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S. 2907

[Report No. 110-469]

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

IN THE SENATE OF THE UNITED STATES

APRIL 24, 2008

Mr. INOUE (for himself, Mr. STEVENS, Mr. KERRY, Mr. WICKER, Ms. MURKOWSKI, Ms. SNOWE, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 17, 2008

Reported by Mr. INOUE, with an amendment

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

A BILL

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

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

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

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

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

Sec. 1. Short title; table of contents.

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

Sec. 101. Authority of the Secretary to enforce statutes.

Sec. 102. Conforming, minor, and technical amendments.

Sec. 103. Illegal, unreported, or unregulated fishing.

**TITLE II—LAW ENFORCEMENT AND INTERNATIONAL
 OPERATIONS**

Sec. 201. International fisheries enforcement program.

Sec. 202. International cooperation and assistance program.

TITLE III—MISCELLANEOUS AMENDMENTS

Sec. 301. Atlantic Tunas Convention Act of 1975.

Sec. 302. Data Sharing.

Sec. 303. Permits under the High Seas Fishing Compliance Act of 1995.

Sec. 304. Technical corrections to the Western and Central Pacific Fisheries
 Convention Implementation Act.

Sec. 305. Technical correction to the Pacific Whiting Act of 2006.

Sec. 306. Regulations under the Antarctic Marine Living Resources Convention
 Act of 1984.

7 **TITLE I—ADMINISTRATION AND**
 8 **ENFORCEMENT OF CERTAIN**
 9 **FISHERY AND RELATED STAT-**
 10 **UTES.**

11 **SEC. 101. AUTHORITY OF THE SECRETARY TO ENFORCE**
 12 **STATUTES.**

13 (a) **IN GENERAL.**—

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

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

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

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

18 (B) title III of the Marine Mammal Pro-
19 tection Act of 1972 (16 U.S.C. 1411 et seq.);

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

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

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

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

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

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

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

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

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

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

18 ~~(M)~~ the Antigua Convention Implementing
19 Act of 2008.

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

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

11 (e) SPECIAL RULES.—

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

21 (2) CIVIL ADMINISTRATIVE ENFORCEMENT.—

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

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

21 (4) CRIMINAL FINES AND PENALTIES.—

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

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

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

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

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

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

24 (6) CRIMINAL FORFEITURES.—

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

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

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

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

1 (7) ~~ADDITIONAL ENFORCEMENT AUTHORITY.—~~

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

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

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

21 (C) detain, for a period of up to 5 days,
22 any shipment of fish or fish product imported
23 into, landed on, introduced into, exported from,
24 or transported within the jurisdiction of the
25 United States; and

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

18 (8) SUBPOENAS.—In addition to any subpoena
19 authority pursuant to subsection (b), the Secretary
20 may, for the purposes of conducting any investiga-
21 tion under this section, or any other statute adminis-
22 tered by the Secretary, issue subpoenas for the pro-
23 duction of relevant papers, photographs, records,
24 books, and documents in any form, including those
25 in electronic, electrical, or magnetic form.

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

13 (e) PROHIBITED ACTS.—It is unlawful for any per-
14 son—

15 (1) to violate any provision of this section or
16 any Act to which this section applies or any regula-
17 tion promulgated thereunder;

18 (2) to refuse to permit any authorized enforce-
19 ment officer to board, search, or inspect a fishing
20 vessel, conveyance, or shoreside facility that is sub-
21 ject to the person's control for purposes of con-
22 ducting any search, investigation, or inspection in
23 connection with the enforcement of this section or
24 any Act to which this section applies or any regula-
25 tion promulgated thereunder;

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

5 (4) to resist a lawful arrest for any act prohib-
6 ited by this section or any Act to which this section
7 applies;

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

13 (6) to forcibly assault, resist, oppose, impede,
14 intimidate, sexually harass, bribe, or interfere with
15 any observer on a vessel under this Act, or any data
16 collector employed by or under contract to the Na-
17 tional Marine Fisheries Service to carry out respon-
18 sibilities under this section or any Act to which this
19 section applies;

20 (7) to import, export, transport, sell, receive,
21 acquire, or purchase in interstate or foreign com-
22 merce any fish or fish product taken, possessed,
23 transported, or sold in violation of any foreign law,
24 treaty or any binding conservation measure adopted
25 by an international agreement or organization; or

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

4 (1) by adding at the end of subsection (d) the
5 following:

6 “(4) An act that is considered to be a violation of
7 section 5 of the Federal Trade Commission Act under
8 paragraph (1) is deemed also to be a violation of section
9 609 of the High Seas Driftnet Fishing Moratorium Pro-
10 tection Act (16 U.S.C. 1826j).

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

17 (2) by striking subsection (e) and inserting the
18 following:

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

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

1 (1) by striking “regulation.” in subsection (a)
2 and inserting “regulation or for any person to make
3 or submit any false record, account, or label for, or
4 any false identification of, any fish or fish product
5 which has been, or is intended to be imported, ex-
6 ported, transported, sold, offered for sale, purchased,
7 or received in interstate or foreign commerce.”;

8 (2) by striking subsection (d) and inserting the
9 following:

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

11 “(1) to refuse to permit any officer authorized
12 to enforce the provisions of this Act to board a fish-
13 ing vessel subject to such person’s control for pur-
14 poses of conducting any search, investigation, or in-
15 spection in connection with the enforcement of this
16 Act or any regulation promulgation or permit issued
17 under this Act;

18 “(2) to forcibly assault, resist, oppose, impede,
19 intimidate, or interfere with any such authorized of-
20 ficer in the conduct of any search, investigation or
21 inspection described in paragraph (1);

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

24 “(4) to interfere with, delay, or prevent, by any
25 means, the apprehension or arrest of another person;

1 knowing that such other person has committed any
 2 act prohibited by this section.”;

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

5 (4) by inserting after subsection (d) the fol-
 6 lowing:

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

10 (d) NORTHERN PACIFIC ANADROMOUS STOCKS ACT
 11 OF 1992.—

12 (1) UNLAWFUL ACTIVITIES.—Section 810 of
 13 the Northern Pacific Anadromous Stocks Act of
 14 1992 (16 U.S.C. 5009) is amended—

15 (A) by striking “search or inspection” in
 16 paragraph (5) and inserting “search, investiga-
 17 tion, or inspection”;

18 (B) by striking “search or inspection” in
 19 paragraph (6) and inserting “search, investiga-
 20 tion, or inspection”;

21 (C) by striking “or” after the semicolon in
 22 paragraph (8);

23 (D) by striking “title.” in paragraph (9)
 24 and inserting “title; or”; and

1 ~~(E)~~ by adding at the end thereof the fol-
2 lowing:

3 “~~(10)~~ for any person to make or submit any
4 false record, account, or label for, or any false iden-
5 tification of, any fish or fish product which has been,
6 or is intended to be imported, exported, transported,
7 sold, offered for sale, purchased, or received in inter-
8 state or foreign commerce.”.

9 ~~(2)~~ ADMINISTRATION AND ENFORCEMENT.—

10 Section ~~811~~ of the Northern Pacific Anadromous
11 Stocks Act of 1992 (16 U.S.C. 5010) is amended to
12 read as follows:

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

14 “This Act shall be enforced under section ~~101~~ of the
15 International Fisheries Stewardship and Enforcement
16 Act.”.

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

20 ~~(1)~~ by striking “search or inspection” in sub-
21 section ~~(a)(2)~~ and inserting “search, investigation,
22 or inspection”;

23 ~~(2)~~ by striking “search or inspection” in sub-
24 section ~~(a)(3)~~ and inserting “search, investigation,
25 or inspection”;

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

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

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

7 “(7) for any person to make or submit any false
8 record, account, or label for, or any false identifica-
9 tion of, any fish or fish product which has been, or
10 is intended to be imported, exported, transported,
11 sold, offered for sale, purchased, or received in inter-
12 state or foreign commerce.”; and

13 (6) by striking subsections (b) through (j) and
14 inserting the following:

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

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

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

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

1 (B) by striking “search or inspection” in
2 paragraph (10)(A) and inserting “search, inves-
3 tigation, or inspection”;

4 (C) by striking “or” after the semicolon in
5 paragraph (12);

6 (D) by striking “retained.” in paragraph
7 (13) and inserting “retained, or”; and

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

10 “(14) for any person to make or submit any
11 false record, account, or label for, or any false iden-
12 tification of, any fish or fish product which has been,
13 or is intended to be imported, exported, transported,
14 sold, offered for sale, purchased, or received in inter-
15 state or foreign commerce.”.

16 (2) ADMINISTRATION AND ENFORCEMENT.—

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

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

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

24 (g) ANTARCTIC MARINE LIVING RESOURCES CON-
25 VENTION ACT OF 1984.—

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

4 (A) by striking “which he knows, or rea-
5 sonably should have known, was” in paragraph
6 (3);

7 (B) by striking “search or inspection” in
8 paragraph (4) and inserting “search, investiga-
9 tion, or inspection”;

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

13 (D) by striking “or” after the semicolon in
14 paragraph (6);

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

17 (F) by adding at the end thereof the fol-
18 lowing:

19 “(8) to make or submit any false record, ac-
20 count, or label for, or any false identification of, any
21 fish or fish product which has been, or is intended
22 to be imported, exported, transported, sold, offered
23 for sale, purchased, or received in interstate or for-
24 eign commerce.”.

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

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

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

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

24 (C) by inserting after subsection (a) the
25 following:

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

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

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

8 (A) by striking subsections (e) and (f) and
9 redesignating subsection (g) as subsection (f);
10 and

11 (B) by inserting after subsection (d) the
12 following:

13 “(e) MISLABELING.—It shall be unlawful for any per-
14 son to make or submit any false record, account, or label
15 for, or any false identification of, any fish or fish product
16 which has been, or is intended to be, imported, exported,
17 transported, sold, offered for sale, purchased or received
18 in interstate or foreign commerce.”.

19 (2) ENFORCEMENT.—Section 8 of the Atlantic
20 Tunas Convention Act of 1975 (16 U.S.C. 971f) is
21 amended by striking subsections (a) and (c), and in-
22 serting the following before subsection (b):

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

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

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

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

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

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

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

18 (6) by adding at the end of subsection (a) the
19 following:

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

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

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

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

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

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

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

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

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

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

1 “(15) to make or submit any false record, ac-
2 count, or label for, or any false identification of, any
3 fish or fish product which has been, or is intended
4 to be, imported, exported, transported, sold, offered
5 for sale, purchased or received in interstate or for-
6 eign commerce.”.

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

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

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

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

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

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

24 (E) by striking “section.” in paragraph
25 (1)(F), as redesignated, and

1 “(c) VESSELS AND VESSEL OWNERS ENGAGED IN IL-
2 LEGAL, UNREPORTED, OR UNREGULATED FISHING.—The
3 Secretary may—

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

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

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

1 “(e) REGULATIONS.—The Secretary may promulgate
2 regulations to implement subsections (e) and (d).”.

3 (b) ADDITIONAL MEASURES.—

4 (1) AMENDMENT OF THE HIGH SEAS DRIFTNET
5 FISHING MORATORIUM PROTECTION ACT.—

6 (A) Section 609(d)(3) of the High Seas
7 Driftnet Fishing Moratorium Protection Act
8 (16 U.S.C. 1826j) is amended—

9 (i) by striking “101(a)” in subpara-
10 graph (A) and inserting “101(a)(3)”;

11 (ii) by striking “1826a(a),” in sub-
12 paragraph (A) and inserting
13 “1826(a)(a)(3),”; and

14 (iii) by striking “that has not been
15 certified by the Secretary under this sub-
16 section, or” in subparagraph (A)(i).

17 (B) Section 610(e)(5) of the High Seas
18 Driftnet Fishing Moratorium Protection Act
19 (16 U.S.C. 1826k(e)(5)) is amended—

20 (i) by striking “101(a)” and inserting
21 “101(a)(3)”;

22 (ii) by striking “1826a(a),” and in-
23 serting “1826(a)(a)(3),”; and

1 (iii) by striking “that has not been
2 certified by the Secretary under this sub-
3 section, or”.

4 (2) AMENDMENT OF THE HIGH SEAS DRIFTNET
5 FISHERIES ENFORCEMENT ACT.—

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

9 (i) redesignating paragraph (3) of
10 subsection (a) as paragraph (4) and insert-
11 ing after paragraph (2) the following:

12 “(3) ADDITIONAL AUTHORITY.—The Secretary of
13 Treasury is authorized, in accordance with international
14 law, to undertake actions under paragraph (2)(A) and (B)
15 with respect to fishing vessels engaged in illegal, unre-
16 ported, or unregulated fishing.”;

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

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

22 (iv) by striking “nation.” in sub-
23 section (b)(3)(A)(ii) and inserting “nation;
24 or”;

1 (v) by adding at the end of subsection
2 (b)(3)(A) the following:

3 “(iii) upon receipt of notification of a negative
4 certification under section 609(d)(1) or 610(e)(1) of
5 the High Seas Driftnet Fishing Moratorium Protec-
6 tion Act (16 U.S.C. 1826j(d)(1) or 1826k(e)(1)).”;

7 (vi) by inserting “or after issuing a
8 negative certification under section
9 609(d)(1) or 610(e)(1) of the High Seas
10 Driftnet Fishing Moratorium Protection
11 Act (16 U.S.C. 1826j(d)(1) or
12 1826k(e)(1),” after “paragraph (1),” in
13 subsection (b)(4)(A); and

14 (vii) by striking subsection
15 (b)(4)(A)(i) and inserting the following:

16 “(i) any prohibition established under para-
17 graph (3) is insufficient to cause that nation to ter-
18 minate large-scale driftnet fishing conducted by its
19 nationals and vessels beyond the exclusive economic
20 zone of any nation, illegal, unreported, or unregu-
21 lated fishing activities under section 609 of the High
22 Seas Driftnet Fishing Moratorium Protection Act
23 (16 U.S.C. 1826j) or bycatch of a protected living
24 marine resource under section 610 of such Act (16
25 U.S.C. 1826k); or”.

1 (B) Section 102 of the High Seas Driftnet
2 Fisheries Enforcement Act (16 U.S.C. 1826b)
3 is amended—

4 (i) by striking “or illegal, unreported,
5 or unregulated fishing”; and

6 (ii) by striking “nation.” and insert-
7 ing “nation, section 609 of the High Seas
8 Driftnet Fishing Moratorium Protection
9 Act (16 U.S.C. 1826j), or bycatch of a
10 protected living marine resource under sec-
11 tion 610 of such Act (16 U.S.C. 1826k).”.

12 **TITLE II—LAW ENFORCEMENT**
13 **AND INTERNATIONAL OPER-**
14 **ATIONS.**

15 **SEC. 201. INTERNATIONAL FISHERIES ENFORCEMENT PRO-**
16 **GRAM.**

17 (a) ESTABLISHMENT.—

18 (1) IN GENERAL.—Within 12 months after the
19 date of the enactment of this Act, the Secretary
20 shall, subject to the availability of appropriations,
21 establish an International Fisheries Enforcement
22 Program within the Office of Law Enforcement of
23 the National Marine Fisheries Service.

24 (2) PURPOSE.—The Program shall be an inter-
25 agency program established and administered by the

1 Secretary in coordination with the heads of other de-
2 partments and agencies for the purpose of detecting
3 and investigating illegal, unreported, or unregulated
4 fishing activity and enforcing the provisions of this
5 Act.

6 (3) STAFF.—The Program shall be staffed with
7 representation from the U.S. Coast Guard, U.S.
8 Customs and Border Protection, U.S. Food and
9 Drug Administration, and any other department or
10 agency determined by the Secretary to be appro-
11 priate and necessary to detect and investigate illegal,
12 unreported, or unregulated fishing activity and en-
13 force the provisions of this Act.

14 (b) PROGRAM ACTIONS.—

15 (1) STAFFING AND OTHER RESOURCES.—At the
16 request of the Secretary, the heads of other depart-
17 ments and agencies providing staff for the Program
18 shall—

19 (A) by agreement, on a reimbursable basis
20 or otherwise, participate in staffing the Pro-
21 gram;

22 (B) by agreement, on a reimbursable basis
23 or otherwise, share personnel, services, equip-
24 ment (including aircraft and vessels), and facili-
25 ties with the Program; and

1 (C) to the extent possible, and consistent
2 with other applicable law, extend the enforce-
3 ment authorities provided by their enabling leg-
4 islation to the other departments and agencies
5 participating in the Program for the purposes
6 of conducting joint operations to detect and in-
7 vestigate illegal, unreported or unregulated fish-
8 ing activity and enforcing the provisions of this
9 Act.

10 (2) BUDGET.—The Secretary and the heads of
11 other departments and agencies providing staff for
12 the Program, may, at their discretion, develop inter-
13 agency plans and budgets and engage in interagency
14 financing for such purposes.

15 (3) 5-YEAR PLAN.—Within 180 days after the
16 date on which the Program is established under sub-
17 section (a), the Secretary shall develop a 5-year stra-
18 tegic plan for guiding interagency and intergovern-
19 mental international fisheries enforcement efforts to
20 carry out the provisions of this Act. The Secretary
21 shall update the plan periodically as necessary, but
22 at least once every 5 years.

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

1 (A) create and participate in task forces,
2 committees, or other working groups with other
3 Federal, State or local governments as well as
4 with the governments of other nations for the
5 purposes of detecting and investigating illegal,
6 unreported, or unregulated fishing activity and
7 carrying out the provisions of this Act; and

8 (B) enter into agreements with other Fed-
9 eral, State, or local governments as well as with
10 the governments of other nations, on a reim-
11 bursable basis or otherwise, for such purposes.

12 (c) POWERS OF AUTHORIZED OFFICERS.—Notwith-
13 standing any other provision of law, while operating under
14 an agreement with the Secretary entered into under sec-
15 tion 101 of this Act, and conducting joint operations as
16 part of the Program for the purposes of detecting and in-
17 vestigating illegal, unreported or unregulated fishing activ-
18 ity and enforcing the provisions of this Act, authorized of-
19 ficers shall have the powers and authority provided in that
20 section.

21 (d) INFORMATION COLLECTION, MAINTENANCE AND
22 USE.—

23 (1) IN GENERAL.—The Secretary and the heads
24 of other departments and agencies providing staff
25 for the Program shall, to the maximum extent allow-

1 able by law, share all applicable information, intel-
2 ligence and data, related to the harvest, transpor-
3 tation or trade of fish and fish product in order to
4 detect and investigate illegal, unreported, or unregu-
5 lated fishing activity and to carry out the provisions
6 of this Act.

7 (2) COORDINATION OF DATA.—The Secretary,
8 through the Program, shall coordinate the collection,
9 storage, analysis, and dissemination of all applicable
10 information, intelligence, and data related to the
11 harvest, transportation, or trade of fish and fish
12 product collected or maintained by the member
13 agencies of the Program.

14 (3) CONFIDENTIALITY.—The Secretary,
15 through the Program, shall ensure the protection
16 and confidentiality required by law for information,
17 intelligence, and data related to the harvest, trans-
18 portation, or trade of fish and fish product obtained
19 by the Program.

20 (4) DATA STANDARDIZATION.—The Secretary
21 and the heads of other departments and agencies
22 providing staff for the Program shall, to the max-
23 imum extent practicable, develop data standardiza-
24 tion for fisheries related data for Program agencies

1 and with international fisheries enforcement data-
2 bases as appropriate.

3 ~~(5) ASSISTANCE FROM INTELLIGENCE COMMU-~~
4 ~~NITY.—~~Upon request of the Secretary, elements of
5 the intelligence community (as defined in section
6 3(4) of the National Security Act of 1947 (50
7 U.S.C. 401a(4))) shall collect information related to
8 illegal, unreported, or unregulated fishing activity
9 outside the United States about individuals who are
10 not United States persons (as defined in section
11 105A(e)(2) of such Act (50 U.S.C. 403–5a(e)(2))).
12 Such elements of the intelligence community shall
13 collect and share such information with the Sec-
14 retary through the Program for law enforcement
15 purposes in order to detect and investigate illegal,
16 unreported, or unregulated fishing activities and to
17 carry out the provisions of this Act. All collection
18 and sharing of information shall be in accordance
19 with the National Security Act of 1947 (50 U.S.C.
20 401 et seq.).

21 ~~(6) INFORMATION SHARING.—~~The Secretary,
22 through the Program, shall have authority to share
23 fisheries-related data with other Federal, State, and
24 foreign governments as well as international organi-

1 zations or arrangements, including international
2 fishery management organizations, if—

3 (A) such governments, organizations, or
4 arrangements have policies and procedures to
5 safeguard such information from unintended or
6 unauthorized disclosure; and

7 (B) the exchange of information is nec-
8 essary—

9 (i) to ensure compliance with any law
10 or regulation enforced or administered by
11 the Secretary;

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

14 (iii) to administer or enforce binding
15 conservation measures adopted by any
16 international organization or arrangement
17 to which the United States is a party;

18 (iv) to assist in investigative, judicial,
19 or administrative enforcement proceedings
20 in the United States; or

21 (v) to assist in any fisheries or living
22 marine resource related law enforcement
23 action undertaken by a law enforcement
24 agency of a foreign government, or in rela-

1 tion to a legal proceeding undertaken by a
2 foreign government.

3 (c) **AUTHORIZATION OF APPROPRIATIONS.**—There
4 are authorized to be appropriated \$30,000,000 to the Sec-
5 retary for each of fiscal years 2010 through 2015 to carry
6 out this section.

7 **SEC. 202. INTERNATIONAL COOPERATION AND ASSISTANCE**
8 **PROGRAM.**

9 (a) **INTERNATIONAL COOPERATION AND ASSISTANCE**
10 **PROGRAM.**—The Secretary may establish an international
11 cooperation and assistance program, including grants, to
12 provide assistance for international capacity building ef-
13 forts.

14 (b) **AUTHORIZED ACTIVITIES.**—In carrying out the
15 program, the Secretary may—

16 (1) provide funding and technical expertise to
17 other nations to assist them in addressing illegal,
18 unreported, or unregulated fishing activities;

19 (2) provide funding and technical expertise to
20 other nations to assist them in reducing the bycatch
21 of living marine resources or promoting international
22 marine resource conservation;

23 (3) provide funding, technical expertise, and
24 training, in cooperation with the International Fish-
25 eries Enforcement Program under section 201 of

1 this Act, to other nations to aid them in building ca-
2 pacity for enhanced fisheries management, fisheries
3 monitoring, catch and trade tracking activities, en-
4 forcement, and international marine resource con-
5 servation;

6 (4) establish partnerships with other Federal
7 agencies, as appropriate, to ensure that fisheries de-
8 velopment assistance to other nations is directed to-
9 ward projects that promote sustainable fisheries
10 management; and

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

17 (e) GUIDELINES.—The Secretary may establish
18 guidelines necessary to implement the program.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to the Secretary
21 \$5,000,000 for each of fiscal years 2010 through 2015
22 to carry out this section.

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

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

4 (a) **ELIMINATION OF ANNUAL REPORT.**—Section 11
 5 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C.
 6 971j) is repealed.

7 (b) **CERTAIN REGULATIONS.**—Section 971d(e)(2) of
 8 the Atlantic Tunas Convention Act of 1975 (16 U.S.C.
 9 971d(e)(2)) is amended—

10 (1) by inserting “(A)” after “(2)”;

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

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

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

18 “(B) The Secretary may issue final regulations to im-
 19 plement Commission recommendations referred to in para-
 20 graph (1) of this subsection concerning trade restrictive
 21 measures against nations or fishing entities without re-
 22 gard to the requirements of subparagraph (A) of this
 23 paragraph and subsections (b) and (c) of section 553 of
 24 title 5, United States Code.”.

1 **SEC. 302. DATA SHARING.**

2 (a) **HIGH SEAS DRIFTNET FISHING MORATORIUM**
3 **PROTECTION ACT.**—Section 608 of the High Seas
4 Driftnet Fishing Moratorium Protection Act (16 U.S.C.
5 1826i) is amended—

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

8 (2) by striking “organizations” the first place it
9 appears and inserting, “organizations, or arrange-
10 ments made pursuant to an international fishery
11 agreement (as defined in section 3(24) of the Mag-
12 nuson-Stevens Fishery Conservation and Manage-
13 ment Act),”; and

14 (3) by adding at the end thereof the following:

15 “(b) **INFORMATION SHARING.**—In carrying out this
16 section, the Secretary may disclose, as necessary and ap-
17 propriate, information to the Food and Agriculture Orga-
18 nization of the United Nations, international fishery man-
19 agement organizations (as so defined), or arrangements
20 made pursuant to an international fishery agreement, if
21 such organizations or arrangements have policies and pro-
22 cedures to safeguard such information from unintended or
23 unauthorized disclosure.”.

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

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

3 (2) by redesignating subparagraph (H) as sub-
4 paragraph (I); and

5 (3) by inserting after subparagraph (G) the fol-
6 lowing:

7 “(H) to the Food and Agriculture Organization
8 of the United Nations, international fishery manage-
9 ment organizations, or arrangements made pursuant
10 to an international fishery agreement as provided for
11 in the High Seas Driftnet Fishing Moratorium Pro-
12 tection Act (16 U.S.C. 1826i(b)); or”.

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

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

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

19 “(1) 1 or more permits or authorizations re-
20 quired for a vessel to fish, in addition to a permit
21 issued under this section, expire, are revoked, or are
22 suspended; or

23 “(2) the vessel is no longer eligible for United
24 States documentation, such documentation is re-

1 voked or denied, or the vessel is deleted from such
2 documentation.”.

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

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

9 (1) by striking “the chairman or” in subsection
10 (a);

11 (2) by inserting “ and one of whom shall be a
12 member of” after “Management Council” in sub-
13 section (a); and

14 (3) redesignating subsection (f) as subsection
15 (e).

16 **SEC. 305. TECHNICAL CORRECTION TO THE PACIFIC WHIT-**
17 **ING ACT OF 2006.**

18 Section 605(a)(1) of the Pacific Whiting Act of 2006
19 (16 U.S.C. 7004(a)(1)) is amended by striking “at least
20 6 but not more than 12” inserting “no more than 2”.

21 **SEC. 306. REGULATIONS UNDER THE ANTARCTIC MARINE**
22 **LIVING RESOURCES CONVENTION ACT OF**
23 **1984.**

24 Section 307 of the Antarctic Marine Living Resources
25 Convention Act of 1984 (16 U.S.C. 2436) is amended

1 by inserting after “title.” the following: “Notwithstanding
 2 section 553(b), (c), and (d) of title 5, United States Code,
 3 the Secretary of Commerce may publish in the Federal
 4 Register a final rule to implement conservation measures,
 5 described in section 305(a) of this title, that are in effect
 6 for 12 months or less, adopted by the Commission, and
 7 not objected to by the United States within the time period
 8 allotted under Article IX of the Convention. Upon publica-
 9 tion in the Federal Register, such conservation measures
 10 shall be in force with respect to the United States.”—

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

12 (a) *SHORT TITLE.*—*This Act may be cited as the*
 13 *“International Fisheries Stewardship and Enforcement*
 14 *Act”.*

15 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 16 *this Act is as follows:*

Sec. 1. Short title; table of contents.

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

Sec. 101. Authority of the Secretary to enforce statutes.

Sec. 102. Conforming, minor, and technical amendments.

Sec. 103. Illegal, unreported, or unregulated fishing.

TITLE II—LAW ENFORCEMENT AND INTERNATIONAL OPERATIONS

Sec. 201. International fisheries enforcement program.

Sec. 202. International cooperation and assistance program.

TITLE III—MISCELLANEOUS AMENDMENTS

Sec. 301. Atlantic Tunas Convention Act of 1975.

Sec. 302. Data Sharing.

Sec. 303. Permits under the High Seas Fishing Compliance Act of 1995.

*Sec. 304. Technical corrections to the Western and Central Pacific Fisheries Con-
 vention Implementation Act.*

Sec. 305. Pacific Whiting Act of 2006.

Sec. 306. *Committee on Scientific Cooperation for Pacific Salmon Agreement.*
 Sec. 307. *Reauthorizations.*

TITLE IV—IMPLEMENTATION OF ANTIGUA CONVENTION

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

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

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

7 *(a) IN GENERAL.—*

8 *(1) ENFORCEMENT OF STATUTES.—The Sec-*
 9 *retary of Commerce and the Secretary of the depart-*
 10 *ment in which the Coast Guard is operating shall en-*
 11 *force the statutes to which this section applies in ac-*
 12 *cordance with the provisions of this section.*

13 *(2) UTILIZATION OF NONDEPARTMENTAL RE-*
 14 *SOURCES.—The Secretary may, by agreement, on a*
 15 *reimbursable basis or otherwise, utilize the personnel*
 16 *services, equipment (including aircraft and vessels),*
 17 *and facilities of any other Federal agency, including*

1 *all elements of the Department of Defense, and of any*
2 *State agency, in carrying out this section.*

3 (3) *STATUTES TO WHICH APPLICABLE.—This*
4 *section applies to—*

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

7 (B) *the Pacific Salmon Treaty Act of 1985*
8 *(16 U.S.C. 3631 et seq.);*

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

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

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

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

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

19 (H) *the Atlantic Tunas Convention Act of*
20 *1975 (16 U.S.C. 971 et seq.);*

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

23 (J) *the Western and Central Pacific Fish-*
24 *eries Convention Implementation Act (16 U.S.C.*
25 *6901 et seq.);*

1 (K) *the Northern Pacific Halibut Act of*
2 1982 (16 U.S.C. 773 *et seq.*);

3 (L) *any other Act in pari materia, so des-*
4 *ignated by the Secretary after notice and an op-*
5 *portunity for a hearing; and*

6 (M) *the Antigua Convention Implementing*
7 *Act of 2008.*

8 (b) *ADMINISTRATION AND ENFORCEMENT.*—*The Sec-*
9 *retary shall prevent any person from violating any Act to*
10 *which this section applies in the same manner, by the same*
11 *means, and with the same jurisdiction, powers, and duties*
12 *as though sections 307 through 311 of the Magnuson-Stevens*
13 *Fishery Conservation and Management Act (16 U.S.C.*
14 *1857 through 1861) were incorporated into and made a*
15 *part of each such Act. Except as provided in subsection (c),*
16 *any person that violates any Act to which this section ap-*
17 *plies is subject to the penalties, and entitled to the privileges*
18 *and immunities, provided in the Magnuson-Stevens Fishery*
19 *Conservation and Management Act (16 U.S.C. 1801 et seq.)*
20 *in the same manner and by the same means as though sec-*
21 *tions 307 through 311 of that Act were incorporated into*
22 *and made a part of each such Act.*

23 (c) *SPECIAL RULES.*—

24 (1) *IN GENERAL.*—*Notwithstanding the incorpo-*
25 *ration by reference of certain sections of the Magnu-*

1 *son-Stevens Fishery Conservation and Management*
2 *Act under subsection (b), if there is a conflict between*
3 *a provision of this subsection and the corresponding*
4 *provision of any section of the Magnuson-Stevens*
5 *Fishery Conservation and Management Act so incor-*
6 *porated, the provision of this subsection shall apply.*

7 (2) *CIVIL ADMINISTRATIVE ENFORCEMENT.—The*
8 *amount of the civil penalty for a violation of any Act*
9 *to which this section applies shall not exceed \$250,000*
10 *for each violation. Each day of a continuing violation*
11 *shall constitute a separate violation.*

12 (3) *CIVIL JUDICIAL ENFORCEMENT.—The Attor-*
13 *ney General, upon the request of the Secretary, may*
14 *commence a civil action in an appropriate district*
15 *court of the United States to enforce this Act and any*
16 *Act to which this section applies, and such court shall*
17 *have jurisdiction to award civil penalties or such*
18 *other relief as justice may require, including a per-*
19 *manent or temporary injunction. The amount of the*
20 *civil penalty for a violation of any Act to which this*
21 *section applies shall not exceed \$250,000 for each vio-*
22 *lation. Each day of a continuing violation shall con-*
23 *stitute a separate violation. In determining the*
24 *amount of a civil penalty, the court shall take into*
25 *account the nature, circumstances, extent, and gravity*

1 of the prohibited acts committed and, with respect to
2 the violator, the degree of culpability, any history of
3 prior violations and such other matters as justice
4 may require. In imposing such penalty, the district
5 court may also consider information related to the
6 ability of the violator to pay.

7 (4) *CRIMINAL FINES AND PENALTIES.*—

8 (A) *INDIVIDUALS.*—In the case of an indi-
9 vidual, any offense described in subsection (e)
10 (2), (3), (4), (5), or (6) is punishable by a fine
11 of not more than \$500,000, imprisonment for not
12 more than 5 years, or both. If, in the commission
13 of such offense, an individual uses a dangerous
14 weapon, engages in conduct that causes bodily
15 injury to any officer authorized to enforce the
16 provisions of this Act, or places any such officer
17 in fear of imminent bodily injury the maximum
18 term of imprisonment is 10 years.

19 (B) *OTHER PERSONS.*—In the case of any
20 other person, any offense described in subsection
21 (e) (2), (3), (4), (5), or (6) is punishable by a
22 fine of not more than \$1,000,000.

23 (5) *OTHER CRIMINAL VIOLATIONS.*—Any person
24 (other than a foreign government or any entity of
25 such government) who knowingly violates any provi-

1 *sion of subsection (e) of this section, or any provision*
2 *of any regulation promulgated pursuant to this Act,*
3 *is guilty of a criminal offense punishable—*

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

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

9 *(6) CRIMINAL FORFEITURES.—*

10 *(A) IN GENERAL.—A person found guilty of*
11 *an offense described in subsection (e), or who is*
12 *convicted of a criminal violation of any Act to*
13 *which this section applies, shall forfeit to the*
14 *United States—*

15 *(i) any property, real or personal, con-*
16 *stituting or traceable to the gross proceeds*
17 *obtained, or retained, as a result of the of-*
18 *fense including any marine species (or the*
19 *fair market value thereof) taken or retained*
20 *in connection with or as a result of the of-*
21 *fense; and*

22 *(ii) any property, real or personal,*
23 *used or intended to be used to commit or to*
24 *facilitate the commission of the offense, in-*
25 *cluding any shoreside facility, including its*

1 *conveyances, structure, equipment, fur-*
2 *niture, appurtenances, stores, and cargo.*

3 *(B) PROCEDURE.—Pursuant to section*
4 *2461(c) of title 28, United States Code, the pro-*
5 *visions of section 413 of the Controlled Sub-*
6 *stances Act (21 U.S.C. 853), other than sub-*
7 *section (d) thereof, shall apply to criminal for-*
8 *feitures under this section.*

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

20 *(A) search or inspect any facility or convey-*
21 *ance used or employed in, or which reasonably*
22 *appears to be used or employed in, the storage,*
23 *processing, transport, or trade of fish or fish*
24 *products;*

1 (B) inspect records pertaining to the stor-
2 age, processing, transport, or trade of fish or fish
3 products;

4 (C) detain, for a period of up to 5 days,
5 any shipment of fish or fish product imported
6 into, landed on, introduced into, exported from,
7 or transported within the jurisdiction of the
8 United States, or, if such fish or fish product is
9 deemed to be perishable, sell and retain the pro-
10 ceeds therefrom for a period of up to 5 days; and

11 (D) make an arrest, in accordance with any
12 guidelines which may be issued by the Attorney
13 General, for any offense under the laws of the
14 United States committed in the person's pres-
15 ence, or for the commission of any felony under
16 the laws of the United States, if the person has
17 reasonable grounds to believe that the person to
18 be arrested has committed or is committing a fel-
19 ony; may search and seize, in accordance with
20 any guidelines which may be issued by the Attor-
21 ney General and may execute and serve any sub-
22 poena, arrest warrant, search warrant issued in
23 accordance with rule 41 of the Federal Rules of
24 Criminal Procedure, or other warrant or civil or

1 *criminal process issued by any officer or court of*
2 *competent jurisdiction.*

3 (8) *SUBPOENAS.*—*In addition to any subpoena*
4 *authority pursuant to subsection (b), the Secretary*
5 *may, for the purposes of conducting any investigation*
6 *under this section, or any other statute administered*
7 *by the Secretary, issue subpoenas for the production*
8 *of relevant papers, photographs, records, books, and*
9 *documents in any form, including those in electronic,*
10 *electrical, or magnetic form.*

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

23 (e) *PROHIBITED ACTS.*—*It is unlawful for any per-*
24 *son—*

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

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

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

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

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

24 (6) to forcibly assault, resist, oppose, impede, in-
25 timidate, sexually harass, bribe, or interfere with any

1 *observer on a vessel under this Act, or any data col-*
2 *lector employed by or under contract to the National*
3 *Marine Fisheries Service to carry out responsibilities*
4 *under this section or any Act to which this section*
5 *applies;*

6 *(7) to import, export, transport, sell, receive, ac-*
7 *quire, or purchase in interstate or foreign commerce*
8 *any fish or fish product taken, possessed, transported,*
9 *or sold in violation of any treaty or any binding con-*
10 *servation measure adopted by an international agree-*
11 *ment or organization to which the United States is a*
12 *party; or*

13 *(8) to make or submit any false record, account,*
14 *or label for, or any false identification of, any fish or*
15 *fish product (including false identification of the har-*
16 *vesting nation or the ocean where harvested) which*
17 *has been, or is intended to be imported, exported,*
18 *transported, sold, offered for sale, purchased, or re-*
19 *ceived in interstate or foreign commerce.*

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

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

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

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

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

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

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

16 (2) *Section 609(a) of the High Seas Driftnet*
17 *Fishing Moratorium Protection Act (16 U.S.C.*
18 *1826j(a)) is amended by striking “2 years,” and in-*
19 *serting “3 years,”.*

20 (3) *Section 610(a)(1) of the High Seas Driftnet*
21 *Fishing Moratorium Protection Act (16 U.S.C.*
22 *1826k(a)(1)) is amended by striking “calendar year”*
23 *and inserting “3 years”.*

24 (b) *DOLPHIN PROTECTION CONSUMER INFORMATION*
25 *ACT.—The Dolphin Protection Consumer Information Act*
26 *(16 U.S.C. 1385) is amended—*

1 (1) by adding at the end of subsection (d) the fol-
2 lowing:

3 “(4) An act that is considered to be a violation of sec-
4 tion 5 of the Federal Trade Commission Act under para-
5 graph (1) is deemed also to be a violation of section 609
6 of the High Seas Driftnet Fishing Moratorium Protection
7 Act (16 U.S.C. 1826j).

8 “(5) It is a violation of section 101 of the International
9 Fisheries Stewardship and Enforcement Act for any person
10 to assault, resist, oppose, impede, intimidate, or interfere
11 with and authorized officer in the conduct of any search,
12 investigation or inspection under this Act.”; and

13 (2) by striking subsection (e) and inserting the
14 following:

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

18 (c) NORTHERN PACIFIC ANADROMOUS STOCKS ACT OF
19 1992.—

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

23 (A) by striking “purchases” in paragraph
24 (5) and inserting “purposes”;

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

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

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

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

11 (F) by adding at the end thereof the fol-
12 lowing:

13 “(10) for any person to make or submit any false
14 record, account, or label for, or any false identifica-
15 tion of, any fish or fish product (including false iden-
16 tification of the harvesting nation or the ocean where
17 harvested) which has been, or is intended to be im-
18 ported, exported, transported, sold, offered for sale,
19 purchased, or received in interstate or foreign com-
20 merce.”.

21 (2) *ADMINISTRATION AND ENFORCEMENT.*—*Sec-*
22 *tion 811 of the Northern Pacific Anadromous Stocks*
23 *Act of 1992 (16 U.S.C. 5010) is amended to read as*
24 *follows:*

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

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

5 *(d) PACIFIC SALMON TREATY ACT OF 1985.—Section*
6 *8 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C.*
7 *3637) is amended—*

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

11 *(2) by striking “search or inspection” in sub-*
12 *section (a)(3) and inserting “search, investigation, or*
13 *inspection”;*

14 *(3) by striking “or” after the semicolon in sub-*
15 *section (a)(5);*

16 *(4) by striking “section.” in subsection (a)(6)*
17 *and inserting “section; or”;*

18 *(5) by adding at the end of subsection (a) the fol-*
19 *lowing:*

20 *“(7) for any person to make or submit any false*
21 *record, account, or label for, or any false identifica-*
22 *tion of, any fish or fish product (including false iden-*
23 *tification of the harvesting nation or the ocean where*
24 *harvested) which has been, or is intended to be im-*
25 *ported, exported, transported, sold, offered for sale,*

1 *purchased, or received in interstate or foreign com-*
2 *merce.”; and*

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

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

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

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

12 *(A) by striking “search or inspection” in*
13 *paragraph (8) and inserting “search, investiga-*
14 *tion, or inspection”;*

15 *(B) by striking “search or inspection” in*
16 *paragraph (10)(A) and inserting “search, inves-*
17 *tigation, or inspection”;*

18 *(C) by striking “or” after the semicolon in*
19 *paragraph (12);*

20 *(D) by striking “retained.” in paragraph*
21 *(13) and inserting “retained; or”; and*

22 *(E) by adding at the end thereof the fol-*
23 *lowing:*

24 *“(14) for any person to make or submit any false*
25 *record, account, or label for, or any false identifica-*

1 *tion of, any fish or fish product (including false iden-*
2 *tification of the harvesting nation or the ocean where*
3 *harvested) which has been, or is intended to be im-*
4 *ported, exported, transported, sold, offered for sale,*
5 *purchased, or received in interstate or foreign com-*
6 *merce.”.*

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

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

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

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

17 (1) *UNLAWFUL ACTIVITIES.—Section 306 of the*
18 *Antarctic Marine Living Resources Convention Act of*
19 *1984 (16 U.S.C. 2435) is amended—*

20 (A) *by striking “which he knows, or reason-*
21 *ably should have known, was” in paragraph (3);*

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

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

4 (D) by striking “or” after the semicolon in
5 paragraph (6);

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

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

10 “(8) to make or submit any false record, account,
11 or label for, or any false identification of, any fish or
12 fish product (including false identification of the har-
13 vesting nation or the ocean where harvested) which
14 has been, or is intended to be imported, exported,
15 transported, sold, offered for sale, purchased, or re-
16 ceived in interstate or foreign commerce.”.

17 (2) REGULATIONS.—Section 307 of the Antarctic
18 Marine Living Resources Convention Act of 1984 (16
19 U.S.C. 2436) is amended by inserting after “title.”
20 the following: “Notwithstanding the provisions of sub-
21 sections (b), (c), and (d) of section 553 of title 5,
22 United States Code, the Secretary of Commerce may
23 publish in the Federal Register a final rule to imple-
24 ment conservation measures, described in section
25 305(a) of this Act, that are in effect for 12 months or

1 less, adopted by the Commission, and not objected to
 2 by the United States within the time period allotted
 3 under Article IX of the Convention. Upon publication
 4 in the Federal Register, such conservation measures
 5 shall be in force with respect to the United States.”.

6 (3) *PENALTIES AND ENFORCEMENT.*—*The Ant-*
 7 *arctic Marine Living Resources Convention Act of*
 8 *1984 (16 U.S.C. 2431 et seq.) is amended—*

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

11 (B) *by striking subsection (b), (c), and (d)*
 12 *of section 310 (16 U.S.C. 2439) and redesign-*
 13 *ating subsection (e) as subsection (c); and*

14 (C) *by inserting after subsection (a) the fol-*
 15 *lowing:*

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

19 (g) *ATLANTIC TUNAS CONVENTION ACT OF 1975.*—

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

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

1 (B) by inserting after subsection (d) the fol-
2 lowing:

3 “(e) MISLABELING.—It shall be unlawful for any per-
4 son to make or submit any false record, account, or label
5 for, or any false identification of, any fish or fish product
6 which has been, or is intended to be, imported, exported,
7 transported, sold, offered for sale, purchased or received in
8 interstate or foreign commerce.”.

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

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

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

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

22 (h) NORTHWEST ATLANTIC FISHERIES CONVENTION
23 ACT OF 1995.—Section 207 of the Northwest Atlantic Fish-
24 eries Convention Act of 1995 (16 U.S.C. 5606) is amend-
25 ed—

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

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

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

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

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

14 (6) by adding at the end of subsection (a) the fol-
15 lowing:

16 “(7) to make or submit any false record, account,
17 or label for, or any false identification of, any fish or
18 fish product (including false identification of the har-
19 vesting nation or the ocean where harvested) which
20 has been, or is intended to be imported, exported,
21 transported, sold, offered for sale, purchased, or re-
22 ceived in interstate or foreign commerce.”; and

23 (7) by striking subsection (b) through (f) and in-
24 serting the following:

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

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

6 (1) *ADMINISTRATION AND ENFORCEMENT.*—*Sec-*
 7 *tion 506(c) of the Western and Central Pacific Fish-*
 8 *eries Convention Implementation Act (16 U.S.C.*
 9 *6905(c)) is amended to read as follows:*

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

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

17 (A) *by striking “suspension, on” in para-*
 18 *graph (2) and inserting “suspension of”;*

19 (B) *by striking “title.” in paragraph (14)*
 20 *and inserting “title; or”;* and

21 (C) *by adding at the end thereof the fol-*
 22 *lowing:*

23 “(15) *to make or submit any false record, ac-*
 24 *count, or label for, or any false identification of, any*
 25 *fish or fish product (including false identification of*

1 *the harvesting nation or the ocean where harvested)*
2 *which has been, or is intended to be imported, ex-*
3 *ported, transported, sold, offered for sale, purchased,*
4 *or received in interstate or foreign commerce.”.*

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

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

9 *(A) by redesignating subdivisions (a) and*
10 *(b) as paragraphs (1) and (2), respectively, and*
11 *subdivisions (1) through (6) of paragraph (1), as*
12 *redesignated, as subparagraphs (A) through (F);*

13 *(B) by striking “search or inspection” in*
14 *paragraph (1)(B), as redesignated, and inserting*
15 *“search, investigation, or inspection”;*

16 *(C) by striking “search or inspection” in*
17 *paragraph (1)(C), as redesignated, and inserting*
18 *“search, investigation, or inspection”;*

19 *(D) by striking “or” after the semicolon in*
20 *paragraph (1)(E), as redesignated;*

21 *(E) by striking “section.” in paragraph*
22 *(1)(F), as redesignated, and inserting “section;”;*
23 *and*

24 *(F) by adding at the end of paragraph (1),*
25 *as redesignated, the following:*

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

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

12 “(2) *take appropriate action against listed ves-*
13 *sels and vessel owners, including action against fish,*
14 *fish parts, or fish products from such vessels, in ac-*
15 *cordance with applicable United States law and con-*
16 *sistent with applicable international law, including*
17 *principles, rights, and obligations established in ap-*
18 *plicable international fishery management and trade*
19 *agreements; and*

20 “(3) *provide notification to the public of vessels*
21 *and vessel owners identified by international fishery*
22 *management organizations or arrangements made*
23 *pursuant to an international fishery agreement as*
24 *having been engaged in illegal, unreported, or unregu-*
25 *lated fishing, as well as any measures adopted by*

1 *such organizations or arrangements to address illegal,*
 2 *unreported, or unregulated fishing.*

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

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

10 (b) *ADDITIONAL MEASURES.—*

11 (1) *AMENDMENT OF THE HIGH SEAS DRIFTNET*
 12 *FISHING MORATORIUM PROTECTION ACT.—*

13 (A) *Section 609(d)(3) of the High Seas*
 14 *Driftnet Fishing Moratorium Protection Act (16*
 15 *U.S.C. 1826j(d)(3)) is amended—*

16 (i) *by striking “101(a)” in subpara-*
 17 *graph (A) and inserting “101(a)(3)”;*

18 (ii) *by striking “1826a(a),” in sub-*
 19 *paragraph (A) and inserting*
 20 *“1826a(a)(3),”; and*

21 (iii) *by striking “that has not been cer-*
 22 *tified by the Secretary under this sub-*
 23 *section, or” in subparagraph (A)(i).*

1 (B) Section 610(c)(5) of the High Seas
2 Driftnet Fishing Moratorium Protection Act (16
3 U.S.C. 1826k(c)(5)) is amended—

4 (i) by striking “101(a)” and inserting
5 “101(a)(3)”;

6 (ii) by striking “1826a(a),” and in-
7 serting “1826(a)(a)(3),”; and

8 (iii) by striking “that has not been cer-
9 tified by the Secretary under this sub-
10 section, or”.

11 (2) AMENDMENT OF THE HIGH SEAS DRIFTNET
12 FISHERIES ENFORCEMENT ACT.—

13 (A) Section 101 of the High Seas Driftnet
14 Fisheries Enforcement Act (16 U.S.C. 1826a) is
15 amended—

16 (i) redesignating paragraph (3) of sub-
17 section (a) as paragraph (4) and inserting
18 after paragraph (2) the following:

19 “(3) ADDITIONAL AUTHORITY.—The Secretary of
20 Treasury is authorized, in accordance with international
21 law, to undertake actions under paragraph (2)(A) and (B)
22 with respect to fishing vessels engaged in illegal, unreported,
23 or unregulated fishing.”;

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

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

6 (iv) by striking “nation.” in subsection
7 (b)(3)(A)(ii) and inserting “nation; or”;

8 (v) by adding at the end of subsection
9 (b)(3)(A) the following:

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

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

21 (vii) by striking subsection (b)(4)(A)(i)
22 and inserting the following:

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

1 “(I) to terminate large-scale driftnet fishing
2 conducted by its nationals and vessels beyond the
3 exclusive economic zone of any nation;

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

9 “(III) to address bycatch of a protected liv-
10 ing marine resource for which a nation has been
11 identified under section 610 of such Act (16
12 U.S.C. 1826k); or”.

13 (B) Section 102 of the High Seas Driftnet
14 Fisheries Enforcement Act (16 U.S.C. 1826b) is
15 amended by striking “such nation has termi-
16 nated large-scale driftnet fishing or illegal, unre-
17 ported, or unregulated fishing by its nationals
18 and vessels beyond the exclusive economic zone of
19 any nation.” and inserting “such nation has—

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

23 “(2) addressed illegal, unreported, or unregulated
24 fishing activities for which a nation has been identi-

1 *fied under section 609 of the High Seas Driftnet Fish-*
 2 *ing Moratorium Protection Act (16 U.S.C. 1826j); or*

3 *“(3) addressed bycatch of a protected living ma-*
 4 *rine resource for which a nation has been identified*
 5 *under section 610 of that Act (16 U.S.C. 1826k).”.*

6 **TITLE II—LAW ENFORCEMENT**
 7 **AND INTERNATIONAL OPER-**
 8 **ATIONS.**

9 **SEC. 201. INTERNATIONAL FISHERIES ENFORCEMENT PRO-**
 10 **GRAM.**

11 *(a) ESTABLISHMENT.—*

12 *(1) IN GENERAL.—Within 12 months after the*
 13 *date of the enactment of this Act, the Secretary shall,*
 14 *subject to the availability of appropriations, establish*
 15 *an International Fisheries Enforcement Program*
 16 *within the Office of Law Enforcement of the National*
 17 *Marine Fisheries Service.*

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

1 (3) *STAFF.*—*The Program shall be staffed with*
2 *representation from the U.S. Coast Guard, U.S. Cus-*
3 *toms and Border Protection, U.S. Food and Drug Ad-*
4 *ministration, and any other department or agency*
5 *determined by the Secretary to be appropriate and*
6 *necessary to detect and investigate illegal, unreported,*
7 *or unregulated fishing activity and enforce the provi-*
8 *sions of this Act.*

9 (b) *PROGRAM ACTIONS.*—

10 (1) *STAFFING AND OTHER RESOURCES.*—*At the*
11 *request of the Secretary, the heads of other depart-*
12 *ments and agencies providing staff for the Program*
13 *shall—*

14 (A) *by agreement, on a reimbursable basis*
15 *or otherwise, participate in staffing the Pro-*
16 *gram;*

17 (B) *by agreement, on a reimbursable basis*
18 *or otherwise, share personnel, services, equipment*
19 *(including aircraft and vessels), and facilities*
20 *with the Program; and*

21 (C) *to the extent possible, and consistent*
22 *with other applicable law, extend the enforcement*
23 *authorities provided by their enabling legislation*
24 *to the other departments and agencies partici-*
25 *pating in the Program for the purposes of con-*

1 *ducting joint operations to detect and investigate*
2 *illegal, unreported or unregulated fishing activ-*
3 *ity and enforcing the provisions of this Act.*

4 (2) *BUDGET.*—*The Secretary and the heads of*
5 *other departments and agencies providing staff for the*
6 *Program, may, at their discretion, develop inter-*
7 *agency plans and budgets and engage in interagency*
8 *financing for such purposes.*

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

17 (4) *COOPERATIVE ACTIVITIES.*—*The Secretary,*
18 *in coordination with the heads of other departments*
19 *and agencies providing staff for the Program, may—*

20 (A) *create and participate in task forces,*
21 *committees, or other working groups with other*
22 *Federal, State or local governments as well as*
23 *with the governments of other nations for the*
24 *purposes of detecting and investigating illegal,*

1 *unreported, or unregulated fishing activity and*
2 *carrying out the provisions of this Act; and*

3 *(B) enter into agreements with other Fed-*
4 *eral, State, or local governments as well as with*
5 *the governments of other nations, on a reimburs-*
6 *able basis or otherwise, for such purposes.*

7 *(c) POWERS OF AUTHORIZED OFFICERS.—Notwith-*
8 *standing any other provision of law, while operating under*
9 *an agreement with the Secretary entered into under section*
10 *101 of this Act, and conducting joint operations as part*
11 *of the Program for the purposes of detecting and inves-*
12 *tigating illegal, unreported or unregulated fishing activity*
13 *and enforcing the provisions of this Act, authorized officers*
14 *shall have the powers and authority provided in that sec-*
15 *tion.*

16 *(d) INFORMATION COLLECTION, MAINTENANCE AND*
17 *USE.—*

18 *(1) IN GENERAL.—The Secretary and the heads*
19 *of other departments and agencies providing staff for*
20 *the Program shall, to the maximum extent allowable*
21 *by law, share all applicable information, intelligence*
22 *and data, related to the harvest, transportation or*
23 *trade of fish and fish product in order to detect and*
24 *investigate illegal, unreported, or unregulated fishing*
25 *activity and to carry out the provisions of this Act.*

1 (2) *COORDINATION OF DATA.*—*The Secretary,*
2 *through the Program, shall coordinate the collection,*
3 *storage, analysis, and dissemination of all applicable*
4 *information, intelligence, and data related to the har-*
5 *vest, transportation, or trade of fish and fish product*
6 *collected or maintained by the member agencies of the*
7 *Program.*

8 (3) *CONFIDENTIALITY.*—*The Secretary, through*
9 *the Program, shall ensure the protection and con-*
10 *fidentiality required by law for information, intel-*
11 *ligence, and data related to the harvest, transpor-*
12 *tation, or trade of fish and fish product obtained by*
13 *the Program.*

14 (4) *DATA STANDARDIZATION.*—*The Secretary*
15 *and the heads of other departments and agencies pro-*
16 *viding staff for the Program shall, to the maximum*
17 *extent practicable, develop data standardization for*
18 *fisheries related data for Program agencies and with*
19 *international fisheries enforcement databases as ap-*
20 *propriate.*

21 (5) *ASSISTANCE FROM INTELLIGENCE COMMU-*
22 *NITY.*—*Upon request of the Secretary, elements of the*
23 *intelligence community (as defined in section 3(4) of*
24 *the National Security Act of 1947 (50 U.S.C.*
25 *401a(4))) shall collect information related to illegal,*

1 *unreported, or unregulated fishing activity outside the*
2 *United States about individuals who are not United*
3 *States persons (as defined in section 105A(c)(2) of*
4 *such Act (50 U.S.C. 403–5a(c)(2))). Such elements of*
5 *the intelligence community shall collect and share*
6 *such information with the Secretary through the Pro-*
7 *gram for law enforcement purposes in order to detect*
8 *and investigate illegal, unreported, or unregulated*
9 *fishing activities and to carry out the provisions of*
10 *this Act. All collection and sharing of information*
11 *shall be in accordance with the National Security Act*
12 *of 1947 (50 U.S.C. 401 et seq.).*

13 (6) *INFORMATION SHARING.—The Secretary,*
14 *through the Program, shall have authority to share*
15 *fisheries-related data with other Federal, State, and*
16 *foreign governments as well as international organi-*
17 *zations or arrangements, including international fish-*
18 *ery management organizations, if—*

19 (A) *such governments, organizations, or ar-*
20 *rangements have policies and procedures to safe-*
21 *guard such information from unintended or un-*
22 *authorized disclosure; and*

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

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

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

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

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

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

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

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

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

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

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

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

19 (3) *provide funding, technical expertise, and*
20 *training, in cooperation with the International Fish-*
21 *eries Enforcement Program under section 201 of this*
22 *Act, to other nations to aid them in building capacity*
23 *for enhanced fisheries management, fisheries moni-*
24 *toring, catch and trade tracking activities, enforce-*
25 *ment, and international marine resource conserva-*
26 *tion;*

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

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

11 (c) *GUIDELINES.—The Secretary may establish guide-*
12 *lines necessary to implement the program.*

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

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

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

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

23 (b) *CERTAIN REGULATIONS.—Section 6(c)(2) of the*
24 *Atlantic Tunas Convention Act of 1975 (16 U.S.C.*
25 *971d(c)(2)) is amended—*

1 (1) by inserting “(A)” after “(2)”;

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

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

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

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

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

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

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

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

1 *agreement (as defined in section 3(24) of the Magnu-*
2 *son-Stevens Fishery Conservation and Management*
3 *Act),”;*

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

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

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

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

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

16 *“(B) to improve fisheries management deci-*
17 *sions;*

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

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

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

1 “(b) *INFORMATION SHARING*.—In carrying out this
2 section, the Secretary may disclose, as necessary and appro-
3 priate, information to the Food and Agriculture Organiza-
4 tion of the United Nations, international fishery manage-
5 ment organizations (as so defined), or arrangements made
6 pursuant to an international fishery agreement, if such or-
7 ganizations or arrangements have policies and procedures
8 to safeguard such information from unintended or unau-
9 thorized disclosure.”.

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

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

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

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

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

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

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

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

7 “(1) *1 or more permits or authorizations re-*
 8 *quired for a vessel to fish, in addition to a permit*
 9 *issued under this section, expire, are revoked, or are*
 10 *suspended; or*

11 “(2) *the vessel is no longer eligible for United*
 12 *States documentation, such documentation is revoked*
 13 *or denied, or the vessel is deleted from such docu-*
 14 *mentation.”.*

15 **SEC. 304. TECHNICAL CORRECTIONS TO THE WESTERN AND**
 16 **CENTRAL PACIFIC FISHERIES CONVENTION**
 17 **IMPLEMENTATION ACT.**

18 *Section 503 of the Western and Central Pacific Fish-*
 19 *eries Convention Implementation Act (16 U.S.C. 6902) is*
 20 *amended—*

21 (1) *by striking “the chairman or” in subsection*
 22 *(a);*

23 (2) *by inserting “one of whom shall be a member*
 24 *of” after “Western Pacific Fishery Management*
 25 *Council and” in subsection (a);*

1 (3) by adding at the end of subsection (c)(1) the
2 following:

3 “Notwithstanding subparagraph (B), section 208(a) of title
4 18, United States Code, shall not apply to such an indi-
5 vidual if, after review of the financial disclosure report filed
6 by the individual pursuant to the Ethics in Government
7 Act of 1978 (5 U.S.C. App.), the Secretary of Commerce,
8 or his designee, certifies in writing that the need for the
9 individual’s services outweighs the potential for a conflict
10 of interest created by the financial interest involved.”;

11 (4) by adding at the end of subsection (d)(2)(B)
12 the following:

13 “Notwithstanding subclause II of clause (ii), section 208(a)
14 of title 18, United States Code, shall not apply to such an
15 individual if, after review of the financial disclosure report
16 filed by the individual pursuant to the Ethics in Govern-
17 ment Act of 1978 (5 U.S.C. App.), the Secretary of Com-
18 merce, or his designee, certifies in writing that the need for
19 the individual’s services outweighs the potential for a con-
20 flict of interest created by the financial interest involved.”;
21 and

22 (5) redesignating subsection (f) as subsection (e).

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

24 (a) **SCIENTIFIC EXPERTS.**—Section 605(a)(1) of the
25 Pacific Whiting Act of 2006 (16 U.S.C. 7004(a)(1)) is

1 amended by striking “at least 6 but not more than 12” in-
 2 serting “no more than 2”.

3 (b) *CONFLICT OF INTEREST WAIVER.*—Section 609(a)
 4 of the Pacific Whiting Act of 2006 (16 U.S.C. 7008(a)) is
 5 amended by adding at the end thereof the following:
 6 “Notwithstanding paragraph (2), section 208(a) of title 18,
 7 United States Code, shall not apply to such an individual
 8 if, after review of the financial disclosure report filed by
 9 the individual pursuant to the Ethics in Government Act
 10 of 1978 (5 U.S.C. App.), the Secretary of Commerce, or his
 11 designee, certifies in writing that the need for the individ-
 12 ual’s services outweighs the potential for a conflict of inter-
 13 est created by the financial interest involved.”

14 **SEC. 306. COMMITTEE ON SCIENTIFIC COOPERATION FOR**
 15 **PACIFIC SALMON AGREEMENT.**

16 Section 11 of the Pacific Salmon Treaty Act of 1985
 17 (16 U.S.C. 3640) is amended by redesignating subsections
 18 (c) and (d) as subsections (d) and (e), respectively, and in-
 19 serting after subsection (b) the following:

20 “(c) *SCIENTIFIC COOPERATION COMMITTEE.*—Mem-
 21 bers of the Committee on Scientific Cooperation who are
 22 not State or Federal employees shall receive compensation
 23 at a rate equivalent to the rate payable for level IV of the
 24 Executive Schedule under section 5315 of title 5, United

1 *States Code, when engaged in actual performance of duties*
 2 *for the Commission.”.*

3 **SEC. 307. REAUTHORIZATIONS.**

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

8 “(E) \$1,000,000 for each of fiscal years
 9 2009 through 2013.”.

10 (b) *PACIFIC SALMON TREATY ACT OF 1985.—Section*
 11 *16(d)(2)(A) of the Pacific Salmon Treaty Act of 1985 (16*
 12 *3645(d)(2)(A)) is amended by striking “and 2009,” and in-*
 13 *serting “2009, 2010, 2011, 2012, and 2013,”.*

14 (c) *SOUTH PACIFIC TUNA ACT OF 1988.—Section*
 15 *20(a) of the South Pacific Tuna Act of 1988 (16 U.S.C.*
 16 *973r(a)) is amended by striking “1992, 1993, 1994, 1995,*
 17 *1996, 1997, 1998, 1999, 2000, 2001, and 2002,” each place*
 18 *it appears and inserting “2009 through 2013”.*

19 **TITLE IV—IMPLEMENTATION OF**
 20 **THE ANTIGUA CONVENTION**

21 **SEC. 401. SHORT TITLE.**

22 *This title may be cited as the “Antigua Convention*
 23 *Implementing Act of 2008”.*

1 **SEC. 402. AMENDMENT OF THE TUNA CONVENTIONS ACT OF**
 2 **1950.**

3 *Except as otherwise expressly provided, whenever in*
 4 *this title an amendment or repeal is expressed in terms of*
 5 *an amendment to, or repeal of, a section or other provision,*
 6 *the reference shall be considered to be made to a section or*
 7 *other provision of the Tuna Conventions Act of 1950 (16*
 8 *U.S.C. 951 et seq.).*

9 **SEC. 403. DEFINITIONS.**

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

12 **“SEC. 2. DEFINITIONS.**

13 *“In this Act:*

14 *“(1) ANTIGUA CONVENTION.—The term ‘Antigua*
 15 *Convention’ means the Convention for the Strengthen-*
 16 *ing of the Inter-American Tropical Tuna Commis-*
 17 *sion Established by the 1949 Convention Between the*
 18 *United States of America and the Republic of Costa*
 19 *Rica, signed at Washington, November 14, 2003.*

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

23 *“(3) CONVENTION.—The term ‘Convention’*
 24 *means—*

25 *“(A) the Convention for the Establishment*
 26 *of an Inter-American Tropical Tuna Commis-*

1 *sion, signed at Washington, May 31, 1949, by*
2 *the United States of America and the Republic*
3 *of Costa Rica;*

4 “(B) *the Antigua Convention, upon its*
5 *entry into force for the United States, and any*
6 *amendments thereto that are in force for the*
7 *United States; or*

8 “(C) *both such Conventions, as the context*
9 *requires.*

10 “(4) *IMPORT.—The term ‘import’ means to land*
11 *on, bring into, or introduce into, or attempt to land*
12 *on, bring into, or introduce into, any place subject to*
13 *the jurisdiction of the United States, whether or not*
14 *such landing, bringing, or introduction constitutes an*
15 *importation within the meaning of the customs laws*
16 *of the United States.*

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

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

23 “(7) *U.S. COMMISSIONERS.—The term ‘U.S.*
24 *commissioners’ means the members of the commission.*

1 “(8) *U.S. SECTION.*—*The term ‘U.S. section’*
 2 *means the U.S. Commissioners to the Commission*
 3 *and a designee of the Secretary of State.’’.*

4 **SEC. 404. COMMISSIONERS; NUMBER, APPOINTMENT, AND**
 5 **QUALIFICATIONS.**

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

8 **“SEC. 3. COMMISSIONERS.**

9 “(a) *COMMISSIONERS.*—*The United States shall be rep-*
 10 *resented on the Commission by 5 United States Commis-*
 11 *sioners. The President shall appoint individuals to serve on*
 12 *the Commission at the pleasure of the President. In making*
 13 *the appointments, the President shall select Commissioners*
 14 *from among individuals who are knowledgeable or experi-*
 15 *enced concerning highly migratory fish stocks in the eastern*
 16 *tropical Pacific Ocean, one of whom shall be an officer or*
 17 *employee of the Department of Commerce, one of whom shall*
 18 *be the chairman or a member of the Western Pacific Fishery*
 19 *Management Council, and one of whom shall be the chair-*
 20 *man or a member of the Pacific Fishery Management Coun-*
 21 *cil. Not more than 2 Commissioners may be appointed who*
 22 *reside in a State other than a State whose vessels maintain*
 23 *a substantial fishery in the area of the Convention.*

24 “(b) *ALTERNATE COMMISSIONERS.*—*The Secretary of*
 25 *State, in consultation with the Secretary, may designate*

1 *from time to time and for periods of time deemed appro-*
2 *priate Alternate United States Commissioners to the Com-*
3 *mission. Any Alternate United States Commissioner may*
4 *exercise, at any meeting of the Commission or of the Gen-*
5 *eral Advisory Committee or Scientific Advisory Sub-*
6 *committee established pursuant to section 4(b), all powers*
7 *and duties of a United States Commissioner in the absence*
8 *of any Commissioner appointed pursuant to subsection (a)*
9 *of this section for whatever reason. The number of such Al-*
10 *ternate United States Commissioners that may be des-*
11 *ignated for any such meeting shall be limited to the number*
12 *of United States Commissioners appointed pursuant to sub-*
13 *section (a) of this section who will not be present at such*
14 *meeting.*

15 “(c) *ADMINISTRATIVE MATTERS.*—

16 “(1) *EMPLOYMENT STATUS.*—*Individuals serving*
17 *as such Commissioners, other than officers or employ-*
18 *ees of the United States Government, shall be consid-*
19 *ered to be Federal employees while performing such*
20 *service, only for purposes of—*

21 “(A) *injury compensation as provided in*
22 *chapter 81 of title 5, United States Code, and*
23 *tort claims liability under chapter 171 of title*
24 *28, United States Code;*

1 “(B) *the Ethics in Government Act of 1978*
2 *(5 U.S.C. App.) and the provisions of chapter 11*
3 *of title 18, United States Code; and*

4 “(C) *any other statute or regulation gov-*
5 *erning the conduct of Federal employees.*

6 *Notwithstanding subparagraph (B), section 208(a) of*
7 *title 18, United States Code, shall not apply to such*
8 *an individual if, after review of the financial disclo-*
9 *sure report filed by the individual pursuant to the*
10 *Ethics in Government Act of 1978 (5 U.S.C. App.),*
11 *the Secretary of Commerce, or his designee, certifies*
12 *in writing that the need for the individual’s services*
13 *outweighs the potential for a conflict of interest cre-*
14 *ated by the financial interest involved.”;*

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

20 “(3) *TRAVEL EXPENSES.—*

21 “(A) *The Secretary of State shall pay the*
22 *necessary travel expenses of United States Com-*
23 *missioners and Alternate United States Commis-*
24 *sioners to meetings of the IATTC and other meet-*
25 *ings the Secretary deems necessary to fulfill their*

1 *duties, in accordance with the Federal Travel*
2 *Regulations and sections 5701, 5702, 5704*
3 *through 5708, and 5731 of title 5, United States*
4 *Code.*

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

8 **SEC. 405. GENERAL ADVISORY COMMITTEE AND SCIENTIFIC**
9 **ADVISORY SUBCOMMITTEE.**

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

11 *(1) by striking subsection (a) and inserting the*
12 *following:*

13 “(a) *GENERAL ADVISORY COMMITTEE.—*

14 “(1) *APPOINTMENTS; PUBLIC PARTICIPATION;*
15 *COMPENSATION.—*

16 “(A) *The Secretary, in consultation with*
17 *the Secretary of State, shall appoint a General*
18 *Advisory Committee which shall consist of not*
19 *more than 25 individuals who shall be represent-*
20 *ative of the various groups concerned with the*
21 *fisheries covered by the Convention, including*
22 *nongovernmental conservation organizations,*
23 *providing to the maximum extent practicable an*
24 *equitable balance among such groups. Members*
25 *of the General Advisory Committee will be eligi-*

1 *ble to participate as members of the U.S. delega-*
2 *tion to the Commission and its working groups*
3 *to the extent the Commission rules and space for*
4 *delegations allow.*

5 “(B) *The chair of the Pacific Fishery Man-*
6 *agement Council’s Advisory Subpanel for Highly*
7 *Migratory Fisheries and the chair of the Western*
8 *Pacific Fishery Management Council’s Advisory*
9 *Committee shall be members of the General Advi-*
10 *sory Committee by virtue of their positions in*
11 *those Councils;*

12 “(C) *Each member of the General Advisory*
13 *Committee appointed under subparagraph (A)*
14 *shall serve for a term of 3 years and is eligible*
15 *for reappointment.*

16 “(D) *The General Advisory Committee shall*
17 *be invited to attend all non-executive meetings of*
18 *the United States Section and at such meetings*
19 *shall be given opportunity to examine and to be*
20 *heard on all proposed programs of investigation,*
21 *reports, recommendations, and regulations of the*
22 *Commission.*

23 “(E) *The General Advisory Committee shall*
24 *determine its organization, and prescribe its*
25 *practices and procedures for carrying out its*

1 *functions under this chapter, the Magnuson-Ste-*
2 *vens Fishery Conservation and Management Act*
3 *(16 U.S.C. 1801 et seq.), and the Convention.*
4 *The General Advisory Committee shall publish*
5 *and make available to the public a statement of*
6 *its organization, practices and procedures. Meet-*
7 *ings of the General Advisory Committee, except*
8 *when in executive session, shall be open to the*
9 *public, and prior notice of meetings shall be*
10 *made public in timely fashion. The General Ad-*
11 *visory Committee shall not be subject to the Fed-*
12 *eral Advisory Committee Act (5 U.S.C. App.).*

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

18 “(3) *ADMINISTRATIVE MATTERS.—*

19 “(A) *The Secretary shall provide to the*
20 *General Advisory Committee in a timely manner*
21 *such administrative and technical support serv-*
22 *ices as are necessary for its effective functioning.*

23 “(B) *Individuals appointed to serve as a*
24 *member of the General Advisory Committee—*

1 “(i) shall serve without pay, but while
2 away from their homes or regular places of
3 business to attend meetings of the General
4 Advisory Committee shall be allowed travel
5 expenses, including per diem in lieu of sub-
6 sistence, in the same manner as persons em-
7 ployed intermittently in the Government
8 service are allowed expenses under section
9 5703 of title 5, United States Code; and

10 “(ii) shall be considered Federal em-
11 ployees while performing service as members
12 of the General Advisory Committee only for
13 purposes of—

14 “(I) injury compensation as pro-
15 vided in chapter 81 of title 5, United
16 States Code, and tort claims liability
17 under chapter 171 of title 28, United
18 States Code;

19 “(II) the Ethics in Government
20 Act of 1978 (5 U.S.C. App.) and the
21 provisions of chapter 11 of title 18,
22 United States Code; and

23 “(III) any other statute or regula-
24 tion governing the conduct of Federal
25 employees.

1 *Notwithstanding subclause (II), section*
 2 *208(a) of title 18, United States Code, shall*
 3 *not apply to such an individual if, after re-*
 4 *view of the financial disclosure report filed*
 5 *by the individual pursuant to the Ethics in*
 6 *Government Act of 1978 (5 U.S.C. App.),*
 7 *the Secretary of Commerce, or his designee,*
 8 *certifies in writing that the need for the in-*
 9 *dividual’s services outweighs the potential*
 10 *for a conflict of interest created by the fi-*
 11 *nancial interest involved.”; and*

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

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

20 **SEC. 406. RULEMAKING.**

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

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

24 **“SEC. 6. RULEMAKING.”; and**

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

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

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

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

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

4 **“SEC. 8. PROHIBITED ACTS.**

5 *“It is unlawful for any person—*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 **SEC. 408. ENFORCEMENT.**

24 *Section 10 (16 U.S.C. 959) is amended to read as fol-*
25 *lows:*

1 **“SEC. 10. ENFORCEMENT.**

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

5 **SEC. 409. REDUCTION OF BYCATCH.**

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

8 **SEC. 410. REPEAL OF EASTERN PACIFIC TUNA LICENSING**

9 **ACT OF 1984.**

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

Calendar No. 1028

110TH CONGRESS
2^D SESSION

S. 2907

[Report No. 110-469]

A BILL

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

SEPTEMBER 17, 2008

Reported with an amendment