

114TH CONGRESS  
1ST SESSION

# H. R. 774

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2015

Ms. BORDALLO (for herself, Mr. YOUNG of Alaska, Mr. WITTMAN, Mr. DEFazio, and Mr. GARAMENDI) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Illegal, Unreported,  
5 and Unregulated Fishing Enforcement Act of 2015”.

# 1 SEC. 2. TABLE OF CONTENTS.

## 2 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

### TITLE I—STRENGTHENING FISHERIES ENFORCEMENT MECHANISMS

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

### TITLE II—IMPLEMENTATION OF THE ANTIGUA CONVENTION

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

### TITLE III—AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

- Sec. 301. Short title.
- Sec. 302. Purpose.
- Sec. 303. Definitions.
- Sec. 304. Duties and authorities of the Secretary.
- Sec. 305. Authorization or denial of port entry.
- Sec. 306. Inspections.
- Sec. 307. Prohibited acts.
- Sec. 308. Enforcement.
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1 **TITLE I—STRENGTHENING FISH-**  
2 **ERIES ENFORCEMENT MECH-**  
3 **ANISMS**

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

6 (a) ADMINISTRATION AND ENFORCEMENT.—

7 (1) IN GENERAL.—Section 606 of the High  
8 Seas Driftnet Fishing Moratorium Protection Act  
9 (16 U.S.C. 1826g) is amended by inserting before  
10 the first sentence the following:

11 “(a) IN GENERAL.—The Secretary and the Secretary  
12 of the department in which the Coast Guard is operating  
13 shall enforce this Act, and the Acts to which this section  
14 applies, in accordance with this section. Each such Sec-  
15 retary may, by agreement, on a reimbursable basis or oth-  
16 erwise, utilize the personnel services, equipment (including  
17 aircraft and vessels), and facilities of any other Federal  
18 agency, and of any State agency, in the performance of  
19 such duties.

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

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

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

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

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

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

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

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

12 “(8) the Antigua Convention Implementing Act  
13 of 2015.

14 “(c) ADMINISTRATION AND ENFORCEMENT.—

15 “(1) IN GENERAL.—The Secretary shall prevent  
16 any person from violating this Act, or any Act to  
17 which this section applies, in the same manner, by  
18 the same means, and with the same jurisdiction,  
19 powers, and duties as though sections 308 through  
20 311 of the Magnuson-Stevens Fishery Conservation  
21 and Management Act (16 U.S.C. 1858 through  
22 1861) were incorporated into and made a part of  
23 and applicable to this Act and each such Act.

24 “(2) INTERNATIONAL COOPERATION.—The Sec-  
25 retary may, subject to appropriations and in the

1 course of carrying out the Secretary's responsibilities  
2 under the Acts to which this section applies, engage  
3 in international cooperation to help other nations  
4 combat illegal, unreported, and unregulated fishing  
5 and achieve sustainable fisheries.

6 “(d) SPECIAL RULES.—

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

19 “(2) DISCLOSURE OF ENFORCEMENT INFORMA-  
20 TION.—

21 “(A) IN GENERAL.—The Secretary, subject  
22 to the data confidentiality provisions in section  
23 402 of the Magnuson-Stevens Fishery Con-  
24 servation and Management Act (16 U.S.C.  
25 1881a), may disclose, as necessary and appro-

1        priate, information, including information col-  
2        lected under joint authority of the Magnuson-  
3        Stevens Fishery Conservation and Management  
4        Act (16 U.S.C. 1801 et seq.) and the Atlantic  
5        Tunas Convention Act of 1975 (16 U.S.C. 71  
6        et seq.) or the Western and Central Pacific  
7        Fisheries Convention Implementation Act (16  
8        U.S.C. 6901 et seq.) or other statutes imple-  
9        menting international fishery agreements, to  
10       any other Federal or State government agency,  
11       the Food and Agriculture Organization of the  
12       United Nations, the secretariat or equivalent of  
13       an international fishery management organiza-  
14       tion or arrangement made pursuant to an inter-  
15       national fishery agreement, or a foreign govern-  
16       ment, if—

17                “(i) such government, organization, or  
18                arrangement has policies and procedures to  
19                protect such information from unintended  
20                or unauthorized disclosure; and

21                “(ii) such disclosure is necessary—

22                        “(I) to ensure compliance with  
23                        any law or regulation enforced or ad-  
24                        ministered by the Secretary;

1 “(II) to administer or enforce  
2 any international fishery agreement to  
3 which the United States is a party;

4 “(III) to administer or enforce a  
5 binding conservation measure adopted  
6 by any international organization or  
7 arrangement to which the United  
8 States is a party;

9 “(IV) to assist in any investiga-  
10 tive, judicial, or administrative en-  
11 forcement proceeding in the United  
12 States; or

13 “(V) to assist in any law enforce-  
14 ment action undertaken by a law en-  
15 forcement agency of a foreign govern-  
16 ment, or in relation to a legal pro-  
17 ceeding undertaken by a foreign gov-  
18 ernment to the extent the enforcement  
19 action is consistent with rules and  
20 regulations of a regional fisheries  
21 management organization (as that  
22 term is defined by the United Na-  
23 tion’s Food and Agriculture Organiza-  
24 tion Agreement on Port State Meas-  
25 ures to Prevent, Deter and Eliminate

1 Illegal, Unreported and Unregulated  
2 Fishing) of which the United States is  
3 a member, or the Secretary has deter-  
4 mined that the enforcement action is  
5 consistent with the requirements  
6 under Federal law for enforcement ac-  
7 tions with respect to illegal, unre-  
8 ported, and unregulated fishing.

9 “(B) DATA CONFIDENTIALITY PROVISIONS  
10 NOT APPLICABLE.—The data confidentiality  
11 provisions of section 402 of the Magnuson-Ste-  
12 vens Fishery Conservation and Management  
13 Act (16 U.S.C. 1881a) shall not apply with re-  
14 spect to this Act with respect to—

15 “(i) any obligation of the United  
16 States to share information under a re-  
17 gional fisheries management organization  
18 (as that term is defined by the United Na-  
19 tion’s Food and Agriculture Organization  
20 Agreement on Port State Measures to Pre-  
21 vent, Deter and Eliminate Illegal, Unre-  
22 ported and Unregulated Fishing) of which  
23 the United States is a member; or

24 “(ii) any information collected by the  
25 Secretary regarding foreign vessels.



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

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

5               “(2) to refuse to permit any officer authorized  
6 to enforce the provisions of this Act to board,  
7 search, or inspect a vessel, subject to such person’s  
8 control for the purposes of conducting any search,  
9 investigation, or inspection in connection with the  
10 enforcement of this Act, any regulation promulgated  
11 under this Act, or any Act to which this section ap-  
12 plies;

13               “(3) to forcibly assault, resist, oppose, impede,  
14 intimidate, or interfere with any such authorized of-  
15 ficer in the conduct of any search, investigation, or  
16 inspection described in paragraph (2);

17               “(4) to resist a lawful arrest for any act prohib-  
18 ited by this section or any Act to which this section  
19 applies;

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

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

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

5 “(B) any data collector employed by the  
6 National Marine Fisheries Service or under  
7 contract to any person to carry out responsibil-  
8 ities under this Act or any Act to which this  
9 section applies.

10 “(f) CIVIL PENALTY.—Any person who commits any  
11 act that is unlawful under subsection (e) shall be liable  
12 to the United States for a civil penalty, and may be subject  
13 to a permit sanction, under section 308 of the Magnuson-  
14 Stevens Fishery Conservation and Management Act (16  
15 U.S.C. 1858).

16 “(g) CRIMINAL PENALTY.—Any person who commits  
17 an act that is unlawful under subsection (e)(2), (e)(3),  
18 (e)(4), (e)(5), or (e)(6) is deemed to be guilty of an offense  
19 punishable under section 309(b) of the Magnuson-Stevens  
20 Fishery Conservation and Management Act (16 U.S.C.  
21 1859(b)).

22 “(h) UTILIZATION OF FEDERAL AGENCY ASSETS.—  
23 ”.

24 (2) CONFORMING AMENDMENT.—Section  
25 308(a) of the Antarctic Marine Living Resources

1 Convention Act of 1984 (16 U.S.C. 2437(a)) is  
2 amended to read as follows:

3 “(a) IN GENERAL.—Any person who commits an act  
4 that is unlawful under section 306 shall be liable to the  
5 United States for a civil penalty, and may be subject to  
6 a permit sanction, under section 308 of the Magnuson-  
7 Stevens Fishery Conservation and Management Act (16  
8 U.S.C. 1858).”.

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

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

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

20 (3) adding at the end the following new sub-  
21 sections:

22 “(b) DISCLOSURE OF INFORMATION.—

23 “(1) IN GENERAL.—The Secretary, subject to  
24 the data confidentiality provisions in section 402 of  
25 the Magnuson-Stevens Fishery Conservation and

1 Management Act (16 U.S.C. 1881a) except as pro-  
2 vided in paragraph (2), may disclose, as necessary  
3 and appropriate, information, including information  
4 collected under joint authority of the Magnuson-Ste-  
5 vens Fishery Conservation and Management Act (16  
6 U.S.C. 1801 et seq.) and the Atlantic Tunas Con-  
7 vention Act of 1975 (16 U.S.C. 71 et seq.), the  
8 Western and Central Pacific Fisheries Convention  
9 Implementation Act (16 U.S.C. 6901 et seq.), any  
10 other statute implementing an international fishery  
11 agreement, to any other Federal or State govern-  
12 ment agency, the Food and Agriculture Organization  
13 of the United Nations, or the secretariat or equiva-  
14 lent of an international fishery management organi-  
15 zation or arrangement made pursuant to an inter-  
16 national fishery agreement, if such government, or-  
17 ganization, or arrangement, respectively, has policies  
18 and procedures to protect such information from un-  
19 intended or unauthorized disclosure.

20 “(2) EXCEPTIONS.—The data confidentiality  
21 provisions in section 402 of the Magnuson-Stevens  
22 Fishery Conservation and Management Act (16  
23 U.S.C. 1881a) shall not apply with respect to this  
24 Act—

1 “(A) for obligations of the United States  
2 to share information under a regional fisheries  
3 management organization (as that term is de-  
4 fined by the United Nation’s Food and Agri-  
5 culture Organization Agreement on Port State  
6 Measures to Prevent, Deter and Eliminate Ille-  
7 gal, Unreported and Unregulated Fishing) of  
8 which the United States is a member; or

9 “(B) to any information collected by the  
10 Secretary regarding foreign vessels.

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

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

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

21 “(B) the United States is not party to, but  
22 whose procedures and criteria in developing and  
23 maintaining a list of such vessels and vessel  
24 owners are substantially similar to such proce-  
25 dures and criteria adopted pursuant to an inter-

1 national fishery agreement to which the United  
2 States is a party; and

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

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

13 (c) NOTIFICATION REGARDING IDENTIFICATION OF  
14 NATIONS.—Section 609(b) of such Act (166 U.S.C.  
15 1826j(b)) is amended to read as follows:

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

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

21 “(1) notify, as soon as possible, the President  
22 and nations that have been identified under sub-  
23 section (a), and also notify other nations whose ves-  
24 sels engage in fishing activities or practices de-

1 scribed in subsection (a), about the provisions of this  
2 section and this Act;”.

3 (e) EFFECT OF CERTIFICATION UNDER SECTION  
4 609.—Section 609(d)(3)(A)(i) of such Act (16 U.S.C.  
5 1826j(d)(3)(A)(i)) is amended by striking “that has not  
6 been certified by the Secretary under this subsection, or”.

7 (f) EFFECT OF CERTIFICATION UNDER SECTION  
8 610.—Section 610(c)(5) of such Act (16 U.S.C.  
9 1826k(c)(5)) is amended by striking “that has not been  
10 certified by the Secretary under this subsection, or”.

11 (g) IDENTIFICATION OF NATIONS.—

12 (1) SCOPE OF IDENTIFICATION FOR ACTIONS  
13 OF FISHING VESSELS.—Section 609(a) of such Act  
14 (16 U.S.C. 1826j(a)) is amended—

15 (A) in the matter preceding paragraph

16 (1)—

17 (i) by inserting “, based on a cumu-  
18 lative compilation and analysis of data col-  
19 lected and provided by international fishery  
20 management organizations and other na-  
21 tions and organizations,” after “shall”;  
22 and

23 (ii) by striking “2 years” and insert-  
24 ing “3 years”;

1 (B) in paragraph (1), by inserting “that  
 2 undermines the effectiveness of measures re-  
 3 quired by an international fishery management  
 4 organization, taking into account whether”  
 5 after “(1)”; and

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

8 (2) ADDITIONAL GROUNDS FOR IDENTIFICA-  
 9 TION.—Section 609(a) of such Act (16 U.S.C.  
 10 1826j(a)) is further amended—

11 (A) by redesignating paragraphs (1) and  
 12 (2) in order as subparagraphs (A) and (B) (and  
 13 by moving the margins of such subparagraphs  
 14 2 ems to the right);

15 (B) by inserting before the first sentence  
 16 the following:

17 “(1) IDENTIFICATION FOR ACTIONS OF FISHING  
 18 VESSELS.—”; and

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

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

24 “(A) if it is violating, or has violated at  
 25 any point during the preceding three years, con-



1           servation and management measures required  
2           under an international fishery management  
3           agreement to which the United States is a  
4           party and the violations undermine the effec-  
5           tiveness of such measures; or

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

11          “(3) APPLICATION TO OTHER ENTITIES.—  
12          Where the provisions of this Act are applicable to  
13          nations, they shall also be applicable, as appropriate,  
14          to other entities that have competency to enter into  
15          international fishery management agreements.”.

16          (3) PERIOD OF FISHING PRACTICES SUP-  
17          PORTING IDENTIFICATION.—Section 610(a)(1) of  
18          such Act (16 U.S.C. 1826k(a)(1)) is amended by  
19          striking “calendar year” and inserting “3 years”.

20          (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
21          authorized to be appropriated to the Secretary of Com-  
22          merce \$450,000 for each of fiscal years 2016 through  
23          2020 to implement the amendments made by subsections  
24          (b) and (g).

25          (i) TECHNICAL CORRECTIONS.—

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

4           (2) Section 609(d)(1) of such Act (16 U.S.C.  
5   1826j(d)(1)) is amended by striking “of its fishing  
6   vessels”.

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

10          (4) Section 609(d)(2) of such Act (16 U.S.C.  
11   1826j(d)(2)) is amended—

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

14               (B) by inserting “the importation” after  
15               “or other basis”;

16               (C) by striking “harvesting”; and

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

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

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

1 (B) In subsection (c)(4), by striking all  
 2 preceding subparagraph (B) and inserting the  
 3 following:

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

13 “(A) are comparable to those of the United  
 14 States, taking into account different conditions;  
 15 and”.

16 **SEC. 102. AMENDMENTS TO THE HIGH SEAS DRIFTNET**  
 17 **FISHERIES ENFORCEMENT ACT.**

18 (a) NEGATIVE CERTIFICATION EFFECTS.—Section  
 19 101 of the High Seas Driftnet Fisheries Enforcement Act  
 20 (16 U.S.C. 1826a) is amended—

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

23 (2) in subsection (a)(2)(A), by inserting “or, as  
 24 appropriate, for fishing vessels of a nation that re-  
 25 ceives a negative certification under section 609(d)

1 or section 610(c) of the High Seas Driftnet Fishing  
2 Moratorium Protection Act (16 U.S.C. 1826)” after  
3 “(1)”;

4 (3) in subsection (a)(2)(B), by inserting before  
5 the period the following: “, except for the purposes  
6 of inspecting such vessel, conducting an investiga-  
7 tion, or taking other appropriate enforcement ac-  
8 tion”;

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

12 (5) in subsection (b)(1)(B) and subsection  
13 (b)(2), by striking “or illegal, unreported, or unregu-  
14 lated fishing” after “driftnet fishing” each place it  
15 appears;

16 (6) in subsection (b)(3)(A)(i), by inserting “or  
17 a negative certification under section 609(d) or sec-  
18 tion 610(c) of the High Seas Driftnet Fishing Mora-  
19 torium Protection Act (16 U.S.C. 1826j(d),  
20 1826k(c))” after “(1)(A)”;

21 (7) in subsection (b)(4)(A), by inserting “or  
22 issues a negative certification under section 609(d)  
23 or section 610(c) of the High Seas Driftnet Fishing  
24 Moratorium Protection Act (16 U.S.C. 1826j(d),  
25 1826k(c))” after “paragraph (1)”;

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

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

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

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

16           (2) inserting “or effectively addressed the of-  
17      fending activities for which the nation received a  
18      negative certification under 609(d) or 610(c) of the  
19      High Seas Driftnet Fishing Moratorium Protection  
20      Act (16 U.S.C. 1826j(d), 1826k(c))” before the pe-  
21      riod at the end.

1 **SEC. 103. AMENDMENTS TO NORTH PACIFIC ANADROMOUS**  
2 **STOCKS ACT OF 1992.**

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

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

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

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

14 **“SEC. 811. ADDITIONAL PROHIBITIONS AND ENFORCE-**  
15 **MENT.**

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

20 **SEC. 104. AMENDMENTS TO THE PACIFIC SALMON TREATY**  
21 **ACT OF 1985.**

22 Section 8 of the Pacific Salmon Treaty Act of 1985  
23 (16 U.S.C. 3637) is amended—

24 (1) in subsection (a)(2)—

25 (A) by inserting “, investigation,” after  
26 “search”; and

1 (B) by striking “this title;” and inserting  
 2 “this Act;”;

3 (2) in subsection (a)(3)—

4 (A) by inserting “, investigation,” after  
 5 “search”; and

6 (B) by striking “subparagraph (2);” and  
 7 inserting “paragraph (2);”;

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

10 (4) by striking subsections (b) through (f) and  
 11 inserting the following:

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

17 **SEC. 105. AMENDMENTS TO THE WESTERN AND CENTRAL**  
 18 **PACIFIC FISHERIES CONVENTION IMPLE-**  
 19 **MENTATION ACT.**

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

23 (1) by amending section 506(c) (16 U.S.C.  
 24 6905(c)) to read as follows:

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

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

9     **SEC. 106. AMENDMENTS TO THE ANTARCTIC MARINE LIV-**  
 10                   **ING RESOURCES CONVENTION ACT.**

11       The Antarctic Marine Living Resources Convention  
 12     Act of 1984 is amended—

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

14                         (A) in paragraph (3), by striking “which  
 15                   he knows, or reasonably should have known,  
 16                   was”;

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

19                         (C) in paragraph (5), by inserting “, inves-  
 20                   tigation,” after “search”; and

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

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

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



1       “(b) REGULATIONS TO IMPLEMENT CONSERVATION  
2 MEASURES.—

3           “(1) IN GENERAL.—Notwithstanding sub-  
4 sections (b), (c), and (d) of section 553 of title 5,  
5 United States Code, the Secretary of Commerce may  
6 publish in the Federal Register a final regulation to  
7 implement any conservation measure for which the  
8 Secretary of State notifies the Commission under  
9 section 305(a)(1)—

10           “(A) that has been in effect for 12 months  
11 or less;

12           “(B) that is adopted by the Commission;  
13 and

14           “(C) with respect to which the Secretary of  
15 State does not notify Commission in accordance  
16 with section 305(a)(1) within the time period  
17 allotted for objections under Article IX of the  
18 Convention.

19           “(2) ENTERING INTO FORCE.—Upon publica-  
20 tion of such regulation in the Federal Register, such  
21 conservation measure shall enter into force with re-  
22 spect to the United States.”.

1 **SEC. 107. AMENDMENTS TO THE ATLANTIC TUNAS CONVEN-**  
 2 **TION ACT.**

3 The Atlantic Tunas Convention Act of 1975 is  
 4 amended—

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

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

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

9 (C) by inserting “(A)” after “(2)”;

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

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

17 (2) in section 7 (16 U.S.C. 971e) by striking  
 18 subsections (e) and (f) and redesignating subsection  
 19 (g) as subsection (e);

20 (3) in section 8 (16 U.S.C. 971f)—

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

22 and

23 (B) by inserting before subsection (b) the  
 24 following:

25 “(a) For additional prohibitions relating to this Act  
 26 and enforcement of this Act, see section 606 of the High

1 Seas Driftnet Fishing Moratorium Protection Act (16  
2 U.S.C. 1826g).”;

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

8 (5) by striking section 11 (16 U.S.C. 971j) and  
9 redesignating sections 12 and 13 as sections 11 and  
10 12, respectively.

11 **SEC. 108. AMENDMENTS TO THE HIGH SEAS FISHING COM-**  
12 **PLIANCE ACT OF 1965.**

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

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

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

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

1 **SEC. 109. AMENDMENTS TO THE DOLPHIN PROTECTION**  
2 **CONSUMER INFORMATION ACT.**

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

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

11 **SEC. 110. AMENDMENTS TO THE NORTHERN PACIFIC HAL-**  
12 **IBUT ACT OF 1982.**

13 Section 7 of the Northern Pacific Halibut Act of  
14 1982 (16 U.S.C. 773e) is amended—

15 (1) in subsection (a) by redesignating para-  
16 graphs (1) through (6) as subparagraphs (A)  
17 through (F);

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

20 (3) in paragraph (1)(B), as so redesignated, by  
21 inserting “, investigation,” before “or inspection”;

22 (4) in paragraph (1)(C), as so redesignated, by  
23 inserting “, investigation,” before “or inspection”;

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

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

3 **SEC. 111. AMENDMENTS TO THE NORTHWEST ATLANTIC**  
 4 **FISHERIES CONVENTION ACT OF 1995.**

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

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

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

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

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

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

21 **SEC. 112. AMENDMENT TO THE MAGNUSON-STEVENSON FISH-**  
 22 **ERY CONSERVATION AND MANAGEMENT ACT.**

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

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

## 5 **TITLE II—IMPLEMENTATION OF** 6 **THE ANTIGUA CONVENTION**

### 7 **SEC. 201. SHORT TITLE.**

8 This title may be cited as the “Antigua Convention  
9 Implementing Act of 2015”.

### 10 **SEC. 202. AMENDMENT OF THE TUNA CONVENTIONS ACT** 11 **OF 1950.**

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

### 18 **SEC. 203. DEFINITIONS.**

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

#### 21 **“SEC. 2. DEFINITIONS.**

22 “In this Act:

23 “(1) ANTIGUA CONVENTION.—The term ‘Anti-  
24 gua Convention’ means the Convention for the  
25 Strengthening of the Inter-American Tropical Tuna

1 Commission Established by the 1949 Convention  
2 Between the United States of America and the Re-  
3 public of Costa Rica, signed at Washington, Novem-  
4 ber 14, 2003.

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

8 “(3) CONVENTION.—The term ‘Convention’  
9 means—

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

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

19 “(C) both such Conventions, as the context  
20 requires.

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

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

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

7 **SEC. 204. COMMISSIONERS; NUMBER, APPOINTMENT, AND**  
8 **QUALIFICATIONS.**

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

11 **“SEC. 3. COMMISSIONERS.**

12           “(a) COMMISSIONERS.—The United States shall be  
13 represented on the Commission by 4 United States Com-  
14 missioners. The President shall appoint individuals to  
15 serve on the Commission. The United States Commis-  
16 sioners shall be subject to supervision and removal by the  
17 Secretary of State, in consultation with the Secretary. In  
18 making the appointments, the President shall select  
19 United States Commissioners from among individuals who  
20 are knowledgeable or experienced concerning highly migra-  
21 tory fish stocks in the eastern tropical Pacific Ocean, one  
22 of whom shall be an officer or employee of the Department  
23 of Commerce. Not more than 2 United States Commis-  
24 sioners may be appointed who reside in a State other than



1 a State whose vessels maintain a substantial fishery in the  
2 area of the Convention.

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

19 “(c) ADMINISTRATIVE MATTERS.—

20 “(1) EMPLOYMENT STATUS.—Individuals serv-  
21 ing as United States Commissioners, other than offi-  
22 cers or employees of the United States Government,  
23 shall not be considered Federal employees except for  
24 the purposes of injury compensation or tort claims  
25 liability as provided in chapter 81 of title 5, United

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

3 “(2) COMPENSATION.—The United States Com-  
4 missioners or Alternate Commissioners, although of-  
5 ficers of the United States while so serving, shall re-  
6 ceive no compensation for their services as United  
7 States Commissioners or Alternate Commissioners.

8 “(3) TRAVEL EXPENSES.—

9 “(A) The Secretary of State shall pay the  
10 necessary travel expenses of United States  
11 Commissioners and Alternate United States  
12 Commissioners to meetings of the Inter-Amer-  
13 ican Tropical Tuna Commission and other  
14 meetings the Secretary of State deems nec-  
15 essary to fulfill their duties, in accordance with  
16 the Federal Travel Regulations and sections  
17 5701, 5702, 5704 through 5708, and 5731 of  
18 title 5, United States Code.

19 “(B) The Secretary may reimburse the  
20 Secretary of State for amounts expended by the  
21 Secretary of State under this subsection.”.

22 **SEC. 205. GENERAL ADVISORY COMMITTEE AND SCI-**  
23 **ENTIFIC ADVISORY SUBCOMMITTEE.**

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

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

3           “(a) GENERAL ADVISORY COMMITTEE.—

4                 “(1) APPOINTMENTS; PUBLIC PARTICIPATION;  
5 COMPENSATION.—

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

20                 “(B) The chair of the Pacific Fishery  
21 Management Council’s Advisory Subpanel for  
22 Highly Migratory Fisheries and the chair of the  
23 Western Pacific Fishery Management Council’s  
24 Advisory Committee shall be ex-officio members

1 of the General Advisory Committee by virtue of  
2 their positions in those Councils.

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

7 “(D) The General Advisory Committee  
8 shall be invited to attend all non-executive  
9 meetings of the United States delegation and at  
10 such meetings shall be given opportunity to ex-  
11 amine and to be heard on all proposed pro-  
12 grams of investigation, reports, recommenda-  
13 tions, and regulations of the Commission.

14 “(E) The General Advisory Committee  
15 shall determine its organization, and prescribe  
16 its practices and procedures for carrying out its  
17 functions under this title, the Magnuson-Ste-  
18 vens Fishery Conservation and Management  
19 Act (16 U.S.C. 1801 et seq.), and the Conven-  
20 tion. The General Advisory Committee shall  
21 publish and make available to the public a  
22 statement of its organization, practices and pro-  
23 cedures. Meetings of the General Advisory Com-  
24 mittee, except when in executive session, shall  
25 be open to the public, and prior notice of meet-

1           ings shall be made public in timely fashion. The  
2           General Advisory Committee shall not be sub-  
3           ject to the Federal Advisory Committee Act (5  
4           U.S.C. App.).

5           “(2) INFORMATION SHARING.—The Secretary  
6           and the Secretary of State shall furnish the General  
7           Advisory Committee with relevant information con-  
8           cerning fisheries and international fishery agree-  
9           ments.

10          “(3) ADMINISTRATIVE MATTERS.—

11                 “(A) The Secretary shall provide to the  
12                 General Advisory Committee in a timely man-  
13                 ner such administrative and technical support  
14                 services as are necessary for its effective func-  
15                 tioning.

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

18                         “(i) shall serve without pay, but while  
19                         away from their homes or regular places of  
20                         business to attend meetings of the General  
21                         Advisory Committee shall be allowed travel  
22                         expenses, including per diem in lieu of sub-  
23                         sistence, in the same manner as persons  
24                         employed intermittently in the Government

1 service are allowed expenses under section  
 2 5703 of title 5, United States Code; and

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

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

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

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

21 **SEC. 206. RULEMAKING.**

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

1   **“SEC. 6. RULEMAKING.**

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

21           “(b) JURISDICTION.—The Secretary may promulgate  
22 regulations as may be necessary to carry out the United  
23 States international obligations under the Convention and  
24 this Act, applicable to all vessels and persons subject to  
25 the jurisdiction of the United States, including United

1 States flag vessels wherever they may be operating, on  
2 such date as the Secretary shall prescribe.”.

3 **SEC. 207. PROHIBITED ACTS.**

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

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

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

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

13 **SEC. 208. ENFORCEMENT.**

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

16 **“SEC. 10. ENFORCEMENT.**

17 “For enforcement of this Act, see section 606 of the  
18 High Seas Driftnet Fishing Moratorium Protection Act  
19 (16 U.S.C. 1826g).”.

20 **SEC. 209. REDUCTION OF BYCATCH.**

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



1 **SEC. 210. REPEAL OF EASTERN PACIFIC TUNA LICENSING**  
2 **ACT OF 1984.**

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

5 **TITLE III—AGREEMENT ON**  
6 **PORT STATE MEASURES TO**  
7 **PREVENT, DETER AND ELIMI-**  
8 **NATE ILLEGAL, UNREPORTED**  
9 **AND UNREGULATED FISHING**

10 **SEC. 301. SHORT TITLE.**

11 This title may be cited as the “Port State Measures  
12 Agreement Act of 2015”.

13 **SEC. 302. PURPOSE.**

14 The purpose of this title is to implement the Agree-  
15 ment on Port State Measures to Prevent, Deter and  
16 Eliminate Illegal, Unreported and Unregulated Fishing.

17 **SEC. 303. DEFINITIONS.**

18 As used in this title:

19 (1) The term “Agreement” means the Agree-  
20 ment on Port State Measures to Prevent, Deter and  
21 Eliminate Illegal, Unreported and Unregulated Fish-  
22 ing, done at the Food and Agriculture Organization  
23 of the United Nations, in Rome, Italy, November 22,  
24 2009, and signed by the United States November  
25 22, 2009.

1           (2) The term “IUU fishing” means any activity  
2       set out in paragraph 3 of the 2001 FAO Inter-  
3       national Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

5           (3) The term “listed IUU vessel” means a vessel  
6       that is included in a list of vessels having engaged in IUU fishing or fishing-related activities in  
7       support of IUU fishing that has been adopted by a  
8       regional fisheries management organization of which  
9       the United States is a member, or a list adopted by  
10      a regional fisheries management organization of  
11      which the United States is not a member if the Secretary determines the criteria used by that organization to create the IUU list is comparable to United  
12      States criteria for identifying IUU vessels and activities.  
13      ties.

17          (4) The term “Magnuson-Stevens Act” means  
18      the Magnuson-Stevens Fishery Conservation and  
19      Management Act (16 U.S.C. 1801 et seq.).

20          (5) The term “person” has the same meaning  
21      as that term has in section 3 of the Magnuson-Stevens Act (16 U.S.C. 1802).

23          (6) The terms “RFMO” and “regional fisheries  
24      management organization” mean a regional fisheries  
25      management organization (as that term is defined

1 by the United Nation’s Food and Agriculture Orga-  
2 nization Agreement on Port State Measures to Pre-  
3 vent, Deter and Eliminate Illegal, Unreported and  
4 Unregulated Fishing) of which the United States is  
5 a member.

6 (7) The term “Secretary” means the Secretary  
7 of Commerce or his or her designee.

8 (8) The term “vessel” means any vessel, ship of  
9 another type, or boat used for, equipped to be used  
10 for, or intended to be used for, fishing or fishing-re-  
11 lated activities, including container vessels that are  
12 carrying fish that have not been previously landed.

13 (9) The term “fish” means finfish, mollusks,  
14 crustaceans, and all other forms of marine animal  
15 and plant life other than marine mammals and  
16 birds.

17 (10) The term “fishing”—

18 (A) except as provided in subparagraph

19 (B), means—

20 (i) the catching, taking, or harvesting  
21 of fish;

22 (ii) the attempted catching, taking, or  
23 harvesting of fish;

- 1 (iii) any other activity which can rea-  
2 sonably be expected to result in the catch-  
3 ing, taking, or harvesting of fish; or  
4 (iv) any operations at sea in support  
5 of, or in preparation for, any activity de-  
6 scribed in clauses (i) through (iii); and  
7 (B) does not include any scientific research  
8 activity that is conducted by a scientific re-  
9 search vessel.

10 **SEC. 304. DUTIES AND AUTHORITIES OF THE SECRETARY.**

11 (a) REGULATIONS.—The Secretary may, as needed,  
12 promulgate such regulations, in accordance with section  
13 553 of title 5, United States Code, and consistent with  
14 the provisions of this title, as may be necessary to carry  
15 out the purposes of this title to the extent that such regu-  
16 lations are not already promulgated.

17 (b) PORTS OF ENTRY.—The Secretary, in consulta-  
18 tion with the Secretary of Homeland Security and, when  
19 the Coast Guard is not operating in the Department of  
20 Homeland Security, the Secretary of the department in  
21 which the Coast Guard is operating, may designate and  
22 publicize the ports to which vessels may seek entry. No  
23 port may be designated under this section that has not  
24 also been designated as a port of entry for customs report-  
25 ing purposes pursuant to section 1433 of title 19, United

1 States Code, or that is not specified under an existing  
2 international fisheries agreement.

3 (c) NOTIFICATION.—The Secretary shall provide no-  
4 tification of the denial of port entry or the use of port  
5 services for a vessel under section 305, the withdrawal of  
6 the denial of port services for a foreign vessel, the taking  
7 of enforcement action pursuant to section 306 with respect  
8 to a foreign vessel, or the results of any inspection of a  
9 foreign vessel conducted pursuant to this title to the flag  
10 nation of the vessel and, as appropriate, to the nation of  
11 which the vessel's master is a national, relevant coastal  
12 nations, RFMOs, the Food and Agriculture Organization  
13 of the United Nations, and other relevant international or-  
14 ganizations.

15 (d) CONFIRMATION THAT FISH WERE TAKEN IN AC-  
16 CORDANCE WITH CONSERVATION AND MANAGEMENT  
17 MEASURES.—The Secretary may request confirmation  
18 from the flag state of a foreign vessel that the fish on  
19 board a foreign vessel in a port subject to the jurisdiction  
20 of the United States were taken in accordance with appli-  
21 cable RFMO conservation and management measures.

22 **SEC. 305. AUTHORIZATION OR DENIAL OF PORT ENTRY.**

23 (a) SUBMISSION OF INFORMATION REQUIRED  
24 UNDER AGREEMENT.—All foreign vessels seeking entry to  
25 a port subject to the jurisdiction of the United States must

1 submit to the Secretary of the department in which the  
2 Coast Guard is operating information as required under  
3 the Agreement in advance of its arrival in port.

4 (b) DECISION TO AUTHORIZE OR DENY PORT  
5 ENTRY.—The Secretary shall decide, based on the infor-  
6 mation submitted under subsection (a), whether to author-  
7 ize or deny port entry and shall communicate this decision  
8 to the foreign vessel or to its representative. The Secretary  
9 may deny entry to—

10 (1) any foreign-listed IUU vessel; or

11 (2) any foreign vessel the Secretary has reason-  
12 able grounds to believe has engaged in IUU fishing  
13 or fishing-related activities in support of such fishing  
14 or has violated the Act.

15 (c) DENIAL OF USE OF PORT.—If a foreign vessel  
16 is in a port subject to the jurisdiction of the United States,  
17 the Secretary shall deny such vessel the use of the port  
18 for landing, transshipment, packaging and processing of  
19 fish, refueling, resupplying, maintenance and drydocking,  
20 if—

21 (1) the vessel entered without authorization  
22 under subsection (b);

23 (2) the vessel is a listed IUU vessel;

24 (3) the flag nation of the vessel has failed to  
25 provide confirmation requested by the Secretary that

1 the fish on board were taken in accordance with ap-  
2 plicable RFMO conservation and management meas-  
3 ures; or

4 (4) the Secretary has reasonable grounds to be-  
5 lieve—

6 (A) the vessel lacks valid authorizations to  
7 engage in fishing or fishing-related activities as  
8 required by its flag nation or the relevant coast-  
9 al nation;

10 (B) the fish on board were taken in viola-  
11 tion of foreign law or in contravention of any  
12 RFMO conservation and management measure;  
13 or

14 (C) the vessel has engaged in IUU fishing  
15 or fishing-related activities in support of such  
16 fishing, including in support of a listed IUU  
17 vessel, unless it can establish that—

18 (i) it was acting in a manner con-  
19 sistent with applicable RFMO conservation  
20 and management measures; or

21 (ii) in the case of the provision of per-  
22 sonnel, fuel, gear, and other supplies at  
23 sea, the vessel provisioned was not, at the  
24 time of provisioning, a listed IUU vessel.

1 (d) EXCEPTIONS.—Notwithstanding subsections (b)  
2 and (c), the Secretary may allow port entry or the use  
3 of port services—

4 (1) if they are essential to the safety or health  
5 of the crew or safety of the vessel;

6 (2) to allow, where appropriate, for the scrap-  
7 ping of the vessel; or

8 (3) pursuant to an inspection or other enforce-  
9 ment action.

10 **SEC. 306. INSPECTIONS.**

11 The Secretary, and the Secretary of the department  
12 in which the Coast Guard is operating, shall conduct for-  
13 eign vessel inspections in ports subject to the jurisdiction  
14 of the United States as necessary to achieve the purposes  
15 of the Agreement and this title. If, following an inspection,  
16 the Secretary has reasonable grounds to believe that a for-  
17 eign vessel has engaged in IUU fishing or fishing-related  
18 activities in support of such fishing, the Secretary may  
19 take enforcement action under this title or other applicable  
20 law, and shall deny the vessel the use of port services, in  
21 accordance with section 305.

22 **SEC. 307. PROHIBITED ACTS.**

23 It is unlawful for any person subject to the jurisdic-  
24 tion of the United States—



1           (1) to violate any provision of this title or the  
2 regulations issued under this title;

3           (2) to refuse to permit any authorized officer to  
4 board, search, or inspect a vessel that is subject to  
5 the person's control in connection with the enforce-  
6 ment of this title or the regulations issued under  
7 this title;

8           (3) to submit false information pursuant to any  
9 requirement under this title or the regulations issued  
10 under this title; or

11           (4) to commit any offense enumerated in para-  
12 graph (4), (5), (7), or (9) of section 707(a) of the  
13 Western and Central Pacific Fisheries Convention  
14 Implementation Act (16 U.S.C. 6906(a)).

15 **SEC. 308. ENFORCEMENT.**

16       (a) EXISTING AUTHORITIES AND RESPONSIBIL-  
17 ITIES.—

18           (1) AUTHORITIES AND RESPONSIBILITIES.—

19       The authorities and responsibilities under sub-  
20 sections (a), (b), and (c) of section 311 and sub-  
21 section (f) of section 308 of the Magnuson-Stevens  
22 Act (16 U.S.C. 1861, 1858) and paragraphs (2),  
23 (3), and (7) of section 310(b) of the Antarctic Ma-  
24 rine Living Resources Convention Act of 1984 (16

1 U.S.C. 2439(b)) shall apply with respect to enforce-  
2 ment of this title.

3 (2) INCLUDED VESSELS.—For purposes of en-  
4 forcing this title, any reference in such paragraphs  
5 and subsections to a “vessel” or “fishing vessel” in-  
6 cludes all vessels as defined in section 303(8) of this  
7 title.

8 (3) APPLICATION OF OTHER PROVISIONS.—  
9 Such paragraphs and subsections apply to violations  
10 of this title and any regulations promulgated under  
11 this title.

12 (b) CIVIL ENFORCEMENT.—

13 (1) CIVIL ADMINISTRATIVE PENALTIES.—

14 (A) IN GENERAL.—Any person who is  
15 found by the Secretary (after notice and oppor-  
16 tunity for a hearing in accordance with section  
17 554 of title 5, United States Code) to have  
18 committed an act prohibited under section 307  
19 shall be liable to the United States for a civil  
20 penalty. The amount of the civil penalty shall  
21 be consistent with the amount under section  
22 308(a) of the Magnuson-Stevens Act (16 U.S.C.  
23 1858(a)).

24 (B) COMPROMISE OR OTHER ACTION BY  
25 SECRETARY.—The Secretary shall have the

1 same authority as provided in section 308(e) of  
2 the Magnuson-Stevens Act (16 U.S.C. 1858(e))  
3 with respect to a violation of this Act.

4 (2) IN REM JURISDICTION.—For purposes of  
5 this title, the conditions for in rem liability shall be  
6 consistent with section 308(d) of the Magnuson-Stevens Act (16 U.S.C. 1858(d)).

8 (3) ACTION UPON FAILURE TO PAY ASSESS-  
9 MENT.—If any person fails to pay an assessment of  
10 a civil penalty under this title after it has become a  
11 final and unappealable order, or after the appropriate court has entered final judgment in favor of  
12 the Secretary, the Secretary shall refer the matter to  
13 the Attorney General, who shall recover the amount  
14 assessed in any appropriate district court of the  
15 United States. In such action, the validity and appropriateness of the final order imposing the civil  
16 penalty shall not be subject to review.

18 (c) FORFEITURE.—  
19

20 (1) IN GENERAL.—Any foreign vessel (including  
21 its fishing gear, furniture, appurtenances, stores,  
22 and cargo) used, and any fish (or the fair market  
23 value thereof) imported or possessed in connection  
24 with or as result of the commission of any act prohibited by section 307 of this title shall be subject  
25

1 to forfeiture under section 310 of the Magnuson-Stevens Act (16 U.S.C. 1860).

3 (2) APPLICATION OF THE CUSTOMS LAWS.—All  
4 provisions of law relating to seizure, summary judgment, and judicial forfeiture and condemnation for  
5 violation of the customs laws, the disposition of the  
6 property forfeited or condemned or the proceeds  
7 from the sale thereof, the remission or mitigation of  
8 such forfeitures, and the compromise of claims shall  
9 apply to seizures and forfeitures incurred, or alleged  
10 to have been incurred, under the provisions of this  
11 title, insofar as applicable and not inconsistent with  
12 the provisions hereof. For seizures and forfeitures of  
13 property under this section by the Secretary, such  
14 duties as are imposed upon the customs officer or  
15 any other person with respect to the seizure and forfeiture of property under the customs law may be  
16 performed by such officers as are designated by the  
17 Secretary or, upon request of the Secretary, by any  
18 other agency that has authority to manage and dispose of seized property.

22 (3) PRESUMPTION.—For the purposes of this  
23 section there is a rebuttable presumption that all  
24 fish, or components thereof, found on board a vessel  
25 that is used or seized in connection with a violation

1 of this title (including any regulation promulgated  
2 under this Act) were taken, obtained, or retained as  
3 a result of IUU fishing or fishing-related activities  
4 in support of IUU fishing.

5 (d) CRIMINAL ENFORCEMENT.—Any person (other  
6 than a foreign government agency, or entity wholly owned  
7 by a foreign government) who knowingly commits an act  
8 prohibited by section 307 of this title shall be subject to  
9 subsections (b) and (c) of section 309 of the Magnuson-  
10 Stevens Act (16 U.S.C. 1859).

11 (e) PAYMENT OF STORAGE, CARE, AND OTHER  
12 COSTS.—Any person assessed a civil penalty for, or con-  
13 victed of, any violation of this title (including any regula-  
14 tion promulgated under this title) and any claimant in a  
15 forfeiture action brought for such a violation, shall be lia-  
16 ble for the reasonable costs incurred by the Secretary in  
17 storage, care, and maintenance of any property seized in  
18 connection with the violation.

19 **SEC. 309. INTERNATIONAL COOPERATION AND ASSIST-**  
20 **ANCE.**

21 (a) ASSISTANCE TO DEVELOPING NATIONS AND  
22 INTERNATIONAL ORGANIZATIONS.—Consistent with exist-  
23 ing authority and the availability of funds, the Secretary  
24 shall provide appropriate assistance to developing nations  
25 and international organizations of which such nations are

1 members to assist those nations in meeting their obliga-  
2 tions under the Agreement.

3 (b) PERSONNEL, SERVICES, EQUIPMENT, AND FA-  
4 CILITIES.—In carrying out subsection (a), the Secretary  
5 may, by agreement, on a reimbursable or nonreimbursable  
6 basis, utilize the personnel, services, equipment, and facili-  
7 ties of any Federal, State, local, or foreign government  
8 or any entity of any such government.

9 **SEC. 310. RELATIONSHIP TO OTHER LAWS.**

10 (a) IN GENERAL.—Nothing in this title shall be con-  
11 strued to displace any requirements imposed by the cus-  
12 toms laws of the United States or any other laws or regu-  
13 lations enforced or administered by the Secretary of  
14 Homeland Security. Where more stringent requirements  
15 regarding port entry or access to port services exist under  
16 other Federal law, those more stringent requirements shall  
17 apply. Nothing in this title shall affect a vessel's entry into  
18 port, in accordance with international law, for reasons of  
19 force majeure or distress.

20 (b) UNITED STATES OBLIGATIONS UNDER INTER-  
21 NATIONAL LAW.—This title shall be interpreted and ap-  
22 plied in accordance with United States obligations under  
23 international law.

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