

Suspend the Rules and Pass the Bill, H.R. 774, with an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

114TH CONGRESS
1ST SESSION

H. R. 774

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2015

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

A BILL

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

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

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. TABLE OF CONTENTS.**

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

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

TITLE I—STRENGTHENING FISHERIES ENFORCEMENT
MECHANISMS

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

TITLE II—IMPLEMENTATION OF THE ANTIGUA CONVENTION

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

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

- Sec. 301. Short title.
- Sec. 302. Purpose.
- Sec. 303. Definitions.
- Sec. 304. Duties and authorities of the Secretary.
- Sec. 305. Authorization or denial of port entry.

Sec. 306. Inspections.
Sec. 307. Prohibited acts.
Sec. 308. Enforcement.
Sec. 309. International cooperation and assistance.
Sec. 310. Relationship to other laws.

1 **TITLE I—STRENGTHENING FISH-**
2 **ERIES ENFORCEMENT MECH-**
3 **ANISMS**

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

6 (a) ADMINISTRATION AND ENFORCEMENT.—

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

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

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

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

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

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

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

7 “(5) the Atlantic Tunas Convention Act of
8 1975 (16 U.S.C. 971 et seq.);

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

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

14 “(8) the Antigua Convention Implementing Act
15 of 2015.

16 “(c) ADMINISTRATION AND ENFORCEMENT.—

17 “(1) IN GENERAL.—The Secretary shall prevent
18 any person from violating this Act, or any Act to
19 which this section applies, in the same manner, by
20 the same means, and with the same jurisdiction,
21 powers, and duties as though sections 308 through
22 311 of the Magnuson-Stevens Fishery Conservation
23 and Management Act (16 U.S.C. 1858 through
24 1861) were incorporated into and made a part of
25 and applicable to this Act and each such Act.

1 “(2) INTERNATIONAL COOPERATION.—The Sec-
2 retary may, subject to appropriations and in the
3 course of carrying out the Secretary’s responsibilities
4 under the Acts to which this section applies, engage
5 in international cooperation to help other nations
6 combat illegal, unreported, and unregulated fishing
7 and achieve sustainable fisheries.

8 “(d) SPECIAL RULES.—

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

21 “(2) DISCLOSURE OF ENFORCEMENT INFORMA-
22 TION.—

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

1 serva­tion and Manage­ment Act (16 U.S.C.
2 1881a), may dis­close, as nec­essary and appro­
3 priate, in­for­ma­tion, in­clud­ing in­for­ma­tion col­
4 lected un­der joint au­thor­ity of the Mag­nuson-
5 Stevens Fish­ery Con­ser­va­tion and Man­age­ment
6 Act (16 U.S.C. 1801 et seq.) and the At­lantic
7 Tunas Con­ven­tion Act of 1975 (16 U.S.C. 71
8 et seq.) or the West­ern and Cen­tral Pa­cific
9 Fish­er­ies Con­ven­tion Im­ple­men­ta­tion Act (16
10 U.S.C. 6901 et seq.) or other stat­utes im­ple­
11 men­ting in­ter­na­tion­al fish­ery agree­ments, to
12 any other Fed­er­al or State gov­ern­ment agency,
13 the Food and Ag­ri­cul­ture Or­gan­iza­tion of the
14 United Na­tions, the se­cretariat or equiv­al­ent of
15 an in­ter­na­tion­al fish­ery man­age­ment orga­ni­za-
16 tion or ar­range­ment made pur­suant to an in­ter-
17 na­tion­al fish­ery agree­ment, or a fore­ign gov­ern-
18 ment, if—

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

23 “(ii) such dis­clo­sure is nec­essary—

1 “(I) to ensure compliance with
2 any law or regulation enforced or ad-
3 ministered by the Secretary;

4 “(II) to administer or enforce
5 any international fishery agreement to
6 which the United States is a party;

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

12 “(IV) to assist in any investiga-
13 tive, judicial, or administrative en-
14 forcement proceeding in the United
15 States; or

16 “(V) to assist in any law enforce-
17 ment action undertaken by a law en-
18 forcement agency of a foreign govern-
19 ment, or in relation to a legal pro-
20 ceeding undertaken by a foreign gov-
21 ernment to the extent the enforcement
22 action is consistent with rules and
23 regulations of a regional fisheries
24 management organization (as that
25 term is defined by the United Na-

1 tion’s Food and Agriculture Organiza-
2 tion Agreement on Port State Meas-
3 ures to Prevent, Deter and Eliminate
4 Illegal, Unreported and Unregulated
5 Fishing) of which the United States is
6 a member, or the Secretary has deter-
7 mined that the enforcement action is
8 consistent with the requirements
9 under Federal law for enforcement ac-
10 tions with respect to illegal, unre-
11 ported, and unregulated fishing.

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

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

1 ported and Unregulated Fishing) of which
2 the United States is a member; or

3 “(ii) any information collected by the
4 Secretary regarding foreign vessels.

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

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

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

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

21 “(4) to resist a lawful arrest for any act prohib-
22 ited by this section or any Act to which this section
23 applies;

24 “(5) to interfere with, delay, or prevent, by any
25 means, the apprehension, arrest, or detection of an

1 other person, knowing that such person has com-
2 mitted any act prohibited by this section or any Act
3 to which this section applies; or

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

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

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

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

19 “(g) CRIMINAL PENALTY.—Any person who commits
20 an act that is unlawful under subsection (e)(2), (e)(3),
21 (e)(4), (e)(5), or (e)(6) is deemed to be guilty of an offense
22 punishable under section 309(b) of the Magnuson-Stevens
23 Fishery Conservation and Management Act (16 U.S.C.
24 1859(b)).

1 “(h) UTILIZATION OF FEDERAL AGENCY ASSETS.—
2 ”.

3 (2) CONFORMING AMENDMENT.—Section
4 308(a) of the Antarctic Marine Living Resources
5 Convention Act of 1984 (16 U.S.C. 2437(a)) is
6 amended to read as follows:

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

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

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

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

24 (3) adding at the end the following new sub-
25 sections:

1 “(b) DISCLOSURE OF INFORMATION.—

2 “(1) IN GENERAL.—The Secretary, subject to
3 the data confidentiality provisions in section 402 of
4 the Magnuson-Stevens Fishery Conservation and
5 Management Act (16 U.S.C. 1881a) except as pro-
6 vided in paragraph (2), may disclose, as necessary
7 and appropriate, information, including information
8 collected under joint authority of the Magnuson-Ste-
9 vens Fishery Conservation and Management Act (16
10 U.S.C. 1801 et seq.) and the Atlantic Tunas Con-
11 vention Act of 1975 (16 U.S.C. 71 et seq.), the
12 Western and Central Pacific Fisheries Convention
13 Implementation Act (16 U.S.C. 6901 et seq.), any
14 other statute implementing an international fishery
15 agreement, to any other Federal or State govern-
16 ment agency, the Food and Agriculture Organization
17 of the United Nations, or the secretariat or equiva-
18 lent of an international fishery management organi-
19 zation or arrangement made pursuant to an inter-
20 national fishery agreement, if such government, or-
21 ganization, or arrangement, respectively, has policies
22 and procedures to protect such information from un-
23 intended or unauthorized disclosure.

24 “(2) EXCEPTIONS.—The data confidentiality
25 provisions in section 402 of the Magnuson-Stevens

1 Fishery Conservation and Management Act (16
2 U.S.C. 1881a) shall not apply with respect to this
3 Act—

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

12 “(B) to any information collected by the
13 Secretary regarding foreign vessels.

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

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

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

24 “(B) the United States is not party to, but
25 whose procedures and criteria in developing and

1 maintaining a list of such vessels and vessel
2 owners are substantially similar to such proce-
3 dures and criteria adopted pursuant to an inter-
4 national fishery agreement to which the United
5 States is a party; and

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

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

16 (c) NOTIFICATION REGARDING IDENTIFICATION OF
17 NATIONS.—Section 609(b) of such Act (166 U.S.C.
18 1826j(b)) is amended to read as follows:

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

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

24 “(1) notify, as soon as possible, the President
25 and nations that have been identified under sub-

1 section (a), and also notify other nations whose ves-
2 sels engage in fishing activities or practices de-
3 scribed in subsection (a), about the provisions of this
4 section and this Act;”.

5 (e) EFFECT OF CERTIFICATION UNDER SECTION
6 609.—Section 609(d)(3)(A)(i) of such Act (16 U.S.C.
7 1826j(d)(3)(A)(i)) is amended by striking “that has not
8 been certified by the Secretary under this subsection, or”.

9 (f) EFFECT OF CERTIFICATION UNDER SECTION
10 610.—Section 610(e)(5) of such Act (16 U.S.C.
11 1826k(c)(5)) is amended by striking “that has not been
12 certified by the Secretary under this subsection, or”.

13 (g) IDENTIFICATION OF NATIONS.—

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

17 (A) in the matter preceding paragraph

18 (1)—

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

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

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

8 (C) in paragraph (1), by striking “vessels
9 of”.

10 (2) ADDITIONAL GROUNDS FOR IDENTIFICA-
11 TION.—Section 609(a) of such Act (16 U.S.C.
12 1826j(a)) is further amended—

13 (A) by redesignating paragraphs (1) and
14 (2) in order as subparagraphs (A) and (B) (and
15 by moving the margins of such subparagraphs
16 2 ems to the right);

17 (B) by inserting before the first sentence
18 the following:

19 “(1) IDENTIFICATION FOR ACTIONS OF FISHING
20 VESSELS.—”; and

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

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

1 “(A) if it is violating, or has violated at
2 any point during the preceding three years, con-
3 servation and management measures required
4 under an international fishery management
5 agreement to which the United States is a
6 party and the violations undermine the effec-
7 tiveness of such measures; or

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

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

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

22 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Secretary of Com-
24 merce \$450,000 for each of fiscal years 2016 through

1 2020 to implement the amendments made by subsections
2 (b) and (g).

3 (i) TECHNICAL CORRECTIONS.—

4 (1) Section 607(2) of such Act (16 U.S.C.
5 1826h(2)) is amended by striking “whose vessels”
6 and inserting “that”.

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

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

13 (4) Section 609(d)(2) of such Act (16 U.S.C.
14 1826j(d)(2)) is amended—

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

17 (B) by inserting “the importation” after
18 “or other basis”;

19 (C) by striking “harvesting”; and

20 (D) by striking “not certified under para-
21 graph (1)” and inserting “issued a negative cer-
22 tification under paragraph (1)”.

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

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

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

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

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

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

19 **FISHERIES ENFORCEMENT ACT.**

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

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

1 (2) in subsection (a)(2)(A), by inserting “or, as
2 appropriate, for fishing vessels of a nation that re-
3 ceives a negative certification under section 609(d)
4 or section 610(c) of the High Seas Driftnet Fishing
5 Moratorium Protection Act (16 U.S.C. 1826)” after
6 “(1)”;

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

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

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

19 (6) in subsection (b)(3)(A)(i), by inserting “or
20 a negative certification under section 609(d) or sec-
21 tion 610(c) of the High Seas Driftnet Fishing Mora-
22 torium Protection Act (16 U.S.C. 1826j(d),
23 1826k(c))” after “(1)(A)”;

24 (7) in subsection (b)(4)(A), by inserting “or
25 issues a negative certification under section 609(d)

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

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

7 (9) in subsection (b)(4)(A)(i), by inserting “, or
8 to address the offending activities for which a nation
9 received a negative certification under section 609(d)
10 or 610(c) of the High Seas Driftnet Fishing Morato-
11 rium Protection Act (16 U.S.C. 1826j(d),
12 1826k(e))” after “beyond the exclusive economic
13 zone of any nation”.

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

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

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

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

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

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

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

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

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

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

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

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

24 (1) in subsection (a)(2)—

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

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

3 (2) in subsection (a)(3)—

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

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

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

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

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

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

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

23 (1) in section 503(d)(1) (16 U.S.C.
24 6902(d)(1)), by adding at the end the following:

1 “(E) RECOMMENDATIONS.—Not later than
2 15 days before each annual meeting of the
3 Commission, the advisory committee shall
4 transmit to the United States Commissioners
5 recommendations relating to the agenda of the
6 annual meeting. The recommendations must be
7 agreed to by a majority of the advisory com-
8 mittee members. The United States Commis-
9 sioners shall consider such recommendations in
10 the formulation of the United States position
11 for the Commission meeting and during the ne-
12 gotiations at that meeting.”;

13 (2) by amending section 506(c) (16 U.S.C.
14 6905(c)) to read as follows:

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

20 (3) in section 505 (16 U.S.C. 6904), by adding
21 at the end the following:

22 “(c) RESTRICTION ON AGREEMENTS, ACTIONS, AND
23 REGULATIONS.—

24 “(1) IN GENERAL.—The Secretary may not
25 make any agreement, take any action, or promulgate

1 any regulation that requires the transfer to other
2 nations or entities of the fishing capacity, fishing ca-
3 pacity rights, or fishing vessels of the United States.

4 “(2) DISPROPORTIONATE REGULATORY BUR-
5 DEN.—The Secretary may not promulgate any regu-
6 lation that results in a disproportionate regulatory
7 burden on vessels of the United States relative to
8 the fishing fleets of other nations fishing for the
9 same fish stocks.

10 “(3) FISHING ON THE HIGH SEAS.—The Sec-
11 retary may not promulgate any regulation that re-
12 sults in restrictions on fishing on the high seas by
13 vessels of the United States unless—

14 “(A) the scientific committee of the
15 WCPFC Convention concludes that such re-
16 strictions would result in a significant conserva-
17 tion benefit to the affected fish stocks and spe-
18 cifically recommends such restrictions; and

19 “(B) the fishing fleets of all other nations
20 that are signatories to the WCPFC Convention
21 are implementing equivalent restrictions.”; and

22 (4) in section 507(a)(2) (16 U.S.C. 6906(a)(2))
23 by striking “suspension, on” and inserting “suspen-
24 sion, of”.

1 **SEC. 106. AMENDMENTS TO THE ANTARCTIC MARINE LIV-**
2 **ING RESOURCES CONVENTION ACT.**

3 The Antarctic Marine Living Resources Convention
4 Act of 1984 is amended—

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

6 (A) in paragraph (3), by striking “which
7 he knows, or reasonably should have known,
8 was”;

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

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

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

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

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

17 “(b) REGULATIONS TO IMPLEMENT CONSERVATION
18 MEASURES.—

19 “(1) IN GENERAL.—Notwithstanding sub-
20 sections (b), (c), and (d) of section 553 of title 5,
21 United States Code, the Secretary of Commerce may
22 publish in the Federal Register a final regulation to
23 implement any conservation measure for which the
24 Secretary of State notifies the Commission under
25 section 305(a)(1)—

1 “(A) that has been in effect for 12 months
2 or less;

3 “(B) that is adopted by the Commission;
4 and

5 “(C) with respect to which the Secretary of
6 State does not notify Commission in accordance
7 with section 305(a)(1) within the time period
8 allotted for objections under Article IX of the
9 Convention.

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

14 **SEC. 107. AMENDMENTS TO THE ATLANTIC TUNAS CONVEN-**
15 **TION ACT.**

16 The Atlantic Tunas Convention Act of 1975 is
17 amended—

18 (1) in section 6(c)(2) (16 U.S.C.
19 971d(e)(2)(2))—

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

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

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

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

24 “(B) Notwithstanding the requirements of subpara-
25 graph (A) and subsections (b) and (c) of section 553 of

1 title 5, United States Code, the Secretary may issue final
2 regulations to implement Commission recommendations
3 referred to in paragraph (1) concerning trade restrictive
4 measures against nations or fishing entities.”;

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

8 (3) in section 8 (16 U.S.C. 971f)—

9 (A) by striking subsections (a) and (c);
10 and

11 (B) by inserting before subsection (b) the
12 following:

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

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

22 (5) by striking section 11 (16 U.S.C. 971j) and
23 redesignating sections 12 and 13 as sections 11 and
24 12, respectively.

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

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

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

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

11 “(2) the vessel is no longer documented under
12 the laws of the United States or eligible for such
13 documentation.”.

14 **SEC. 109. AMENDMENTS TO THE DOLPHIN PROTECTION**
15 **CONSUMER INFORMATION ACT.**

16 The Dolphin Protection Consumer Information Act
17 (16 U.S.C. 1385) is amended by amending subsection (e)
18 to read as follows:

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

1 **SEC. 110. AMENDMENTS TO THE NORTHERN PACIFIC HAL-**
2 **IBUT ACT OF 1982.**

3 Section 7 of the Northern Pacific Halibut Act of
4 1982 (16 U.S.C. 773e) is amended—

5 (1) in subsection (a) by redesignating para-
6 graphs (1) through (6) as subparagraphs (A)
7 through (F);

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

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

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

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

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

18 **SEC. 111. AMENDMENTS TO THE NORTHWEST ATLANTIC**
19 **FISHERIES CONVENTION ACT OF 1995.**

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

22 (1) in the section heading, by striking “**AND**
23 **PENALTIES**” and inserting “**AND ENFORCE-**
24 **MENT**”;

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

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

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

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

10 **SEC. 112. AMENDMENT TO THE MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT.**

11 Section 307(1)(Q) of the Magnuson-Stevens Fishery
12 Conservation and Management Act (16 U.S.C.
13 1857(1)(Q)) is amended by inserting before the semicolon
14 the following: “or any treaty or in contravention of any
15 binding conservation measure adopted by an international
16 agreement or organization to which the United States is
17 a party”.

18 **TITLE II—IMPLEMENTATION OF**
19 **THE ANTIGUA CONVENTION**

20 **SEC. 201. SHORT TITLE.**

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

1 **SEC. 202. AMENDMENT OF THE TUNA CONVENTIONS ACT**
2 **OF 1950.**

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

9 **SEC. 203. 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 ‘Anti-
15 gua Convention’ means the Convention for the
16 Strengthening of the Inter-American Tropical Tuna
17 Commission Established by the 1949 Convention
18 Between the United States of America and the Re-
19 public of Costa Rica, signed at Washington, Novem-
20 ber 14, 2003.

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

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

1 “(A) the Convention for the Establishment
2 of an Inter-American Tropical Tuna Commis-
3 sion, signed at Washington, May 31, 1949, by
4 the United States of America and the Republic
5 of Costa Rica;

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

10 “(C) both such Conventions, as the context
11 requires.

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

15 “(5) UNITED STATES.—The term ‘United
16 States’ includes all areas under the sovereignty of
17 the United States.

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

21 **SEC. 204. COMMISSIONERS; NUMBER, APPOINTMENT, AND**
22 **QUALIFICATIONS.**

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

1 **“SEC. 3. COMMISSIONERS.**

2 “(a) COMMISSIONERS.—The United States shall be
3 represented on the Commission by 4 United States Com-
4 missioners. The President shall appoint individuals to
5 serve on the Commission. The United States Commis-
6 sioners shall be subject to supervision and removal by the
7 Secretary of State, in consultation with the Secretary. In
8 making the appointments, the President shall select
9 United States Commissioners from among individuals who
10 are knowledgeable or experienced concerning highly migra-
11 tory fish stocks in the eastern tropical Pacific Ocean, one
12 of whom shall be an officer or employee of the Department
13 of Commerce. Not more than 2 United States Commis-
14 sioners may be appointed who reside in a State other than
15 a State whose vessels maintain a substantial fishery in the
16 area of the Convention.

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

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

7 “(c) ADMINISTRATIVE MATTERS.—

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

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

21 “(3) TRAVEL EXPENSES.—

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

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

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

10 **SEC. 205. GENERAL ADVISORY COMMITTEE AND SCI-**
11 **ENTIFIC ADVISORY SUBCOMMITTEE.**

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

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

15 “(a) GENERAL ADVISORY COMMITTEE.—

16 “(1) APPOINTMENTS; PUBLIC PARTICIPATION;
17 COMPENSATION.—

18 “(A) The Secretary, in consultation with
19 the Secretary of State, shall appoint a General
20 Advisory Committee which shall consist of not
21 more than 25 individuals who shall be rep-
22 resentative of the various groups concerned
23 with the fisheries covered by the Convention, in-
24 cluding nongovernmental conservation organiza-
25 tions, providing to the maximum extent prac-

1 ticable an equitable balance among such groups.
2 Members of the General Advisory Committee
3 will be eligible to participate as members of the
4 United States delegation to the Commission
5 and its working groups to the extent the Com-
6 mission rules and space for delegations allow.

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

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

18 “(D) The General Advisory Committee
19 shall be invited to attend all non-executive
20 meetings of the United States delegation and at
21 such meetings shall be given opportunity to ex-
22 amine and to be heard on all proposed pro-
23 grams of investigation, reports, recommenda-
24 tions, and regulations of the Commission.

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

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

22 “(3) ADMINISTRATIVE MATTERS.—

23 “(A) The Secretary shall provide to the
24 General Advisory Committee in a timely man-
25 ner such administrative and technical support

1 services as are necessary for its effective func-
2 tioning.

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

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

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

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

22 “(b) SCIENTIFIC ADVISORY SUBCOMMITTEE.—(1)
23 The Secretary, in consultation with the Secretary of State,
24 shall appoint a Scientific Advisory Subcommittee of not
25 less than 5 nor more than 15 qualified scientists with bal-

1 anced representation from the public and private sectors,
2 including nongovernmental conservation organizations.”;
3 and

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

7 **SEC. 206. RULEMAKING.**

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

10 **“SEC. 6. RULEMAKING.**

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

1 out the United States international obligations under the
2 Convention and this Act, in accordance with the proce-
3 dures established by the Magnuson-Stevens Fishery Con-
4 servation and Management Act (16 U.S.C. 1801 et seq.).

5 “(b) JURISDICTION.—The Secretary may promulgate
6 regulations as may be necessary to carry out the United
7 States international obligations under the Convention and
8 this Act, applicable to all vessels and persons subject to
9 the jurisdiction of the United States, including vessels doc-
10 umented under chapter 121 of title 46, United States
11 Code, wherever they may be operating, on such date as
12 the Secretary shall prescribe.”.

13 **SEC. 207. PROHIBITED ACTS.**

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

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

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

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

23 **SEC. 208. ENFORCEMENT.**

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

1 **“SEC. 10. ENFORCEMENT.**

2 “For enforcement of this Act, see section 606 of the
3 High Seas Driftnet Fishing Moratorium Protection Act
4 (16 U.S.C. 1826g).”.

5 **SEC. 209. REDUCTION OF BYCATCH.**

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

8 **SEC. 210. 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.

12 **TITLE III—AGREEMENT ON**
13 **PORT STATE MEASURES TO**
14 **PREVENT, DETER AND ELIMI-**
15 **NATE ILLEGAL, UNREPORTED**
16 **AND UNREGULATED FISHING**

17 **SEC. 301. SHORT TITLE.**

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

20 **SEC. 302. PURPOSE.**

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

24 **SEC. 303. DEFINITIONS.**

25 As used in this title:

1 (1) The term “Agreement” means the Agree-
2 ment on Port State Measures to Prevent, Deter and
3 Eliminate Illegal, Unreported and Unregulated Fish-
4 ing, done at the Food and Agriculture Organization
5 of the United Nations, in Rome, Italy, November 22,
6 2009, and signed by the United States November
7 22, 2009.

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

12 (3) The term “listed IUU vessel” means a ves-
13 sel that is included in a list of vessels having en-
14 gaged in IUU fishing or fishing-related activities in
15 support of IUU fishing that has been adopted by a
16 regional fisheries management organization of which
17 the United States is a member, or a list adopted by
18 a regional fisheries management organization of
19 which the United States is not a member if the Sec-
20 retary determines the criteria used by that organiza-
21 tion to create the IUU list is comparable to criteria
22 adopted by RFMOs of which the United States is a
23 member for identifying IUU vessels and activities.

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

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

7 (6) The terms “RFMO” and “regional fisheries
8 management organization” mean a regional fisheries
9 management organization (as that term is defined
10 by the United Nation’s Food and Agriculture Orga-
11 nization Agreement on Port State Measures to Pre-
12 vent, Deter and Eliminate Illegal, Unreported and
13 Unregulated Fishing) that is recognized by the
14 United States.

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

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

22 (9) The term “fish” means finfish, mollusks,
23 crustaceans, and all other forms of marine animal
24 and plant life other than marine mammals and
25 birds.

1 (10) The term “fishing”—

2 (A) except as provided in subparagraph

3 (B), means—

4 (i) the catching, taking, or harvesting
5 of fish;

6 (ii) the attempted catching, taking, or
7 harvesting of fish;

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

11 (iv) any operations at sea in support
12 of, or in preparation for, any activity de-
13 scribed in clauses (i) through (iii); and

14 (B) does not include any scientific research
15 activity that is conducted by a scientific re-
16 search vessel.

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

18 (a) REGULATIONS.—The Secretary may, as needed,
19 promulgate such regulations—

20 (1) in accordance with section 553 of title 5,
21 United States Code;

22 (2) consistent with provisions of the title; and

23 (3) with respect to enforcement measures, in
24 consultation with the Secretary of the department in
25 which the Coast Guard is operating;

1 as may be necessary to carry out the purposes of this title,
2 to the extent that such regulations are not already promul-
3 gated.

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

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

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

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

9 (a) SUBMISSION OF INFORMATION REQUIRED
10 UNDER AGREEMENT.—

11 (1) IN GENERAL.—A vessel described in para-
12 graph (2) seeking entry to a port that is subject to
13 the jurisdiction of the United States must submit to
14 the Secretary of the department in which the Coast
15 Guard is operating information as required under
16 the Agreement in advance of its arrival in port. The
17 Secretary of the department in which the Coast
18 Guard is operating shall provide that information to
19 the Secretary.

20 (2) COVERED VESSELS.—A vessel referred to in
21 paragraph (1) is any vessel that—

22 (A) is not documented under chapter 121
23 of title 46, United States Code; and

24 (B) is not numbered under chapter 123 of
25 that title.

1 (b) DECISION TO AUTHORIZE OR DENY PORT
2 ENTRY.—

3 (1) DECISION.—The Secretary shall decide,
4 based on the information submitted under subsection
5 (a), whether to authorize or deny port entry by the
6 vessel, and shall communicate such decision to—

7 (A) the Secretary of the department in
8 which the Coast Guard is operating; and

9 (B) the vessel or its representative.

10 (2) AUTHORIZATION OR DENIAL OF ENTRY.—

11 The Secretary of the department in which the Coast
12 Guard is operating shall authorize or deny entry to
13 vessels to which such a decision applies.

14 (3) VESSELS TO WHICH ENTRY MAY BE DE-
15 NIED.—The Secretary of the department in which
16 the Coast Guard is operating may deny entry to any
17 vessel to which such a decision applies—

18 (A) that is described in subsection (a)(2);

19 and

20 (B) that—

21 (i) is a listed IUU vessel; or

22 (ii) the Secretary of Commerce has
23 reasonable grounds to believe—

1 (I) has engaged in IUU fishing
2 or fishing-related activities in support
3 of such fishing; or

4 (II) has violated this title.

5 (c) DENIAL OF USE OF PORT.—If a vessel described
6 in subsection (a)(2) is in a port that is subject to the juris-
7 diction of the United States, the Secretary of the depart-
8 ment in which the Coast Guard is operating, at the re-
9 quest of the Secretary, shall deny such vessel the use of
10 the port for landing, transshipment, packaging and proc-
11 essing of fish, refueling, resupplying, maintenance, and
12 drydocking, if—

13 (1) the vessel entered without authorization
14 under subsection (b);

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

16 (3) the vessel is not documented under the laws
17 of another nation;

18 (4) the flag nation of the vessel has failed to
19 provide confirmation requested by the Secretary that
20 the fish on board were taken in accordance with ap-
21 plicable RFMO conservation and management meas-
22 ures; or

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

1 (A) the vessel lacks valid authorizations to
2 engage in fishing or fishing-related activities as
3 required by its flag nation or the relevant coast-
4 al nation;

5 (B) the fish on board were taken in viola-
6 tion of foreign law or in contravention of any
7 RFMO conservation and management measure;
8 or

9 (C) the vessel has engaged in IUU fishing
10 or fishing-related activities in support of such
11 fishing, including in support of a listed IUU
12 vessel, unless it can establish that—

13 (i) it was acting in a manner con-
14 sistent with applicable RFMO conservation
15 and management measures; or

16 (ii) in the case of the provision of per-
17 sonnel, fuel, gear, and other supplies at
18 sea, the vessel provisioned was not, at the
19 time of provisioning, a listed IUU vessel.

20 (d) EXCEPTIONS.—Notwithstanding subsections (b)
21 and (c), the Secretary of the department in which the
22 Coast Guard is operating may allow port entry or the use
23 of port services—

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

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

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

5 **SEC. 306. INSPECTIONS.**

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

17 **SEC. 307. PROHIBITED ACTS.**

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

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

22 (2) to refuse to permit any authorized officer to
23 board, search, or inspect a vessel that is subject to
24 the person's control in connection with the enforce-

1 ment of this title or the regulations issued under
2 this title;

3 (3) to submit false information pursuant to any
4 requirement under this title or the regulations issued
5 under this title; or

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

10 **SEC. 308. ENFORCEMENT.**

11 (a) EXISTING AUTHORITIES AND RESPONSIBIL-
12 ITIES.—

13 (1) AUTHORITIES AND RESPONSIBILITIES.—
14 The authorities and responsibilities under sub-
15 sections (a), (b), and (c) of section 311 and sub-
16 section (f) of section 308 of the Magnuson-Stevens
17 Act (16 U.S.C. 1861, 1858) and paragraphs (2),
18 (3), and (7) of section 310(b) of the Antarctic Ma-
19 rine Living Resources Convention Act of 1984 (16
20 U.S.C. 2439(b)) shall apply with respect to enforce-
21 ment of this title.

22 (2) INCLUDED VESSELS.—For purposes of en-
23 forcing this title, any reference in such paragraphs
24 and subsections to a “vessel” or “fishing vessel” in-

1 cludes all vessels as defined in section 303(8) of this
2 title.

3 (3) APPLICATION OF OTHER PROVISIONS.—

4 Such paragraphs and subsections apply to violations
5 of this title and any regulations promulgated under
6 this title.

7 (b) CIVIL ENFORCEMENT.—

8 (1) CIVIL ADMINISTRATIVE PENALTIES.—

9 (A) IN GENERAL.—Any person who is
10 found by the Secretary (after notice and oppor-
11 tunity for a hearing in accordance with section
12 554 of title 5, United States Code) to have
13 committed an act prohibited under section 307
14 shall be liable to the United States for a civil
15 penalty. The amount of the civil penalty shall
16 be consistent with the amount under section
17 308(a) of the Magnuson-Stevens Act (16 U.S.C.
18 1858(a)).

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

24 (2) IN REM JURISDICTION.—For purposes of
25 this title, the conditions for in rem liability shall be

1 consistent with section 308(d) of the Magnuson-Ste-
2 vens Act (16 U.S.C. 1858(d)).

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

14 (c) FORFEITURE.—

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

23 (2) APPLICATION OF THE CUSTOMS LAWS.—All
24 provisions of law relating to seizure, summary judg-
25 ment, and judicial forfeiture and condemnation for

1 violation of the customs laws, the disposition of the
2 property forfeited or condemned or the proceeds
3 from the sale thereof, the remission or mitigation of
4 such forfeitures, and the compromise of claims shall
5 apply to seizures and forfeitures incurred, or alleged
6 to have been incurred, under the provisions of this
7 title, insofar as applicable and not inconsistent with
8 the provisions hereof. For seizures and forfeitures of
9 property under this section by the Secretary, such
10 duties as are imposed upon the customs officer or
11 any other person with respect to the seizure and for-
12 feiture of property under the customs law may be
13 performed by such officers as are designated by the
14 Secretary or, upon request of the Secretary, by any
15 other agency that has authority to manage and dis-
16 pose of seized property.

17 (3) PRESUMPTION.—For the purposes of this
18 section there is a rebuttable presumption that all
19 fish, or components thereof, found on board a vessel
20 that is used or seized in connection with a violation
21 of this title (including any regulation promulgated
22 under this Act) were taken, obtained, or retained as
23 a result of IUU fishing or fishing-related activities
24 in support of IUU fishing.

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

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

15 **SEC. 309. INTERNATIONAL COOPERATION AND ASSIST-**
16 **ANCE.**

17 (a) ASSISTANCE TO DEVELOPING NATIONS AND
18 INTERNATIONAL ORGANIZATIONS.—Consistent with exist-
19 ing authority and the availability of funds, the Secretary
20 shall provide appropriate assistance to developing nations
21 and international organizations of which such nations are
22 members to assist those nations in meeting their obliga-
23 tions under the Agreement.

24 (b) PERSONNEL, SERVICES, EQUIPMENT, AND FA-
25 CILITIES.—In carrying out subsection (a), the Secretary

1 may, by agreement, on a reimbursable or nonreimbursable
2 basis, utilize the personnel, services, equipment, and facili-
3 ties of any Federal, State, local, or foreign government
4 or any entity of any such government.

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

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

16 (b) **UNITED STATES OBLIGATIONS UNDER INTER-**
17 **NATIONAL LAW.**—This title shall be interpreted and ap-
18 plied in accordance with United States obligations under
19 international law.