *(ii) by striking “agreement.” and in-*
10 *serting “agreement; and”;* and

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

13 *“(D) to the extent possible—*

14 *“(i) fishing activities conducted by for-*
15 *foreign vessels in waters under the jurisdiction*
16 *of a nation without permission of that na-*
17 *tion; and*

18 *“(ii) fishing activities conducted by*
19 *foreign vessels in contravention of a na-*
20 *tion’s laws (including regulations), includ-*
21 *ing fishing activity that has not been re-*
22 *ported or that has been misreported to the*
23 *relevant national authority of a nation in*
24 *contravention of that nation’s laws (includ-*
25 *ing regulations).”.*

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

6 (b) *AMENDMENT OF THE HIGH SEAS DRIFTNET FISH-*
 7 *ERIES ENFORCEMENT ACT.—*

8 (1) *Section 101 of the High Seas Driftnet Fish-*
 9 *eries Enforcement Act (16 U.S.C. 1826a) is amend-*
 10 *ed—*

11 (A) *in subsection (a), by striking paragraph*
 12 *(2) and inserting the following:*

13 “(2) *DENIAL OF PORT PRIVILEGES.—The Sec-*
 14 *retary of the Treasury shall, to the extent consistent*
 15 *with international law—*

16 “(A) *withhold or revoke the clearance re-*
 17 *quired by section 60105 of title 46, United States*
 18 *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 that*
 24 *receives a negative certification under sec-*
 25 *tion 609(d) or 610(c) of the High Seas*

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

3 “(B) deny entry of that vessel to any place
4 *in the United States and to the navigable waters*
5 *of the United States, except for the purpose of in-*
6 *specting the vessel, conducting an investigation,*
7 *or taking other appropriate enforcement action.”;*
8 *and*

9 *(B) in subsection (b)—*

10 *(i) by striking “or illegal, unreported,*
11 *or unregulated fishing” each place it ap-*
12 *pears in paragraphs (1) and (2);*

13 *(ii) by striking paragraph (3)(A) and*
14 *inserting the following:*

15 “(A) *PROHIBITION.—The President shall di-*
16 *rect the Secretary of the Treasury to prohibit the*
17 *importation into the United States of fish and*
18 *fish products and sport fishing equipment (as*
19 *that term is defined in section 4162 of the Inter-*
20 *nal Revenue Code of 1986 (26 U.S.C. 4162))*
21 *from a nation—*

22 “(i) upon receipt of notification of the
23 *identification of the nation under para-*
24 *graph (1)(A);*

1 “(ii) if the consultations with the gov-
2 ernment of the nation under paragraph (2)
3 are not satisfactorily concluded within
4 ninety days; or

5 “(iii) upon receipt of notification of a
6 negative certification under section
7 609(d)(1) or 610(c)(1) of the High Seas
8 Driftnet Fishing Moratorium Protection Act
9 (16 U.S.C. 1826j(d)(1) and 1826k(c)(1)).”;

10 (iii) by inserting “or after issuing a
11 negative certification under section
12 609(d)(1) or 610(c)(1) of the High Seas
13 Driftnet Fishing Moratorium Protection Act
14 (16 U.S.C. 1826j(d)(1) and 1826k(c)(1)),”
15 after “paragraph (1),” in paragraph (4)(A);
16 and

17 (iv) by striking paragraph (4)(A)(i)
18 and inserting the following:

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

22 “(I) to terminate large-scale
23 driftnet fishing conducted by its na-
24 tionals and vessels beyond the exclusive
25 economic zone of any nation;

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

7 “(III) to address bycatch of a pro-
8 tected living marine resource or shark
9 catch on the high seas for which a na-
10 tion has been identified under section
11 610 of such Act (16 U.S.C. 1826k); or”.

12 (2) Section 102 of the High Seas Driftnet Fish-
13 eries Enforcement Act (16 U.S.C. 1826b) is amended
14 by striking “such nation has terminated large-scale
15 driftnet fishing or illegal, unreported, or unregulated
16 fishing by its nationals and vessels beyond the exclu-
17 sive economic zone of any nation.” and inserting
18 “such nation—

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

22 “(2) has addressed illegal, unreported, or unregu-
23 lated fishing activities for which a nation has been
24 identified under section 609 of the High Seas Driftnet

1 *Fishing Moratorium Protection Act (16 U.S.C.*
 2 *1826j); or*

3 *“(3) has addressed bycatch of a protected living*
 4 *marine resource or shark catch on the high seas for*
 5 *which a nation has been identified under section 610*
 6 *of the High Seas Driftnet Fishing Moratorium Pro-*
 7 *tection Act (16 U.S.C. 1826k).”.*

8 **SEC. 104. LIABILITY.**

9 *Any claims arising from the actions of any officer, au-*
 10 *thorized by the Secretary of Commerce or the Secretary of*
 11 *the department in which the Coast Guard is operating to*
 12 *enforce the provisions of this Act or any Act to which this*
 13 *Act applies, taken pursuant to any scheme for at-sea board-*
 14 *ing and inspection authorized under any international*
 15 *agreement to which the United States is a party may be*
 16 *pursued under chapter 171 of title 28, United States Code,*
 17 *or such other legal authority as may be pertinent.*

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

21 **SEC. 201. INTERNATIONAL FISHERIES ENFORCEMENT.**

22 *(a) ESTABLISHMENT OF INTERNATIONAL FISHERIES*
 23 *ENFORCEMENT TASK FORCE.—*

24 *(1) IN GENERAL.—Not later than 12 months*
 25 *after the date of enactment of this Act, the Secretary*

1 of Commerce shall establish, through the National Ma-
2 rine Fisheries Service's international enforcement
3 program, an interagency International Fisheries En-
4 forcement Task Force.

5 (2) *PURPOSES.*—The purposes of the task force
6 shall be—

7 (A) to detect and investigate illegal, unre-
8 ported, or unregulated fishing activity and traf-
9 ficking in the resulting fish or fish product; and

10 (B) to enforce the provisions of this Act or
11 any Act to which section 101 applies.

12 (3) *MEMBERSHIP.*—The task force shall include
13 permanent representation from—

14 (A) the National Marine Fisheries Service's
15 international enforcement program;

16 (B) the U.S. Coast Guard;

17 (C) U.S. Customs and Border Protection;

18 (D) the U.S. Food and Drug Administra-
19 tion; and

20 (E) such other Federal agencies as the Sec-
21 retary considers appropriate and necessary to
22 carry out the purposes under paragraph (2).

23 (b) *TASK FORCE ORGANIZATION.*—

24 (1) *STAFFING AND OTHER RESOURCES.*—The
25 Secretary of Commerce and the head of each depart-

1 *ment and agency identified under subsection (a)(3)*
2 *shall—*

3 *(A) by agreement, on a reimbursable basis*
4 *or otherwise, provide permanent representation*
5 *to the task force;*

6 *(B) by agreement, on a reimbursable basis*
7 *or otherwise, share personnel, services, equipment*
8 *(including aircraft and vessels), and facilities*
9 *with the task force for the purposes under sub-*
10 *section (a)(2); and*

11 *(C) to the extent possible, and consistent*
12 *with other applicable law, extend the authorities*
13 *provided under their enabling legislation to the*
14 *other departments and agencies participating in*
15 *the task force.*

16 *(2) BUDGET.—The Secretary of Commerce and*
17 *the head of each department and agency providing*
18 *personnel for the task force, at their discretion, may*
19 *develop interagency plans and budgets and engage in*
20 *interagency financing for such purposes.*

21 *(3) 5-YEAR STRATEGIC PLAN.—Not later than*
22 *180 days after the date on which the task force is es-*
23 *tablished under subsection (a), the Secretary of Com-*
24 *merce shall develop a 5-year strategic plan for guid-*
25 *ing interagency and intergovernmental international*

1 *fisheries enforcement efforts to carry out the provi-*
2 *sions of this Act. The Secretary shall update the plan*
3 *periodically as necessary, but at least once every 5*
4 *years.*

5 (4) *COOPERATIVE ACTIVITIES.—The Secretary,*
6 *in coordination with the head of each department and*
7 *agency providing personnel for the task force—*

8 (A) *may conduct one or more joint oper-*
9 *ations for the purposes under subsection (a)(2);*

10 (B) *shall, to the maximum extent permis-*
11 *sible under law, create and participate in com-*
12 *mittees or other working groups with other Fed-*
13 *eral, State, or local governments, and with the*
14 *governments of other nations for the purposes*
15 *under subsection (a)(2);*

16 (C) *may enter into agreements with other*
17 *Federal, State, or local governments, and with*
18 *the governments of other nations, on a reimburs-*
19 *able basis or otherwise, for the purposes under*
20 *subsection (a)(2).*

21 (c) *POWERS OF AUTHORIZED OFFICERS.—Notwith-*
22 *standing any other provision of law, while operating under*
23 *an agreement with the Secretary of Commerce entered into*
24 *under section 101, or while conducting a joint operation*
25 *under subsection (b)(4) of this section, each authorized offi-*

1 *cer shall have the powers and authority provided in section*
2 *101.*

3 **SEC. 202. INTERNATIONAL COOPERATION AND ASSIST-**
4 **ANCE.**

5 (a) *INTERNATIONAL COOPERATION AND ASSIST-*
6 *ANCE.—The Secretary of Commerce may provide inter-*
7 *national cooperation and assistance for international ca-*
8 *capacity building efforts.*

9 (b) *AUTHORIZED ACTIVITIES.—In carrying out this*
10 *section, the Secretary may—*

11 (1) *provide technical expertise to other nations to*
12 *assist them in addressing illegal, unreported, or un-*
13 *regulated fishing activities;*

14 (2) *provide technical expertise to other nations to*
15 *assist them in reducing the loss and environmental*
16 *impacts of derelict fishing gear, reducing the bycatch*
17 *of living marine resources, and promoting inter-*
18 *national marine resource conservation;*

19 (3) *provide technical expertise, and training, in*
20 *cooperation with the International Fisheries Enforce-*
21 *ment Task Force under section 201 of this Act, to*
22 *other nations to aid them in building capacity for en-*
23 *hanced fisheries management, fisheries monitoring,*
24 *catch and trade tracking activities, enforcement, and*
25 *international marine resource conservation;*

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 efforts that promote sustainable fisheries;*

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

11 (6) *use, with their consent, with reimbursement*
12 *and subject to the limits of available appropriations,*
13 *the land, services, equipment, personnel, and facilities*
14 *of any department, agency, or instrumentality of the*
15 *United States, or of any State, local government, In-*
16 *Indian tribal government, Territory, or possession, or of*
17 *any political subdivision thereof, or of any foreign*
18 *government or international organization, for pur-*
19 *poses related to carrying out the responsibilities of*
20 *any statute administered by the National Oceanic*
21 *and Atmospheric Administration; and*

22 (7) *accept and expend funds from other Federal*
23 *agencies or foreign governments to carry out the pur-*
24 *poses of this section.*

1 (c) *GUIDELINES.*—*The Secretary may establish guide-*
 2 *lines as necessary to implement this section.*

3 ***TITLE III—MISCELLANEOUS***
 4 ***AMENDMENTS***

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

6 *Section 6 of the Atlantic Tunas Convention Act of*
 7 *1975 (16 U.S.C. 971d(c)(2)) is amended—*

8 (1) *in the first sentence—*

9 (A) *by striking “(A)” and inserting “(i)”;*

10 and

11 (B) *by striking “(B)” and inserting “(i)”;*

12 (2) *by inserting “(A)” after “(2)”;* and

13 (3) *by adding at the end thereof the following:*

14 “*(B) The Secretary may issue final regula-*
 15 *tions to implement Commission recommenda-*
 16 *tions referred to in paragraph (1) of this sub-*
 17 *section concerning trade restrictive measures*
 18 *against nations or fishing entities without re-*
 19 *gard to the requirements of subparagraph (A) of*
 20 *this paragraph and subsections (b) and (c) of*
 21 *section 553 of title 5, United States Code.”.*

22 ***SEC. 302. DATA SHARING.***

23 (a) *HIGH SEAS DRIFTNET FISHING MORATORIUM*
 24 *PROTECTION ACT.*—*Section 608 of the High Seas Driftnet*

1 *Fishing Moratorium Protection Act (16 U.S.C. 1826i) is*
2 *amended—*

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

5 (2) *by striking “organizations” the first place it*
6 *appears and inserting, “organizations, or arrange-*
7 *ments made pursuant to an international fishery*
8 *agreement (as defined in section 3(24) of the Magnu-*
9 *son-Stevens Fishery Conservation and Management*
10 *Act (16 U.S.C. 1802(24)),”;*

11 (3) *by striking “and” after the semicolon in*
12 *paragraph (3);*

13 (4) *by striking “territories.” in paragraph (4)*
14 *and inserting “territories; and”; and*

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

16 “(5) *urging other nations, through the regional*
17 *fishery management organizations of which the*
18 *United States is a member, bilaterally and otherwise*
19 *to seek and foster the sharing of accurate, relevant,*
20 *and timely information—*

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

23 “(B) *to improve fisheries management deci-*
24 *sions;*

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

3 “(D) to combat illegal, unreported, and un-
4 regulated fishing; and

5 “(E) to improve compliance with conserva-
6 tion and management measures in international
7 waters.

8 “(b) *INFORMATION SHARING.*—In carrying out this
9 section, the Secretary may disclose, as necessary and appro-
10 priate, information to the Food and Agriculture Organiza-
11 tion formed at Quebec, Canada, on October 16, 1945, inter-
12 national fishery management organizations, or arrange-
13 ments made pursuant to an international fishery agree-
14 ment, if such organizations or arrangements have policies
15 and procedures to safeguard such information from unin-
16 tended or unauthorized disclosure.”.

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

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

22 (2) by redesignating subparagraph (H) as sub-
23 paragraph (J); and

24 (3) by inserting after subparagraph (G) the fol-
25 lowing:

1 “(H) to the Food and Agriculture Organiza-
 2 tion formed at Quebec, Canada, on October 16,
 3 1945, international fishery management organi-
 4 zations, or arrangements made pursuant to an
 5 international fishery agreement as provided
 6 under section 608(b) of the High Seas Driftnet
 7 Fishing Moratorium Protection Act (16 U.S.C.
 8 1826i(b));

9 “(I) to any other Federal or State govern-
 10 ment agency, foreign government, the Food and
 11 Agriculture Organization formed at Quebec,
 12 Canada, on October 16, 1945, or the secretariat
 13 or equivalent of an international fisheries man-
 14 agement organization or arrangement made pur-
 15 suant to an international fishery agreement, as
 16 provided under section 101(c)(9) of the Inter-
 17 national Fisheries Stewardship and Enforcement
 18 Act; or”.

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

21 Section 104(f) of the High Seas Fishing Compliance
 22 Act of 1995 (16 U.S.C. 5503(f)) is amended to read as fol-
 23 lows:

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

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

5 “(2) the vessel is no longer eligible for United
6 States documentation, such documentation is revoked
7 or denied, or the vessel is deleted from such docu-
8 mentation.”.

9 **SEC. 304. COMMITTEE ON SCIENTIFIC COOPERATION FOR**
10 **PACIFIC SALMON AGREEMENT.**

11 Section 11 of the Pacific Salmon Treaty Act of 1985
12 (16 U.S.C. 3640) is amended—

13 (1) by redesignating subsections (c) and (d) as
14 subsections (d) and (e), respectively;

15 (2) by inserting after subsection (b) the fol-
16 lowing:

17 “(c) **COMPENSATION OF COMMITTEE ON SCIENTIFIC**
18 **COOPERATION MEMBERS.**—Members of the Committee on
19 Scientific Cooperation who are not State or Federal em-
20 ployees shall receive compensation at a rate equivalent to
21 the rate payable for level IV of the Executive Schedule under
22 section 5315 of title 5, United States Code, when engaged
23 in actual performance of duties for the Commission.”; and

24 (3) by striking “71” in subsection (e), as redesi-
25 gnated, and inserting “171”.

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

3 **SEC. 401. SHORT TITLE; REFERENCES TO THE TUNA CON-**
4 **VENTIONS ACT OF 1950.**

5 (a) *SHORT TITLE.*—This title may be cited as the “An-
6 tigua Convention Implementing Act of 2013”.

7 (b) *REFERENCES TO THE TUNA CONVENTIONS ACT OF*
8 *1950.*—Except as otherwise expressly provided, whenever in
9 this title an amendment or repeal is expressed in terms of
10 an amendment to, or repeal of, a section or other provision,
11 the reference shall be considered to be made to a section or
12 other provision of the Tuna Conventions Act of 1950 as
13 amended (16 U.S.C. 951 et seq.).

14 **SEC. 402. 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 ‘Antigua
20 Convention’ means the Convention for the Strength-
21 ening of the Inter-American Tropical Tuna Commis-
22 sion Established by the 1949 Convention Between the
23 United States of America and the Republic of Costa
24 Rica, signed at Washington, November 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 subparagraphs (A) and (B), as*
16 *the context requires.*

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

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

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

7 “(7) *UNITED STATES COMMISSIONERS*.—The
8 term ‘United States Commissioners’ means the indi-
9 viduals appointed under section 3(a).

10 “(8) *UNITED STATES SECTION*.—The term
11 ‘United States Section’ means the United States Com-
12 missioners to the Commission and a designee of the
13 Secretary of State.”.

14 **SEC. 403. COMMISSIONERS; NUMBER, APPOINTMENT, AND**
15 **QUALIFICATIONS.**

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

18 **“SEC. 3. COMMISSIONERS.**

19 “(a) *COMMISSIONERS*.—The United States shall be
20 represented on the Commission by 5 United States Commis-
21 sioners. The President shall appoint individuals to serve on
22 the Commission at the pleasure of the President. In making
23 the appointments, the President shall select Commissioners
24 from among individuals who are knowledgeable or experi-
25 enced concerning highly migratory fish stocks in the eastern

1 *tropical Pacific Ocean, 1 of which shall be an officer or*
2 *employee of the Department of Commerce, 1 of which shall*
3 *be the chairman or a member of the Western Pacific Fishery*
4 *Management Council, and 1 of which shall be the chairman*
5 *or a member of the Pacific Fishery Management Council.*
6 *Not more than 2 Commissioners may be appointed who re-*
7 *side in a State other than a State whose vessels maintain*
8 *a substantial fishery in the area of the Convention.*

9 “(b) *ALTERNATE UNITED STATES COMMISSIONERS.—*
10 *The Secretary of State, in consultation with the Secretary,*
11 *may designate from time to time and for periods of time*
12 *deemed appropriate Alternate United States Commissioners*
13 *to the Commission. Any Alternate United States Commis-*
14 *sioner may exercise, at any meeting of the Commission or*
15 *of the General Advisory Committee or Scientific Advisory*
16 *Subcommittee established pursuant to section 4(b), all pow-*
17 *ers 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 number*
20 *of such Alternate United States Commissioners that may*
21 *be designated for any such meeting shall be limited to the*
22 *number of United States Commissioners appointed pursu-*
23 *ant to subsection (a) of this section who will not be present*
24 *at such meeting.*

25 “(c) *ADMINISTRATIVE MATTERS.—*

1 “(1) *EMPLOYMENT STATUS.*—*Individuals serving*
2 *as such Commissioners, other than officers or employ-*
3 *ees of the United States Government, shall not be con-*
4 *sidered Federal employees except for the purposes of*
5 *injury compensation or tort claims liability as pro-*
6 *vided in chapter 81 of title 5, United States Code,*
7 *and chapter 171 of title 28, United States Code.*

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

14 “(3) *TRAVEL EXPENSES.*—

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

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

4 **SEC. 404. GENERAL ADVISORY COMMITTEE AND SCIENTIFIC**
 5 **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 “(A) **APPOINTMENTS.—***The Secretary, in*
 12 *consultation with the Secretary of State, shall*
 13 *appoint a General Advisory Committee which*
 14 *shall consist of not more than 25 individuals*
 15 *who shall be representative of the various groups*
 16 *concerned with the fisheries covered by the Con-*
 17 *vention, including nongovernmental conservation*
 18 *organizations, providing to the maximum extent*
 19 *practicable an equitable balance among such*
 20 *groups. Members of the General Advisory Com-*
 21 *mittee will be eligible to participate as members*
 22 *of the U.S. delegation to the Commission and its*
 23 *working groups to the extent the Commission*
 24 *rules and space for delegations allow.*

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

8 “(C) *TERMS.*—*Each member of the General*
9 *Advisory Committee appointed under subpara-*
10 *graph (A) shall serve for a term of 3 years and*
11 *shall be eligible for reappointment.*

12 “(D) *NON-EXECUTIVE MEETINGS OF THE*
13 *UNITED STATES SECTION.*—*The General Advi-*
14 *sory Committee shall be invited to attend all*
15 *non-executive meetings of the United States Sec-*
16 *tion and at such meetings shall be given oppor-*
17 *tunity to examine and to be heard on all pro-*
18 *posed programs of investigation, reports, rec-*
19 *ommendations, and regulations of the Commis-*
20 *sion.*

21 “(E) *PUBLIC PARTICIPATION.*—*The General*
22 *Advisory Committee shall determine its organi-*
23 *zation, and prescribe its practices and proce-*
24 *dures for carrying out its functions under this*
25 *chapter, the Magnuson-Stevens Fishery Con-*

1 *ervation and Management Act (16 U.S.C. 1801*
2 *et seq.), and the Convention. The General Advi-*
3 *sory Committee shall publish and make available*
4 *to the public a statement of its organization,*
5 *practices and procedures. Meetings of the General*
6 *Advisory Committee, except when in executive*
7 *session, shall be open to the public, and prior no-*
8 *tice of meetings shall be made public in timely*
9 *fashion.*

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) *IN GENERAL.—The Secretary shall*
17 *provide to the General Advisory Committee in a*
18 *timely manner such administrative and tech-*
19 *nical support services as are necessary for its ef-*
20 *fective functioning.*

21 “(B) *COMPENSATION.—An individual ap-*
22 *pointed to serve as a member of the General Ad-*
23 *visory Committee—*

24 “(i) *shall serve without pay, but while*
25 *away from home or regular place of busi-*

1 *ness to attend meetings of the General Advi-*
 2 *sory Committee shall be allowed travel ex-*
 3 *penditures, including per diem in lieu of sub-*
 4 *sistence, in the same manner as a person*
 5 *employed intermittently in the Government*
 6 *service is allowed expenses under section*
 7 *5703 of title 5, United States Code; and*

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

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

16 *“(b) SCIENTIFIC ADVISORY SUBCOMMITTEE.—*

17 *“(1) IN GENERAL.—The Secretary, in consulta-*
 18 *tion with the Secretary of State, shall appoint a Sci-*
 19 *entific Advisory Subcommittee of not less than 5 nor*
 20 *more than 15 qualified scientists with balanced rep-*
 21 *resentation from the public and private sectors, in-*
 22 *cluding nongovernmental conservation organizations.*

23 *“(A) PUBLIC PARTICIPATION.—The Sci-*
 24 *entific Advisory Subcommittee shall determine*
 25 *its organization, and prescribe its practices and*

1 *procedures for carrying out its functions under*
2 *this chapter, the Magnuson-Stevens Fishery Con-*
3 *servation and Management Act (16 U.S.C. 1801*
4 *et seq.), and the Convention. The Scientific Advi-*
5 *sory Subcommittee shall publish and make avail-*
6 *able to the public a statement of its organization,*
7 *practices, and procedures. Meetings of the Sci-*
8 *entific Advisory Subcommittee, except when in*
9 *executive session, shall be open to the public, and*
10 *prior notice of meetings shall be made public in*
11 *a timely fashion.*

12 “(B) *INFORMATION SHARING.*—*The Sec-*
13 *retary and the Secretary of State shall furnish*
14 *the Scientific Advisory Subcommittee with rel-*
15 *evant information concerning fisheries and inter-*
16 *national fishery agreements.*

17 “(C) *ADMINISTRATIVE MATTERS.*—

18 “(i) *IN GENERAL.*—*The Secretary shall*
19 *provide to the Scientific Advisory Sub-*
20 *committee in a timely manner such admin-*
21 *istrative and technical support services as*
22 *are necessary for its effective functioning.*

23 “(ii) *COMPENSATION.*—*An individual*
24 *appointed to serve as a member of the Sci-*
25 *entific Advisory Subcommittee—*

1 “(I) shall serve without pay, but
2 while away from home or regular place
3 of business to attend meetings of the
4 Scientific Advisory Subcommittee shall
5 be allowed travel expenses, including
6 per diem in lieu of subsistence, in the
7 same manner as a person employed
8 intermittently in the Government serv-
9 ice is allowed expenses under section
10 5703 of title 5, United States Code;
11 and

12 “(II) shall not be considered a
13 Federal employee, except for the pur-
14 poses of injury compensation or tort
15 claims liability as provided in chapter
16 81 of title 5, United States Code, and
17 chapter 171 of title 18, United States
18 Code.”;

19 (3) in subsection (b)(2), by amending the head-
20 ing to read as follows:

21 “(2) FUNCTIONS AND ASSISTANCE.—”; and

22 (4) in subsection (b)(3), by striking “General
23 Advisory Subcommittee” and inserting “General Ad-
24 visory Committee”.

1 **SEC. 405. RULEMAKING.**

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

3 *(1) by striking the section heading and inserting*
4 *the following:*

5 **“SEC. 6. RULEMAKING.”;**

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

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

25 *“(b) JURISDICTION.—The Secretary may promulgate*
26 *regulations applicable to all vessels and persons subject to*

1 *the jurisdiction of the United States, including United*
 2 *States flag vessels wherever they may be operating, on such*
 3 *date as the Secretary shall prescribe.”; and*

4 *(3) in subsection (c)—*

5 *(A) by striking the subsection heading and*
 6 *inserting “(c) ADDITIONAL AUTHORITY.”;*

7 *(B) by striking “Regulations required to*
 8 *carry out” and all that follows through “respec-*
 9 *tive jurisdictions.”;*

10 *(C) by striking “application of any such*
 11 *regulations” and inserting “application of regu-*
 12 *lations promulgated to carry out the rec-*
 13 *ommendations of the Commission”;*

14 *(D) by striking “he” and inserting “the*
 15 *Secretary of Commerce”;* and

16 *(E) by striking “The regulations thus pro-*
 17 *mulgated” and all that follows through the end*
 18 *of subsection (c).*

19 **SEC. 406. PROHIBITED ACTS.**

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

22 **“SEC. 8. PROHIBITED ACTS.**

23 *“It is unlawful for any person—*

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

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

5 “(3) to refuse to permit any officer authorized to
6 enforce the provisions of this Act (as provided for in
7 section 10) to board a fishing vessel subject to such
8 person’s control for the purposes of conducting any
9 search, investigation or inspection in connection with
10 the enforcement of this Act or any regulation, permit,
11 or the Convention;

12 “(4) to forcibly assault, resist, oppose, impede,
13 intimidate, sexually harass, bribe, or interfere with
14 any such authorized officer in the conduct of any
15 search, investigations or inspection in connection
16 with the enforcement of this Act or any regulation,
17 permit, or the Convention;

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

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

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

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

9 “(9) to forcibly assault, resist, oppose, impede,
10 intimidate, sexually harass, bribe, attempt to bribe, or
11 interfere with any observer on a vessel under the Con-
12 vention, or any data collector employed by the Na-
13 tional Marine Fisheries Service or under contract to
14 any person to carry out responsibilities under this
15 Act;

16 “(10) to engage in fishing in violation of any
17 regulation adopted pursuant to section 6 of this Act;

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

22 “(12) to fail to make, keep, or furnish any catch
23 returns, statistical records, or other reports as are re-
24 quired by regulations adopted pursuant to this Act to
25 be made, kept, or furnished;

1 “(13) to fail to stop a vessel upon being hailed
2 and instructed to stop by a duly authorized official
3 of the United States; or

4 “(14) to import any fish in any form in viola-
5 tion of any regulation adopted pursuant to section 6
6 of this Act.”.

7 **SEC. 407. ENFORCEMENT.**

8 Section 10 (16 U.S.C. 959) is amended to read as fol-
9 lows:

10 **“SEC. 10. ENFORCEMENT.**

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

14 **SEC. 408. REDUCTION OF BYCATCH.**

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

17 **SEC. 409. REPEAL OF EASTERN PACIFIC TUNA LICENSING**
18 **ACT OF 1984.**

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

21 **SEC. 410. CONFORMING AMENDMENTS TO THE MARINE**
22 **MAMMAL PROTECTION ACT OF 1972.**

23 *The Marine Mammal Protection Act of 1972 (16*
24 *U.S.C. 1361 et seq.) is amended—*

1 (1) *in section 101(a)(2)(B)(i)(II) (16 U.S.C.*
2 *1371(a)(2)(B)(i)(II)) by striking “article V, para-*
3 *graph 3 of the Convention establishing the Inter-*
4 *American Tropical Tuna Commission” and inserting*
5 *“Article XXX of the Convention for the Strengthening*
6 *of the Inter-American Tropical Tuna Commission*
7 *(also known as the Antigua Convention)”;*

8 (2) *in section 108(a)(2) (16 U.S.C.*
9 *1378(a)(2))—*

10 (A) *by inserting “and” after the semicolon*
11 *at the end of subparagraph (B);*

12 (B) *by striking subparagraph (C); and*

13 (C) *by redesignating subparagraph (D) as*
14 *subparagraph (C); and*

15 (3) *in section 307(a)(1) (16 U.S.C. 1417(a)(1))*
16 *by striking “Article V, paragraph 3 of the Convention*
17 *establishing the Inter-American Tropical Tuna Com-*
18 *mission” and inserting “Article XXX of the Conven-*
19 *tion for the Strengthening of the Inter-American*
20 *Tropical Tuna Commission (also known as the Anti-*
21 *gua Convention)”.*

Calendar No. 263

113TH CONGRESS
1ST Session

S. 269

[Report No. 113-127]

A BILL

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

DECEMBER 17, 2013

Reported with an amendment