

118TH CONGRESS
1ST SESSION

H. R. 1792

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 2023

Mrs. RADEWAGEN (for herself and Mr. CASE) introduced the following bill;
which was referred to the Committee on Natural Resources

A BILL

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

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

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

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

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendment of South Pacific Tuna Act of 1988.
- Sec. 3. Definitions.
- Sec. 4. Prohibited acts.
- Sec. 5. Exceptions.
- Sec. 6. Criminal offenses.
- Sec. 7. Civil penalties.
- Sec. 8. Licenses.

- Sec. 9. Enforcement.
- Sec. 10. Findings by Secretary.
- Sec. 11. Reporting requirements; disclosure of information.
- Sec. 12. Closed Area stowage requirements.
- Sec. 13. Observers.
- Sec. 14. Technical assistance.
- Sec. 15. Arbitration.
- Sec. 16. Disposition of fees, penalties, forfeitures, and other moneys.
- Sec. 17. Additional agreements.
- Sec. 18. Authorization of appropriations.

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

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

8 **SEC. 3. DEFINITIONS.**

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

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

19 (c) **FISHING.**—Section 2(6) (16 U.S.C. 973(6)) is
 20 amended—

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

3 (2) by amending subparagraph (F) to read as
4 follows:

5 “(F) use of any other vessel, vehicle, air-
6 craft, or hovercraft, for any activity described
7 in this paragraph except for emergencies involv-
8 ing the health or safety of the crew or the safe-
9 ty of a vessel.”.

10 (d) FISHING VESSEL.—Section 2(7) (16 U.S.C.
11 973(7)) is amended by striking “commercial fishing” and
12 inserting “commercial purse seine fishing for tuna”.

13 (e) LICENSING AREA.—Section 2(8) (16 U.S.C.
14 973(8)) is amended by striking “in the Treaty Area” and
15 all that follows and inserting “under the jurisdiction of
16 a Pacific Island Party, except for internal waters, terri-
17 torial seas, archipelagic waters, and any Closed Area.”.

18 (f) LIMITED AREA; PARTY; TREATY AREA.—Section
19 2 (16 U.S.C. 973) is amended—

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

21 (2) by redesignating paragraphs (11) and (12)
22 as paragraphs (10) and (11), respectively;

23 (3) by redesignating paragraph (14) as para-
24 graph (12); and

1 (4) by redesignating paragraphs (15) through
2 (17) as paragraphs (14) through (16), respectively.

3 (g) REGIONAL TERMS AND CONDITIONS.—Section 2
4 (16 U.S.C. 973) is amended by inserting after paragraph
5 (12), as so redesignated, the following:

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

10 **SEC. 4. PROHIBITED ACTS.**

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

13 (1) by striking “Except as provided in section
14 6 of this Act, it” at the beginning and inserting
15 “it”;

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

17 (3) by redesignating paragraphs (5) through
18 (13) as paragraphs (3) through (11), respectively;

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

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

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

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

5 “(12) to violate any of the regional terms and
6 conditions; or

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

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

11 (1) by striking “Except as provided in section
12 6 of this Act, it” and inserting “It”;

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

14 (3) by redesignating paragraphs (6) and (7) as
15 paragraphs (5) and (6), respectively.

16 **SEC. 5. EXCEPTIONS.**

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

18 **SEC. 6. CRIMINAL OFFENSES.**

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

22 **SEC. 7. CIVIL PENALTIES.**

23 (a) DETERMINATION OF LIABILITY; AMOUNT; PAR-
24 TICIPATION BY SECRETARY OF STATE IN ASSESSMENT

1 PROCEEDING.—Section 8(a) (16 U.S.C. 973f(a)) is
2 amended—

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

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

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

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

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

18 **SEC. 8. LICENSES.**

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

22 “(b) In accordance with subsection (e), and except
23 as provided in subsection (f), the Secretary shall forward
24 a vessel license application to the Administrator whenever

1 such application is in accordance with application proce-
2 dures established by the Secretary.”.

3 (b) FEES AND SCHEDULES.—Section 9(c) (16 U.S.C.
4 973g(c)) is amended to read as follows:

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

8 (c) MINIMUM FEES REQUIRED TO BE RECEIVED IN
9 INITIAL YEAR OF IMPLEMENTATION FOR FORWARDING
10 AND TRANSMITTAL OF LICENSE APPLICATIONS.—Section
11 9 (16 U.S.C. 973g) is amended—

12 (1) by striking subsection (f);

13 (2) by redesignating subsections (g) and (h) as
14 subsections (f) and (g), respectively;

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

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

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

23 “(2) the owner or charterer—

24 “(A) is the subject of proceedings under
25 the bankruptcy laws of the United States, un-