

118TH CONGRESS
2D SESSION

H. R. 1792

IN THE SENATE OF THE UNITED STATES

APRIL 10, 2024

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To amend the South Pacific Tuna Act of 1988, and for
other purposes.

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

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “South Pacific Tuna Treaty Act of 2023”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendment of South Pacific Tuna Act of 1988.
- Sec. 3. Definitions.
- Sec. 4. Prohibited acts.
- Sec. 5. Exceptions.
- Sec. 6. Criminal offenses.
- Sec. 7. Civil penalties.
- Sec. 8. Licenses.
- Sec. 9. Enforcement.
- Sec. 10. Findings by Secretary.
- Sec. 11. Reporting requirements; disclosure of information.
- Sec. 12. Closed Area stowage requirements.
- Sec. 13. Observers.
- Sec. 14. Technical assistance.
- Sec. 15. Arbitration.
- Sec. 16. Disposition of fees, penalties, forfeitures, and other moneys.
- Sec. 17. Additional agreements.

6 **SEC. 2. AMENDMENT OF SOUTH PACIFIC TUNA ACT OF 1988.**

7 Except as otherwise expressly provided, wherever in
8 this Act an amendment or repeal is expressed in terms
9 of an amendment to, or repeal of, a section or other provi-
10 sion, the reference shall be considered to be made to a
11 section or other provision of the South Pacific Tuna Act
12 of 1988 (16 U.S.C. 973 et seq.).

13 **SEC. 3. DEFINITIONS.**

14 (a) APPLICABLE NATIONAL LAW.—Section 2(4) (16
15 U.S.C. 973(4)) is amended by striking “described in para-
16 graph 1(a) of Annex I of” and inserting “noticed and in
17 effect in accordance with”.

1 (b) CLOSED AREA.—Section 2(5) (16 U.S.C. 973(5))
2 is amended by striking “of the closed areas identified in
3 Schedule 2 of Annex I of” and inserting “area within the
4 jurisdiction of a Pacific Island Party that is closed to ves-
5 sels pursuant to a national law of that Pacific Island Party
6 and is noticed and in effect in accordance with”.

7 (c) FISHING.—Section 2(6) (16 U.S.C. 973(6)) is
8 amended—

9 (1) in subparagraph (C), by inserting “for any
10 purpose” after “harvesting of fish”; and

11 (2) by amending subparagraph (F) to read as
12 follows:

13 “(F) use of any other vessel, vehicle, air-
14 craft, or hovercraft, for any activity described
15 in this paragraph except for emergencies involv-
16 ing the health or safety of the crew or the safe-
17 ty of a vessel.”.

18 (d) FISHING VESSEL.—Section 2(7) (16 U.S.C.
19 973(7)) is amended by striking “commercial fishing” and
20 inserting “commercial purse seine fishing for tuna”.

21 (e) LICENSING AREA.—Section 2(8) (16 U.S.C.
22 973(8)) is amended by striking “in the Treaty Area” and
23 all that follows and inserting “under the jurisdiction of
24 a Pacific Island Party, except for internal waters, terri-
25 torial seas, archipelagic waters, and any Closed Area.”.

1 (f) LIMITED AREA; PARTY; TREATY AREA.—Section
2 2 (16 U.S.C. 973) is amended—

3 (1) by striking paragraphs (10), (13), and (18);

4 (2) by redesignating paragraphs (11) and (12)
5 as paragraphs (10) and (11), respectively;

6 (3) by redesignating paragraph (14) as para-
7 graph (12); and

8 (4) by redesignating paragraphs (15) through
9 (17) as paragraphs (14) through (16), respectively.

10 (g) REGIONAL TERMS AND CONDITIONS.—Section 2
11 (16 U.S.C. 973) is amended by inserting after paragraph
12 (12), as so redesignated, the following:

13 “(13) The term ‘regional terms and conditions’
14 means any of the terms or conditions attached by
15 the Administrator to the license issued by the Ad-
16 ministrator, as notified by the Secretary.”.

17 **SEC. 4. PROHIBITED ACTS.**

18 (a) IN GENERAL.—Section 5(a) (16 U.S.C. 973c(a))
19 is amended—

20 (1) by striking “Except as provided in section
21 6 of this Act, it” at the beginning and inserting
22 “It”;

23 (2) by striking paragraphs (3) and (4);

24 (3) by redesignating paragraphs (5) through
25 (13) as paragraphs (3) through (11), respectively;

1 (4) in paragraph (3), as so redesignated, by in-
2 serting “, except in accordance with an agreement
3 pursuant to the Treaty” after “Closed Area”;

4 (5) in paragraph (10), as so redesignated, by
5 striking “or” at the end;

6 (6) in paragraph (11), as so redesignated, by
7 striking the period at the end and inserting a semi-
8 colon; and

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

10 “(12) to violate any of the regional terms and
11 conditions; or

12 “(13) to violate any limit on authorized fishing
13 effort or catch.”.

14 (b) IN THE LICENSING AREA.—Section 5(b) (16
15 U.S.C. 973c(b)) is amended—

16 (1) by striking “Except as provided in section
17 6 of this Act, it” and inserting “It”;

18 (2) by striking paragraph (5); and

19 (3) by redesignating paragraphs (6) and (7) as
20 paragraphs (5) and (6), respectively.

21 **SEC. 5. EXCEPTIONS.**

22 Section 6 (16 U.S.C. 973d) is repealed.

1 **SEC. 6. CRIMINAL OFFENSES.**

2 Section 7(a) (16 U.S.C. 973e(a)) is amended by
3 striking “section 5(a) (8), (10), (11), or (12)” and insert-
4 ing “paragraphs (6), (8), (9), or (10) of section 5(a)”.

5 **SEC. 7. CIVIL PENALTIES.**

6 (a) DETERMINATION OF LIABILITY; AMOUNT; PAR-
7 TICIPATION BY SECRETARY OF STATE IN ASSESSMENT
8 PROCEEDING.—Section 8(a) (16 U.S.C. 973f(a)) is
9 amended—

10 (1) by striking “Code” after “liable to the
11 United States”; and

12 (2) by striking “Except for those acts prohib-
13 ited by section 5(a) (4), (5), (7), (8), (10), (11), and
14 (12), and section 5(b) (1), (2), (3), and (7) of this
15 Act, the” and inserting “The”.

16 (b) WAIVER OF REFERRAL TO ATTORNEY GEN-
17 ERAL.—Section 8(g) (16 U.S.C. 973f(g)) is amended—

18 (1) by striking “section 5(a)(1), (2), (3), (4),
19 (5), (6), (7), (8), (9), or (13)” and inserting “para-
20 graphs (1), (2), (3), (4), (5), (6), (7), (11), (12), or
21 (13) of section 5(a)”;

22 (2) in paragraph (2), by striking “, all Limited
23 Areas closed to fishing,” after “outside of the Li-
24 censing Area”.

1 **SEC. 8. LICENSES.**

2 (a) FORWARDING AND TRANSMITTAL OF VESSEL LI-
3 CENSE APPLICATION.—Section 9(b) (16 U.S.C. 973g(b))
4 is amended to read as follows:

5 “(b) In accordance with subsection (e), and except
6 as provided in subsection (f), the Secretary shall forward
7 a vessel license application to the Administrator whenever
8 such application is in accordance with application proce-
9 dures established by the Secretary.”.

10 (b) FEES AND SCHEDULES.—Section 9(c) (16 U.S.C.
11 973g(c)) is amended to read as follows:

12 “(c) Fees required under the Treaty shall be paid in
13 accordance with the Treaty and any procedures estab-
14 lished by the Secretary.”.

15 (c) MINIMUM FEES REQUIRED TO BE RECEIVED IN
16 INITIAL YEAR OF IMPLEMENTATION FOR FORWARDING
17 AND TRANSMITTAL OF LICENSE APPLICATIONS.—Section
18 9 (16 U.S.C. 973g) is amended—

19 (1) by striking subsection (f);

20 (2) by redesignating subsections (g) and (h) as
21 subsections (f) and (g), respectively;

22 (3) by amending subsection (f), as so redesign-
23 nated, to read as follows:

24 “(f) The Secretary, in consultation with the Secretary
25 of State, may determine that a license application should
26 not be forwarded to the Administrator if—

1 “(1) the application is not in accordance with
2 the Treaty or the procedures established by the Sec-
3 retary; or

4 “(2) the owner or charterer—

5 “(A) is the subject of proceedings under
6 the bankruptcy laws of the United States, un-
7 less reasonable financial assurances have been
8 provided to the Secretary;

9 “(B) has not established to the satisfaction
10 of the Secretary that the fishing vessel is fully
11 insured against all risks and liabilities normally
12 provided in maritime liability insurance; or

13 “(C) has not paid any penalty which has
14 become final, assessed by the Secretary in ac-
15 cordance with this Act.”; and

16 (4) in subsection (g), as so redesignated—

17 (A) by amending paragraph (1) to read as
18 follows:

19 “(1) chapter 12113 of title 46, United States
20 Code;”;

21 (B) in paragraph (2), by inserting “of
22 1972” after “Marine Mammal Protection Act”;

23 (C) in paragraph (3), by inserting “of
24 1972” after “Marine Mammal Protection Act”;

25 and

1 (D) in the matter that follows paragraph
2 (3), by striking “any vessel documented” and
3 all that follows and inserting the following:
4 “any vessel documented under the laws of the United
5 States as of the date of enactment of the Fisheries Act
6 of 1995 for which a license has been issued under sub-
7 section (a) may fish for tuna in the Licensing Area, and
8 on the high seas and in waters subject to the jurisdiction
9 of the United States west of 146° west longitude and east
10 of 129.5° east longitude in accordance with international
11 law, subject to the provisions of the Treaty, this Act, and
12 other applicable law, provided that no such vessel inten-
13 tionally deploys a purse seine net to encircle any dolphin
14 or other marine mammal in the course of fishing.”.

15 **SEC. 9. ENFORCEMENT.**

16 (a) NOTICE REQUIREMENTS TO PACIFIC ISLAND
17 PARTY CONCERNING INSTITUTION AND OUTCOME OF
18 LEGAL PROCEEDINGS.—Section 10(c)(1) (16 U.S.C.
19 973h(c)(1)) is amended—

20 (1) by striking “paragraph 8 of Article 4 of”;
21 and

22 (2) by striking “Article 10 of”.

23 (b) SEARCHES AND SEIZURES BY AUTHORIZED OF-
24 FICERS; LIMITATIONS ON POWER.—Section 10(d)(1)(A)
25 (16 U.S.C. 973h(d)(1)(A)) is amended—

1 (1) in clause (ii), by striking “or” at the end;

2 and

3 (2) in clause (iii), by adding “or” at the end.

4 **SEC. 10. FINDINGS BY SECRETARY.**

5 (a) ORDER TO LEAVE WATERS UPON FAILURE TO
6 SUBMIT TO JURISDICTION OF PACIFIC ISLAND PARTY;
7 PROCEDURE APPLICABLE.—Section 11(a) (16 U.S.C.
8 973i(a)) is amended—

9 (1) by striking “, all Limited Areas,”;

10 (2) in paragraph (1)—

11 (A) in subparagraph (A), by striking
12 “paragraph 2 of Article 3 of”; and

13 (B) in subparagraph (C), by striking
14 “within the Treaty Area” and inserting “under
15 the jurisdiction”; and

16 (3) in paragraph (2)—

17 (A) in subparagraph (A), by striking “sec-
18 tion 5 (a)(4), (a)(5), (b)(2), or (b)(3)” and in-
19 serting “paragraph (4) of section 5(a) or para-
20 graphs (2) or (3) of section 5(b)”;

21 (B) in subparagraph (B), by striking “(7)”
22 and inserting “(6)”; and

23 (C) in subparagraph (C), by striking “(7)”
24 and inserting “(6)”.

1 (b) ORDER OF VESSEL TO LEAVE WATERS WHERE
2 PACIFIC ISLAND PARTY INVESTIGATING ALLEGED TREA-
3 TY INFRINGEMENT.—Section 11(b) (16 U.S.C. 973i(b)) is
4 amended by striking “paragraph 7 of Article 5 of”.

5 **SEC. 11. REPORTING REQUIREMENTS; DISCLOSURE OF IN-**
6 **FORMATION.**

7 Section 12 (16 U.S.C. 973j) is amended to read as
8 follows:

9 **“SEC. 12. REPORTING.**

10 “(a) PROHIBITED DISCLOSURE OF CERTAIN INFOR-
11 MATION.—The Secretary shall keep confidential and may
12 not disclose the following information, except in accord-
13 ance with subsection (b):

14 “(1) Information provided to the Secretary by
15 the Administrator that the Administrator has des-
16 ignated confidential.

17 “(2) Information collected by observers.

18 “(3) Information submitted to the Secretary by
19 any person in compliance with the requirements of
20 this Act.

21 “(b) PERMITTED DISCLOSURE OF CERTAIN INFOR-
22 MATION.—The Secretary may disclose information de-
23 scribed in subsection (a)—

24 “(1) if disclosure is ordered by a court;

1 “(2) if the information is used by a Federal em-
2 ployee—

3 “(A) for enforcement; or

4 “(B) in support of the homeland and na-
5 tional security missions of the Coast Guard as
6 defined in section 888 of the Homeland Secu-
7 rity Act of 2002 (6 U.S.C. 468);

8 “(3) if the information is used by a Federal em-
9 ployee or an employee of the Fishery Management
10 Council for Treaty administration or fishery man-
11 agement and monitoring;

12 “(4) to the Administrator, in accordance with
13 the requirements of the Treaty and this Act;

14 “(5) to the secretariat or equivalent of an inter-
15 national fisheries management organization of which
16 the United States is a member, in accordance with
17 the requirements or decisions of such organization,
18 and insofar as possible, in accordance with an agree-
19 ment that prevents public disclosure of the identity
20 of any person that submits such information;

21 “(6) if the Secretary has obtained written au-
22 thorization from the person providing such informa-
23 tion, and disclosure does not violate other require-
24 ments of this Act; or

1 “(7) in an aggregate or summary form that
2 does not directly or indirectly disclose the identity of
3 any person that submits such information.”.

4 **SEC. 12. CLOSED AREA STOWAGE REQUIREMENTS.**

5 Section 13 (16 U.S.C. 973k) is amended by striking
6 “. In particular, the boom shall be lowered” and all that
7 follows and inserting “and in accordance with any require-
8 ments established by the Secretary.”.

9 **SEC. 13. OBSERVERS.**

10 Section 14 (16 U.S.C. 973l) is repealed.

11 **SEC. 14. TECHNICAL ASSISTANCE.**

12 Section 15 (16 U.S.C. 973m) is amended to read as
13 follows:

14 **“SEC. 15. TECHNICAL ASSISTANCE.**

15 “The Secretary and the Secretary of State may pro-
16 vide assistance to a Pacific Island Party to benefit such
17 Pacific Island Party from the development of fisheries re-
18 sources and the operation of fishing vessels that are li-
19 censed pursuant to the Treaty, including—

20 “(1) technical assistance;

21 “(2) training and capacity building opportuni-
22 ties;

23 “(3) facilitation of the implementation of pri-
24 vate sector activities or partnerships; and

1 “(4) other activities as determined appropriate
2 by the Secretary and the Secretary of State.”.

3 **SEC. 15. ARBITRATION.**

4 Section 16 (16 U.S.C. 973n) is amended—

5 (1) by striking “Article 6 of” after “arbitral tri-
6 bunal under”; and

7 (2) by striking “paragraph 3 of that Article”,
8 and inserting “the Treaty, shall determine the loca-
9 tion of the arbitration”.

10 **SEC. 16. DISPOSITION OF FEES, PENALTIES, FORFEITURES,**
11 **AND OTHER MONEYS.**

12 Section 17 (16 U.S.C. 973o) is amended by striking
13 “Article 4 of”.

14 **SEC. 17. ADDITIONAL AGREEMENTS.**

15 Section 18 (16 U.S.C. 973p) is amended by striking
16 “Within 30 days after” and all that follows and inserting
17 “The Secretary may establish procedures for review of any
18 agreements for additional fishing access entered into pur-
19 suant to the Treaty.”.

Passed the House of Representatives April 9, 2024.

Attest: KEVIN F. MCCUMBER,
Clerk.