

114TH CONGRESS  
1ST SESSION

# S. 1334

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 SENATE OF THE UNITED STATES

MAY 13, 2015

Ms. MURKOWSKI (for herself, Mr. SULLIVAN, and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To 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”.

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

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

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—STRENGTHENING FISHERIES ENFORCEMENT  
MECHANISMS

- Sec. 101. Amendments to the High Seas Driftnet Fishing Moratorium Protection Act.
- Sec. 102. Amendments to the High Seas Driftnet Fisheries Enforcement Act.
- Sec. 103. Amendments to North Pacific Anadromous Stocks Act of 1992.
- Sec. 104. Amendments to the Pacific Salmon Treaty Act of 1985.
- Sec. 105. Amendments to the Western and Central Pacific Fisheries Convention Implementation Act.
- Sec. 106. Amendments to the 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.
- Sec. 309. International cooperation and assistance.
- Sec. 310. Relationship to other laws.

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 striking “The  
10 President” and inserting 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 the following Acts:

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

24 “(2) The Dolphin Protection Consumer Infor-  
25 mation 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.).

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, 1859, 1860,  
22 and 1861) were incorporated into and made a part  
23 of 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           appropriate, 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. 971  
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 fishery man-  
21 agement organization that the United  
22 States is a member of, or the Sec-  
23 retary has determined that the en-  
24 forcement action is consistent with the  
25 requirements under Federal law for

1 enforcement actions with respect to il-  
2 legal, unreported, and unregulated  
3 fishing.

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

10 “(i) any obligation of the United  
11 States to share information under a Re-  
12 gional Fishery Management Organization  
13 to which the United States is a party; or

14 “(ii) with respect to any information  
15 collected by the Secretary regarding for-  
16 eign vessels.

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

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

21 “(2) to refuse to permit any officer authorized  
22 to enforce the provisions of this Act to board,  
23 search, or inspect a vessel, subject to such person’s  
24 control for the purposes of conducting any search,  
25 investigation, or inspection in connection with the



1 enforcement of this Act, any regulation promulgated  
2 under this Act, or any Act to which this section ap-  
3 plies;

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

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

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

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

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

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

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

7       “(g) CRIMINAL PENALTY.—Any person who commits  
8 an act that is unlawful under paragraph (2), (3), (4), (5),  
9 or (6) of subsection (e) is deemed to be guilty of an offense  
10 punishable under section 309(b) of the Magnuson-Stevens  
11 Fishery Conservation and Management Act (16 U.S.C.  
12 1859(b)).

13       “(h) UTILIZATION OF FEDERAL AGENCY ASSETS.—  
14 The President”.

15       (b) ACTIONS TO IMPROVE THE EFFECTIVENESS OF  
16 INTERNATIONAL FISHERY MANAGEMENT ORGANIZA-  
17 TIONS.—Section 608 of the High Seas Driftnet Fishing  
18 Moratorium Protection Act ( (16 U.S.C. 1826i) is amend-  
19 ed—

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

22               (2) in subsection (a) (as designated by para-  
23       graph (1) of this subsection) in the first sentence, by  
24       inserting “, or arrangements made pursuant to an

1 international fishery agreement,” after “organiza-  
2 tions”; and

3 (3) by adding at the end the following new sub-  
4 sections:

5 “(b) DISCLOSURE OF INFORMATION.—The Sec-  
6 retary, subject to the data confidentiality provisions in sec-  
7 tion 402 of the Magnuson-Stevens Fishery Conservation  
8 and Management Act (16 U.S.C. 1881a), may disclose,  
9 as necessary and appropriate, information, including in-  
10 formation collected under joint authority of the Magnu-  
11 son-Stevens Fishery Conservation and Management Act  
12 (16 U.S.C. 1801 et seq.) and the Atlantic Tunas Conven-  
13 tion Act of 1975 (16 U.S.C. 971 et seq.), the Western  
14 and Central Pacific Fisheries Convention Implementation  
15 Act (16 U.S.C. 6901 et seq.), any other statute imple-  
16 menting an international fishery agreement, to any other  
17 Federal or State government agency, the Food and Agri-  
18 culture Organization of the United Nations, or the secre-  
19 tariat or equivalent of an international fishery manage-  
20 ment organization or arrangement made pursuant to an  
21 international fishery agreement, if such government, orga-  
22 nization, or arrangement, respectively, has policies and  
23 procedures to protect such information from unintended  
24 or unauthorized disclosure.

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

1           “(1) develop, maintain, and make public a list  
2 of vessels and vessel owners engaged in illegal, unre-  
3 ported, or unregulated fishing or fishing-related ac-  
4 tivities in support of illegal, unreported, or unregu-  
5 lated fishing, including vessels or vessel owners iden-  
6 tified by an international fishery management orga-  
7 nization or arrangement made pursuant to an inter-  
8 national fishery agreement, that—

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

10                   “(B) the United States is not party to, but  
11 whose procedures and criteria in developing and  
12 maintaining a list of such vessels and vessel  
13 owners are substantially similar to such proce-  
14 dures and criteria adopted pursuant to an inter-  
15 national fishery agreement to which the United  
16 States is a party; and

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

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

3 (c) NOTIFICATION REGARDING IDENTIFICATION OF  
4 NATIONS.—Section 609(b) of the High Seas Driftnet  
5 Fishing Moratorium Protection Act (16 U.S.C. 1826j(b))  
6 is amended to read as follows:

7 “(b) NOTIFICATION.—The Secretary shall notify the  
8 President and that nation of an identification made under  
9 subsection (a).”.

10 (d) NATIONS IDENTIFIED UNDER SECTION 610.—  
11 Section 610(b)(1) of the High Seas Driftnet Fishing Mor-  
12 atorium Protection Act (16 U.S.C. 1826k(b)(1)) is  
13 amended to read as follows:

14 “(1) notify, as soon as possible, the President  
15 and nations that have been identified under sub-  
16 section (a), and other nations whose vessels engage  
17 in fishing activities or practices described in sub-  
18 section (a), about the provisions of this section and  
19 this Act;”.

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

1 (f) EFFECT OF CERTIFICATION UNDER SECTION  
2 610.—Section 610(c)(5) of the High Seas Driftnet Fish-  
3 ing Moratorium Protection Act (16 U.S.C. 1826k(c)(5))  
4 is amended by striking “that has not been certified by the  
5 Secretary under this subsection, or”.

6 (g) IDENTIFICATION OF NATIONS.—

7 (1) SCOPE OF IDENTIFICATION FOR ACTIONS  
8 OF FISHING VESSELS.—Section 609(a) of the High  
9 Seas Driftnet Fishing Moratorium Protection Act  
10 (16 U.S.C. 1826j(a)) is amended—

11 (A) in the matter preceding paragraph  
12 (1)—

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

19 (ii) by striking “2 years,” and insert-  
20 ing “3 years,”;

21 (B) in paragraph (1)—

22 (i) by inserting “that undermines the  
23 effectiveness of measures required by an  
24 international fishery management organi-

1 zation, taking into account whether” after  
 2 “(1)”; and

3 (ii) by striking “vessels of”.

4 (2) ADDITIONAL GROUNDS FOR IDENTIFICA-  
 5 TION.—Section 609(a) of such Act (16 U.S.C.  
 6 1826j(a)), as amended by paragraph (1), is further  
 7 amended—

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

12 (B) by inserting before the first sentence  
 13 the following:

14 “(1) IDENTIFICATION FOR ACTIONS OF FISHING  
 15 VESSELS.—”; and

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

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

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

1 party and the violations undermine the effec-  
2 tiveness of such measures; or

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

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

13 (3) PERIOD OF FISHING PRACTICES SUP-  
14 PORTING IDENTIFICATION.—Section 610(a)(1)(A) of  
15 the High Seas Driftnet Fishing Moratorium Protec-  
16 tion Act (16 U.S.C. 1826k(a)(1)(A)) is amended by  
17 striking “calendar year” and inserting “3 years”.

18 (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
19 authorized to be appropriated to the Secretary of Com-  
20 merce \$450,000 for each of fiscal years 2015 through  
21 2019 to implement the amendments made by subsections  
22 (b) and (g).

23 (i) TECHNICAL CORRECTIONS.—

24 (1) SECTION 607.—Section 607(2) of the High  
25 Seas Driftnet Fishing Moratorium Protection Act



1 (16 U.S.C. 1826h(2)) is amended by striking “whose  
2 vessels” and inserting “that”.

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

6 (A) In paragraph (1)—

7 (i) in the matter preceding paragraph  
8 (1), by striking “of its fishing vessels”;  
9 and

10 (ii) in subparagraph (A), is amended  
11 by striking “of its fishing vessels”.

12 (B) In paragraph (2), in the matter pre-  
13 ceding subparagraph (A)—

14 (i) by striking “for certification,” and  
15 inserting “to authorize,”;

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

18 (iii) by striking “harvesting”; and

19 (iv) by striking “not certified under  
20 paragraph (1)” and inserting “issued a  
21 negative certification under paragraph  
22 (1)”.

23 (3) SECTION 610.—Section 610 of the High  
24 Seas Driftnet Fishing Moratorium Protection Act  
25 (16 U.S.C. 1826k) is amended as follows:

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

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

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

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

18 **SEC. 102. AMENDMENTS TO THE HIGH SEAS DRIFTNET**

19 **FISHERIES ENFORCEMENT ACT.**

20 (a) NEGATIVE CERTIFICATION EFFECTS.—Section  
21 101 of the High Seas Driftnet Fisheries Enforcement Act  
22 (16 U.S.C. 1826a) is amended—

23 (1) in subsection (a)(2)—

1 (A) in the matter preceding subparagraph  
2 (A), by striking “recognized principles of” after  
3 “in accordance with”;

4 (B) in subparagraph (A), by striking  
5 “(1);” and inserting “(1) or, as appropriate, for  
6 fishing vessels of a nation that receives a nega-  
7 tive certification under section 609(d) or section  
8 610(c) of the High Seas Driftnet Fishing Mora-  
9 torium Protection Act (16 U.S.C. 1826j(d) and  
10 1826k(c));”; and

11 (C) in subparagraph (B), by inserting “,  
12 except for the purposes of inspecting such ves-  
13 sel, conducting an investigation, or taking other  
14 appropriate enforcement action” before the pe-  
15 riod at the end; and

16 (2) in subsection (b)—

17 (A) in paragraphs (1)(A)(i), (1)(B), and  
18 (2), by striking “or illegal, unreported, or un-  
19 regulated fishing” each place that term ap-  
20 pears;

21 (B) in paragraph (3)(A)(i), by striking  
22 “(1)(A);” and inserting “(1)(A) or a negative  
23 certification under section 609(d) or section  
24 610(c) of the High Seas Driftnet Fishing Mora-

1           torium Protection Act (16 U.S.C. 1826j(d) and  
2           1826k(e));”; and

3                   (C) in paragraph (4)(A)—

4                           (i) in the matter preceding clause (i),  
5                           by striking “paragraph (1),” and inserting  
6                           “paragraph (1) or issues a negative certifi-  
7                           cation under section 609(d) or section  
8                           610(e) of the High Seas Driftnet Fishing  
9                           Moratorium Protection Act (16 U.S.C.  
10                          1826j(d) and 1826k(e)),”; and

11                           (ii) in clause (i)—

12                                   (I) by striking “or illegal, unre-  
13                                   ported, or unregulated fishing”; and

14                                   (II) by striking “nation;” and in-  
15                                   serting “nation, or to address the of-  
16                                   fending activities for which a nation  
17                                   received a negative certification under  
18                                   section 609(d) or 610(e) of the High  
19                                   Seas Driftnet Fishing Moratorium  
20                                   Protection Act (16 U.S.C. 1826j(d),  
21                                   1826k(e))”.

22           (b) DURATION OF NEGATIVE CERTIFICATION EF-  
23           FECTS.—Section 102 of the High Seas Driftnet Fisheries  
24           Enforcement Act (16 U.S.C. 1826b) is amended—

1 (1) by striking “or illegal, unreported, or un-  
2 regulated fishing”; and

3 (2) by striking the period at the end and insert-  
4 ing “or effectively addressed the offending activities  
5 for which the nation received a negative certification  
6 under 609(d) or 610(c) of the High Seas Driftnet  
7 Fishing Moratorium Protection Act (16 U.S.C.  
8 1826j(d), 1826k(e))”.

9 **SEC. 103. AMENDMENTS TO NORTH PACIFIC ANADROMOUS**  
10 **STOCKS ACT OF 1992.**

11 (a) **UNLAWFUL ACTIVITIES.**—Section 810 of the  
12 North Pacific Anadromous Stocks Act of 1992 (16 U.S.C.  
13 5009) is amended—

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

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

18 (b) **ADDITIONAL PROHIBITIONS AND ENFORCE-**  
19 **MENT.**—Section 811 of the Northern Pacific Anadromous  
20 Stocks Act of 1992 (16 U.S.C. 5010) is amended to read  
21 as follows:

22 **“SEC. 811. ADDITIONAL PROHIBITIONS AND ENFORCE-**  
23 **MENT.**

24 “For additional prohibitions relating to this Act and  
25 enforcement of this Act, see section 606 of the High Seas

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

3 **SEC. 104. AMENDMENTS TO THE PACIFIC SALMON TREATY**

4 **ACT OF 1985.**

5 Section 8 of the Pacific Salmon Treaty Act of 1985  
6 (16 U.S.C. 3637) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (2)—

9 (i) by inserting “, investigation,” after  
10 “search”; and

11 (ii) by striking “this title;” and insert-  
12 ing “this Act;”;

13 (B) in paragraph (3)—

14 (i) by inserting “, investigation,” after  
15 “search”; and

16 (ii) by striking “subparagraph (2);”  
17 and inserting “paragraph (2);”; and

18 (C) in paragraph (5), by striking “this  
19 title; or” and inserting “this Act;”; and

20 (2) by striking subsections (b) through (f) and  
21 inserting the following:

22 “(b) **ADDITIONAL PROHIBITIONS AND ENFORCE-**  
23 **MENT.**—For additional prohibitions relating to this Act  
24 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 **SEC. 105. AMENDMENTS TO THE WESTERN AND CENTRAL**  
4 **PACIFIC FISHERIES CONVENTION IMPLE-**  
5 **MENTATION ACT.**

6 The Western and Central Pacific Fisheries Conven-  
7 tion Implementation Act is amended—

8 (1) by amending section 506(c) (16 U.S.C.  
9 6905(c)) to read as follows:

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

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

18 **SEC. 106. AMENDMENTS TO THE ANTARCTIC MARINE LIV-**  
19 **ING RESOURCES CONVENTION ACT.**

20 The Antarctic Marine Living Resources Convention  
21 Act of 1984 is amended—

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

23 (A) in paragraph (3), by striking “which  
24 he knows, or reasonably should have known,  
25 was”;

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

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

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

6 (A) by inserting “(a) IN GENERAL.—” be-  
7 fore “The Secretary of Commerce”; and

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

9 “(b) REGULATIONS TO IMPLEMENT CONSERVATION  
10 MEASURES.—

11 “(1) IN GENERAL.—Notwithstanding sub-  
12 sections (b), (c), and (d) of section 553 of title 5,  
13 United States Code, the Secretary of Commerce may  
14 publish in the Federal Register a final regulation to  
15 implement any conservation measure for which the  
16 Secretary of State notifies the Commission under  
17 section 305(a)(1)—

18 “(A) that has been in effect for 12 months  
19 or less;

20 “(B) that is adopted by the Commission;  
21 and

22 “(C) with respect to which the Secretary of  
23 State does not notify Commission in accordance  
24 with section 305(a)(1) within the time period



1           allotted for objections under Article IX of the  
2           Convention.

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

7   **SEC. 107. AMENDMENTS TO THE ATLANTIC TUNAS CONVEN-**  
8                                   **TION ACT.**

9           The Atlantic Tunas Convention Act of 1975 is  
10          amended—

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

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

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

14                   (C) by inserting “(A)” after “(2)”;

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

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

22           (2) in section 7 (16 U.S.C. 971e) by striking

23          subsection (e) and (f) and redesignating subsection

24          (g) as subsection (e);

25           (3) in section 8 (16 U.S.C. 971f)—

1 (A) by striking subsections (a) and (c);  
2 and

3 (B) by inserting before subsection (b) the  
4 following:

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

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

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

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

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

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

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

4           “(2) the vessel is no longer documented under  
5           the laws of the United States or eligible for such  
6           documentation.”.

7 **SEC. 109. AMENDMENTS TO THE DOLPHIN PROTECTION**  
8 **CONSUMER INFORMATION ACT.**

9           The Dolphin Protection Consumer Information Act  
10 (16 U.S.C. 1385) is amended by amending subsection (e)  
11 to read as follows:

12           “(e) **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. 110. AMENDMENTS TO THE NORTHERN PACIFIC HAL-**  
18 **IBUT ACT OF 1982.**

19           Section 7 of the Northern Pacific Halibut Act of  
20 1982 (16 U.S.C. 773e) is amended—

21           (1) in subsection (a) by redesignating para-  
22           graphs (1) through (6) as subparagraphs (A)  
23           through (F);

24           (2) by redesignating subsections (a) and (b) as  
25           paragraphs (1) and (2), respectively;

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

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

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

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

9 **SEC. 111. AMENDMENTS TO THE NORTHWEST ATLANTIC**  
 10 **FISHERIES CONVENTION ACT OF 1995.**

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

13 (1) in the section heading, by striking “**AND**  
 14 **PENALTIES**” and inserting “**AND ENFORCE-**  
 15 **MENT**”;

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

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

20 (4) by striking subsections (b) through (f) and  
 21 inserting the following:

22 “(b) **ADDITIONAL PROHIBITIONS AND ENFORCE-**  
 23 **MENT.**—For additional prohibitions relating to this Act  
 24 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 **SEC. 112. AMENDMENT TO THE MAGNUSON-STEVENSON FISHERY**  
4 **CONSERVATION AND MANAGEMENT ACT.**

5 Section 307(1)(Q) of the Magnuson-Stevens Fishery  
6 Conservation and Management Act (16 U.S.C.  
7 1857(1)(Q)) is amended by inserting before the semicolon  
8 the following: “or any treaty or in contravention of any  
9 binding conservation measure adopted by an international  
10 agreement or organization to which the United States is  
11 a party”.

12 **TITLE II—IMPLEMENTATION OF**  
13 **THE ANTIGUA CONVENTION**

14 **SEC. 201. SHORT TITLE.**

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

17 **SEC. 202. AMENDMENT OF THE TUNA CONVENTIONS ACT**  
18 **OF 1950.**

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

1 **SEC. 203. DEFINITIONS.**

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

4 **“SEC. 2. DEFINITIONS.**

5 “In this Act:

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

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

16 “(3) CONVENTION.—The term ‘Convention’  
17 means—

18 “(A) the Convention for the Establishment  
19 of an Inter-American Tropical Tuna Commis-  
20 sion, signed at Washington, May 31, 1949, by  
21 the United States of America and the Republic  
22 of Costa Rica;

23 “(B) the Antigua Convention, upon its  
24 entry into force for the United States, and any  
25 amendments thereto that are in force for the  
26 United States; or

1           “(C) both such Conventions, as the context  
2           requires.

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

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

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

12 **SEC. 204. COMMISSIONERS; NUMBER, APPOINTMENT, AND**  
13 **QUALIFICATIONS.**

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

16 **“SEC. 3. COMMISSIONERS.**

17          “(a) COMMISSIONERS.—

18                 “(1) IN GENERAL.—The United States shall be  
19                 represented on the Commission by 5 United States  
20                 Commissioners.

21                 “(2) APPOINTMENT.—The President shall ap-  
22                 point individuals to serve on the Commission at the  
23                 pleasure of the President. In making the appoint-  
24                 ments, the President shall select Commissioners  
25                 from among individuals who are knowledgeable or

1 experienced concerning highly migratory fish stocks  
2 in the eastern tropical Pacific Ocean, including the  
3 following:

4 “(A) One Commissioner shall be an officer  
5 or employee of the Department of Commerce.

6 “(B) One Commissioner shall be the chair-  
7 man or a member of the Western Pacific Fish-  
8 ery Management Council.

9 “(C) One commissioner shall be the chair-  
10 man or a member of the Pacific Fishery Man-  
11 agement Council.

12 “(3) LIMITATION.—No more than two Commis-  
13 sioners may reside in a State other than a State  
14 whose vessels maintain a substantial fishery in the  
15 area of the Convention.

16 “(b) ALTERNATE COMMISSIONERS.—The Secretary  
17 of State, in consultation with the Secretary, may designate  
18 from time to time and for periods of time deemed appro-  
19 priate Alternate United States Commissioners to the Com-  
20 mission. Any Alternate United States Commissioner may  
21 exercise, at any meeting of the Commission or of the Gen-  
22 eral Advisory Committee or Scientific Advisory Sub-  
23 committee established pursuant to section 4(b), all powers  
24 and duties of a United States Commissioner in the ab-  
25 sence of any United States Commissioner appointed pur-



1 suant to subsection (a) of this section for whatever reason.  
2 The number of such Alternate United States Commis-  
3 sioners that may be designated for any such meeting shall  
4 be limited to the number of United States Commissioners  
5 appointed pursuant to subsection (a) of this section who  
6 will not be present at such meeting.

7 “(c) ADMINISTRATIVE MATTERS.—

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

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

21 “(3) TRAVEL EXPENSES.—

22 “(A) The Secretary of State shall pay the  
23 necessary travel expenses of United States  
24 Commissioners and Alternate United States  
25 Commissioners to meetings of the Inter-Amer-

1           ican Tropical Tuna Commission and other  
 2           meetings the Secretary of State deems nec-  
 3           essary to fulfill their duties, in accordance with  
 4           the Federal Travel Regulations and sections  
 5           5701, 5702, 5704 through 5708, and 5731 of  
 6           title 5, United States Code.

7                   “(B) The Secretary may reimburse the  
 8           Secretary of State for amounts expended by the  
 9           Secretary of State under this subsection.

10           “(d) SUPERVISION.—United States Commissioners  
 11           and alternative commissioners shall be subject to the su-  
 12           pervision of the Secretary of Commerce.”.

13   **SEC. 205. GENERAL ADVISORY COMMITTEE AND SCI-**  
 14                   **ENTIFIC ADVISORY SUBCOMMITTEE.**

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

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

18                   “(a) GENERAL ADVISORY COMMITTEE.—

19                           “(1) APPOINTMENTS; PUBLIC PARTICIPATION;  
 20           COMPENSATION.—

21                                   “(A) The Secretary, in consultation with  
 22           the Secretary of State, shall appoint a General  
 23           Advisory Committee which shall consist of not  
 24           more than 25 individuals who shall be rep-  
 25           resentative of the various groups concerned

1 with the fisheries covered by the Convention, in-  
2 cluding nongovernmental conservation organiza-  
3 tions, providing to the maximum extent prac-  
4 ticable an equitable balance among such groups.  
5 Members of the General Advisory Committee  
6 will be eligible to participate as members of the  
7 United States delegation to the Commission  
8 and its working groups to the extent the Com-  
9 mission rules and space for delegations allow.

10 “(B) The chair of the Pacific Fishery  
11 Management Council’s Advisory Subpanel for  
12 Highly Migratory Fisheries and the chair of the  
13 Western Pacific Fishery Management Council’s  
14 Advisory Committee shall be ex-officio members  
15 of the General Advisory Committee by virtue of  
16 their positions in those Councils.

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

21 “(D) The General Advisory Committee  
22 shall be invited to attend all non-executive  
23 meetings of the United States delegation and at  
24 such meetings shall be given opportunity to ex-  
25 amine and to be heard on all proposed pro-

1           grams of investigation, reports, recommenda-  
2           tions, and regulations of the Commission.

3           “(E) The General Advisory Committee  
4           shall determine its organization, and prescribe  
5           its practices and procedures for carrying out its  
6           functions under this title, the Magnuson-Ste-  
7           vens Fishery Conservation and Management  
8           Act (16 U.S.C. 1801 et seq.), and the Conven-  
9           tion. The General Advisory Committee shall  
10          publish and make available to the public a  
11          statement of its organization, practices and pro-  
12          cedures. Meetings of the General Advisory Com-  
13          mittee, except when in executive session, shall  
14          be open to the public, and prior notice of meet-  
15          ings shall be made public in timely fashion. The  
16          General Advisory Committee shall not be sub-  
17          ject to the Federal Advisory Committee Act (5  
18          U.S.C. App.).

19          “(2) INFORMATION SHARING.—The Secretary  
20          and the Secretary of State shall furnish the General  
21          Advisory Committee with relevant information con-  
22          cerning fisheries and international fishery agree-  
23          ments.

24          “(3) ADMINISTRATIVE MATTERS.—

1           “(A) The Secretary shall provide to the  
2           General Advisory Committee in a timely man-  
3           ner such administrative and technical support  
4           services as are necessary for its effective func-  
5           tioning.

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

8                   “(i) shall serve without pay, but while  
9                   away from their homes or regular places of  
10                  business to attend meetings of the General  
11                  Advisory Committee shall be allowed travel  
12                  expenses, including per diem in lieu of sub-  
13                  sistence, in the same manner as persons  
14                  employed intermittently in the Government  
15                  service are allowed expenses under section  
16                  5703 of title 5, United States Code; and

17                   “(ii) shall not be considered Federal  
18                  employees except for the purposes of injury  
19                  compensation or tort claims liability as  
20                  provided in chapter 81 of title 5, United  
21                  States Code, and chapter 171 of title 28,  
22                  United States Code.”;

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

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

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

11 **SEC. 206. RULEMAKING.**

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

14 **“SEC. 6. RULEMAKING.**

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

1 the Secretary may, to the extent practicable within the im-  
2 plementation schedule of the Convention and any rec-  
3 ommendations and decisions adopted by the Commission,  
4 promulgate such regulations as may be necessary to carry  
5 out the United States international obligations under the  
6 Convention and this Act, in accordance with the proce-  
7 dures established by the Magnuson-Stevens Fishery Con-  
8 servation and Management Act (16 U.S.C. 1801 et seq.).

9 “(b) JURISDICTION.—The Secretary may promulgate  
10 regulations as may be necessary to carry out the United  
11 States international obligations under the Convention and  
12 this Act, applicable to all vessels and persons subject to  
13 the jurisdiction of the United States, including United  
14 States flag vessels wherever they may be operating, on  
15 such date as the Secretary shall prescribe.”.

16 **SEC. 207. PROHIBITED ACTS.**

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

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

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

21 “(i) ADDITIONAL PROHIBITIONS AND ENFORCE-  
22 MENT.—For prohibitions relating to this Act and enforce-  
23 ment of this Act, see section 606 of the High Seas  
24 Driftnet Fishing Moratorium Protection Act (16 U.S.C.  
25 1826g).”.

1 **SEC. 208. ENFORCEMENT.**

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

4 **“SEC. 10. ENFORCEMENT.**

5 “For enforcement of this Act, see section 606 of the  
6 High Seas Driftnet Fishing Moratorium Protection Act  
7 (16 U.S.C. 1826g).”.

8 **SEC. 209. REDUCTION OF BYCATCH.**

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

11 **SEC. 210. REPEAL OF EASTERN PACIFIC TUNA LICENSING**  
12 **ACT OF 1984.**

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

15 **TITLE III—AGREEMENT ON**  
16 **PORT STATE MEASURES TO**  
17 **PREVENT, DETER AND ELIMI-**  
18 **NATE ILLEGAL, UNREPORTED**  
19 **AND UNREGULATED FISHING**

20 **SEC. 301. SHORT TITLE.**

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

23 **SEC. 302. PURPOSE.**

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



1 **SEC. 303. DEFINITIONS.**

2 In this title:

3 (1) AGREEMENT.—The term “Agreement”  
4 means the Agreement on Port State Measures to  
5 Prevent, Deter and Eliminate Illegal, Unreported  
6 and Unregulated Fishing, done at the Food and Ag-  
7 riculture Organization of the United Nations, in  
8 Rome, Italy, November 22, 2009, and signed by the  
9 United States November 22, 2009.

10 (2) FISH.—The term “fish” means finfish, mol-  
11 lusks, crustaceans, and all other forms of marine  
12 animal and plant life other than marine mammals  
13 and birds.

14 (3) FISHING.—The term “fishing”—

15 (A) except as provided in subparagraph

16 (B), means—

17 (i) the catching, taking, or harvesting  
18 of fish;

19 (ii) the attempted catching, taking, or  
20 harvesting of fish;

21 (iii) any other activity which can rea-  
22 sonably be expected to result in the catch-  
23 ing, taking, or harvesting of fish; or

24 (iv) any operations at sea in support  
25 of, or in preparation for, any activity de-  
26 scribed in clauses (i) through (iii).

1 (B) does not include any scientific research  
2 activity that is conducted by a scientific re-  
3 search vessel.

4 (4) IUU FISHING.—The term “IUU fishing”  
5 means any activity set out in paragraph 3 of the  
6 2001 FAO International Plan of Action to Prevent,  
7 Deter and Eliminate Illegal, Unreported and Un-  
8 regulated Fishing.

9 (5) LISTED IUU VESSEL.—The term “listed  
10 IUU vessel” means a vessel that is included in a list  
11 of vessels having engaged in IUU fishing or fishing-  
12 related activities in support of IUU fishing that has  
13 been adopted by a regional fisheries management or-  
14 ganization of which the United States is a member,  
15 or a list adopted by a regional fisheries management  
16 organization of which the United States is not a  
17 member if the Secretary determines the criteria used  
18 by that organization to create the IUU list is com-  
19 parable to criteria adopted by RFMOs of which the  
20 United States is a member for identifying IUU ves-  
21 sels and activities.

22 (6) MAGNUSON-STEVENS ACT.—The term  
23 “Magnuson-Stevens Act” means the Magnuson-Ste-  
24 vens Fishery Conservation and Management Act (16  
25 U.S.C. 1801 et seq.).

1           (7) PERSON.—The term “person” has the same  
2 meaning as that term has in section 3 of the Magnu-  
3 son-Stevens Act (16 U.S.C. 1802).

4           (8) RFMO; REGIONAL FISHERIES MANAGE-  
5 MENT ORGANIZATION.—The terms “RFMO” and  
6 “regional fisheries management organization” mean  
7 a regional fisheries management organization (as  
8 that term is defined by the United Nations Food  
9 and Agriculture Organization Agreement on Port  
10 State Measures to Prevent, Deter and Eliminate Il-  
11 legal, Unreported and Unregulated Fishing) that is  
12 recognized by the United States.

13           (9) SECRETARY.—The term “Secretary” means  
14 the Secretary of Commerce.

15           (10) VESSEL.—The term “vessel” means any  
16 vessel, ship of another type, or boat used for,  
17 equipped to be used for, or intended to be used for,  
18 fishing or fishing-related activities, including con-  
19 tainer vessels that are carrying fish that have not  
20 been previously landed.

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

22           (a) REGULATIONS.—The Secretary may, as needed,  
23 promulgate such regulations, in accordance with section  
24 553 of title 5, United States Code, and consistent with  
25 the provisions of this title, as may be necessary to carry

1 out the purposes of this title to the extent that such regu-  
2 lations are not already promulgated.

3 (b) PORTS OF ENTRY.—The Secretary, in consulta-  
4 tion with the Secretary of Homeland Security and, when  
5 the Coast Guard is not operating in the Department of  
6 Homeland Security, the Secretary of the department in  
7 which the Coast Guard is operating, may designate and  
8 publicize the ports to which vessels may seek entry. No  
9 port may be designated under this section that has not  
10 also been designated as a port of entry for customs report-  
11 ing purposes pursuant to section 1433 of title 19, United  
12 States Code, or that is not specified under an existing  
13 international fisheries agreement.

14 (c) NOTIFICATION.—The Secretary shall provide no-  
15 tification of the denial of port entry or the use of port  
16 services for a vessel under section 305, the withdrawal of  
17 the denial of port services for a foreign vessel, the taking  
18 of enforcement action pursuant to section 306 with respect  
19 to a foreign vessel, or the results of any inspection of a  
20 foreign vessel conducted pursuant to this title to the flag  
21 nation of the vessel and, as appropriate, to the nation of  
22 which the vessel's master is a national, relevant coastal  
23 nations, RFMOs, the Food and Agriculture Organization  
24 of the United Nations, and other relevant international or-  
25 ganizations.

1 (d) CONFIRMATION THAT FISH WERE TAKEN IN AC-  
2 CORDANCE WITH CONSERVATION AND MANAGEMENT  
3 MEASURES.—The Secretary may request confirmation  
4 from the flag state of a foreign vessel that the fish on  
5 board a foreign vessel in a port subject to the jurisdiction  
6 of the United States were taken in accordance with appli-  
7 cable RFMO conservation and management measures.

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

9 (a) SUBMISSION OF INFORMATION REQUIRED  
10 UNDER AGREEMENT.—All foreign vessels seeking entry to  
11 a port subject to the jurisdiction of the United States must  
12 submit to the Secretary of the department in which the  
13 Coast Guard is operating information as required under  
14 the Agreement in advance of its arrival in port.

15 (b) DECISION TO AUTHORIZE OR DENY PORT  
16 ENTRY.—The Secretary shall decide, based on the infor-  
17 mation submitted under subsection (a), whether to author-  
18 ize or deny port entry and shall communicate this decision  
19 to the foreign vessel or to its representative. The Secretary  
20 may deny entry to—

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

22 (2) any foreign vessel the Secretary has reason-  
23 able grounds to believe has engaged in IUU fishing  
24 or fishing-related activities in support of such fishing  
25 or has violated the Act.

1           (c) DENIAL OF USE OF PORT.—If a foreign vessel  
2 is in a port subject to the jurisdiction of the United States,  
3 the Secretary shall deny such vessel the use of the port  
4 for landing, transshipment, packaging and processing of  
5 fish, refueling, resupplying, maintenance and drydocking,  
6 if—

7           (1) the vessel entered without authorization  
8 under subsection (b);

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

10           (3) the flag nation of the vessel has failed to  
11 provide confirmation requested by the Secretary that  
12 the fish on board were taken in accordance with ap-  
13 plicable RFMO conservation and management meas-  
14 ures; or

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

17           (A) the vessel lacks valid authorizations to  
18 engage in fishing or fishing-related activities as  
19 required by its flag nation or the relevant coast-  
20 al nation;

21           (B) the fish on board were taken in viola-  
22 tion of foreign law or in contravention of any  
23 RFMO conservation and management measure;  
24 or

1 (C) the vessel has engaged in IUU fishing  
2 or fishing-related activities in support of such  
3 fishing, including in support of a listed IUU  
4 vessel, unless it can establish that—

5 (i) it was acting in a manner con-  
6 sistent with applicable RFMO conservation  
7 and management measures; or

8 (ii) in the case of the provision of per-  
9 sonnel, fuel, gear, and other supplies at  
10 sea, the vessel provisioned was not, at the  
11 time of provisioning, a listed IUU vessel.

12 (d) EXCEPTIONS.—Notwithstanding subsections (b)  
13 and (c), the Secretary may allow port entry or the use  
14 of port services—

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

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

19 (3) pursuant to an inspection or other enforce-  
20 ment action.

21 **SEC. 306. INSPECTIONS.**

22 The Secretary, and the Secretary of the department  
23 in which the Coast Guard is operating, shall conduct for-  
24 eign vessel inspections in ports subject to the jurisdiction  
25 of the United States as necessary to achieve the purposes

1 of the Agreement and this title. If, following an inspection,  
2 the Secretary has reasonable grounds to believe that a for-  
3 eign vessel has engaged in IUU fishing or fishing-related  
4 activities in support of such fishing, the Secretary may  
5 take enforcement action under this title or other applicable  
6 law, and shall deny the vessel the use of port services, in  
7 accordance with section 305.

8 **SEC. 307. PROHIBITED ACTS.**

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

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

13 (2) to refuse to permit any authorized officer to  
14 board, search, or inspect a vessel that is subject to  
15 the person's control in connection with the enforce-  
16 ment of this title or the regulations issued under  
17 this title;

18 (3) to submit false information pursuant to any  
19 requirement under this title or the regulations issued  
20 under this title; or

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



1 **SEC. 308. ENFORCEMENT.**

2 (a) EXISTING AUTHORITIES AND RESPONSIBIL-  
3 ITIES.—

4 (1) AUTHORITIES AND RESPONSIBILITIES.—

5 The authorities and responsibilities under sub-  
6 sections (a), (b), and (c) of section 311 and sub-  
7 section (f) of section 308 of the Magnuson-Stevens  
8 Act (16 U.S.C. 1861, 1858) and paragraphs (2),  
9 (3), and (7) of section 310(b) of the Antarctic Ma-  
10 rine Living Resources Convention Act of 1984 (16  
11 U.S.C. 2439(b)) shall apply with respect to enforce-  
12 ment of this title.

13 (2) INCLUDED VESSELS.—For purposes of en-  
14 forcing this title, any reference in such paragraphs  
15 and subsections to a “vessel” or “fishing vessel” in-  
16 cludes all vessels as defined in section 303 of this  
17 title.

18 (3) APPLICATION OF OTHER PROVISIONS.—

19 Such paragraphs and subsections apply to violations  
20 of this title and any regulations promulgated under  
21 this title.

22 (b) CIVIL ENFORCEMENT.—

23 (1) CIVIL ADMINISTRATIVE PENALTIES.—

24 (A) IN GENERAL.—Any person who is  
25 found by the Secretary (after notice and oppor-  
26 tunity for a hearing in accordance with section

1           554 of title 5, United States Code) to have  
2           committed an act prohibited under section 307  
3           shall be liable to the United States for a civil  
4           penalty. The amount of the civil penalty shall  
5           be consistent with the amount under section  
6           308(a) of the Magnuson-Stevens Act (16 U.S.C.  
7           1858(a)).

8           (B) COMPROMISE OR OTHER ACTION BY  
9           SECRETARY.—The Secretary shall have the  
10          same authority as provided in section 308(e) of  
11          the Magnuson-Stevens Act (16 U.S.C. 1858(e))  
12          with respect to a violation of this Act.

13          (2) IN REM JURISDICTION.—For purposes of  
14          this title, the conditions for in rem liability shall be  
15          consistent with section 308(d) of the Magnuson-Ste-  
16          vens Act (16 U.S.C. 1858(d)).

17          (3) ACTION UPON FAILURE TO PAY ASSESS-  
18          MENT.—If any person fails to pay an assessment of  
19          a civil penalty under this title after it has become a  
20          final and unappealable order, or after the appro-  
21          priate court has entered final judgment in favor of  
22          the Secretary, the Secretary shall refer the matter to  
23          the Attorney General, who shall recover the amount  
24          assessed in any appropriate district court of the  
25          United States. In such action, the validity and ap-

1       appropriateness of the final order imposing the civil  
2       penalty shall not be subject to review.

3       (c) FORFEITURE.—

4             (1) IN GENERAL.—Any foreign vessel (including  
5       its fishing gear, furniture, appurtenances, stores,  
6       and cargo) used, and any fish (or the fair market  
7       value thereof) imported or possessed in connection  
8       with or as result of the commission of any act pro-  
9       hibited by section 307 of this title shall be subject  
10      to forfeiture under section 310 of the Magnuson-Ste-  
11      vens Act (16 U.S.C. 1860).

12            (2) APPLICATION OF THE CUSTOMS LAWS.—All  
13      provisions of law relating to seizure, summary judg-  
14      ment, and judicial forfeiture and condemnation for  
15      violation of the customs laws, the disposition of the  
16      property forfeited or condemned or the proceeds  
17      from the sale thereof, the remission or mitigation of  
18      such forfeitures, and the compromise of claims shall  
19      apply to seizures and forfeitures incurred, or alleged  
20      to have been incurred, under the provisions of this  
21      title, insofar as applicable and not inconsistent with  
22      the provisions hereof. For seizures and forfeitures of  
23      property under this section by the Secretary, such  
24      duties as are imposed upon the customs officer or  
25      any other person with respect to the seizure and for-

1       feiture of property under the customs law may be  
2       performed by such officers as are designated by the  
3       Secretary or, upon request of the Secretary, by any  
4       other agency that has authority to manage and dis-  
5       pose of seized property.

6           (3) PRESUMPTION.—For the purposes of this  
7       section there is a rebuttable presumption that all  
8       fish, or components thereof, found on board a vessel  
9       that is used or seized in connection with a violation  
10      of this title (including any regulation promulgated  
11      under this Act) were taken, obtained, or retained as  
12      a result of IUU fishing or fishing-related activities  
13      in support of IUU fishing.

14      (d) CRIMINAL ENFORCEMENT.—Any person (other  
15      than a foreign government agency, or entity wholly owned  
16      by a foreign government) who knowingly commits an act  
17      prohibited by section 307 shall be subject to subsections  
18      (b) and (c) of section 309 of the Magnuson-Stevens Act  
19      (16 U.S.C. 1859).

20      (e) PAYMENT OF STORAGE, CARE, AND OTHER  
21      COSTS.—Any person assessed a civil penalty for, or con-  
22      victed of, any violation of this title (including any regula-  
23      tion promulgated under this title) and any claimant in a  
24      forfeiture action brought for such a violation, shall be lia-  
25      ble for the reasonable costs incurred by the Secretary in

1 storage, care, and maintenance of any property seized in  
2 connection with the violation.

3 **SEC. 309. INTERNATIONAL COOPERATION AND ASSIST-**  
4 **ANCE.**

5 (a) ASSISTANCE TO DEVELOPING NATIONS AND  
6 INTERNATIONAL ORGANIZATIONS.—Consistent with exist-  
7 ing authority and the availability of funds, the Secretary  
8 shall provide appropriate assistance to developing nations  
9 and international organizations of which such nations are  
10 members to assist those nations in meeting their obliga-  
11 tions under the Agreement.

12 (b) PERSONNEL, SERVICES, EQUIPMENT, AND FA-  
13 CILITIES.—In carrying out subsection (a), the Secretary  
14 may, by agreement, on a reimbursable or nonreimbursable  
15 basis, utilize the personnel, services, equipment, and facili-  
16 ties of any Federal, State, local, or foreign government  
17 or any entity of any such government.

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

19 (a) IN GENERAL.—Nothing in this title shall be con-  
20 strued to displace any requirements imposed by the cus-  
21 toms laws of the United States or any other laws or regu-  
22 lations enforced or administered by the Secretary of  
23 Homeland Security. Where more stringent requirements  
24 regarding port entry or access to port services exist under  
25 other Federal law, those more stringent requirements shall

1 apply. Nothing in this title shall affect a vessel's entry into  
2 port, in accordance with international law, for reasons of  
3 force majeure or distress.

4 (b) UNITED STATES OBLIGATIONS UNDER INTER-  
5 NATIONAL LAW.—This title shall be interpreted and ap-  
6 plied in accordance with United States obligations under  
7 international law.

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