

111TH CONGRESS
1ST SESSION

H. R. 1080

AN ACT

To strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, 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 2009”.

4 **SEC. 2. AMENDMENTS TO THE HIGH SEAS DRIFTNET FISH-**
5 **ING MORATORIUM PROTECTION ACT.**

6 (a) ADMINISTRATION AND ENFORCEMENT.—Section
7 606 of the High Seas Driftnet Fishing Moratorium Pro-
8 tection Act (16 U.S.C. 1826g) is amended by inserting
9 before the first sentence the following:

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

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

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

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

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

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

3 “(5) the South Pacific Tuna Act of 1988 (16
4 U.S.C. 973 et seq.);

5 “(6) the Antarctic Marine Living Resources
6 Convention Act of 1984 (16 U.S.C. 2431 et seq.);

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

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

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

14 “(c) ADMINISTRATION AND ENFORCEMENT.—The
15 Secretary shall prevent any person from violating this
16 title, or any Act to which this section applies, in the same
17 manner, by the same means, and with the same jurisdic-
18 tion, powers, and duties as though sections 308 through
19 311 of the Magnuson-Stevens Fishery Conservation and
20 Management Act (16 U.S.C. 1858 through 1861) were in-
21 corporated into and made a part of and applicable to this
22 title and each such Act.

23 “(d) SPECIAL RULES.—

24 “(1) IN GENERAL.—Notwithstanding the incor-
25 poration by reference of certain sections of the Mag-

1 nuson-Stevens Fishery Conservation and Manage-
2 ment Act under subsection (c), if there is a conflict
3 between a provision of this subsection and the cor-
4 responding provision of any section of the Magnu-
5 son-Stevens Fishery Conservation and Management
6 Act so incorporated, the provision of this subsection
7 shall apply.

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

20 “(A) search or inspect any facility or con-
21 veyance used or employed in, or which reason-
22 ably appears to be used or employed in, the
23 storage, processing, transport, or trade of fish
24 or fish products;

1 “(B) inspect records pertaining to the stor-
2 age, processing, transport, or trade of fish or
3 fish 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
9 is deemed to be perishable, sell and retain the
10 proceeds therefrom for a period of up to 5 days;

11 “(D) make an arrest, in accordance with
12 any guidelines which may be issued by the At-
13 torney General, for any offense under the laws
14 of the United States committed in the person’s
15 presence, or for the commission of any felony
16 under the laws of the United States, if the per-
17 son has reasonable grounds to believe that the
18 person to be arrested has committed or is com-
19 mitting a felony;

20 “(E) search and seize, in accordance with
21 any guidelines that are issued by the Attorney
22 General; and

23 “(F) execute and serve any subpoena, ar-
24 rest warrant, search warrant issued in accord-
25 ance with rule 41 of the Federal Rules of

1 Criminal Procedure, or other warrant or civil or
2 criminal process issued by any officer or court
3 of competent jurisdiction.

4 “(3) DISCLOSURE OF ENFORCEMENT INFORMA-
5 TION.—The Secretary may disclose, as necessary
6 and appropriate, information, including information
7 collected under joint authority of the Magnuson-Ste-
8 vens Fishery Conservation and Management Act (16
9 U.S.C. 1801 et seq.) and the Atlantic Tunas Con-
10 vention Act of 1975 (16 U.S.C. 71 et seq.) or the
11 Western and Central Pacific Fisheries Convention
12 Implementation Act (16 U.S.C. 6901 et seq.) or
13 other statutes implementing international fishery
14 agreements, to any other Federal or State govern-
15 ment agency, the Food and Agriculture Organization
16 of the United Nations, the secretariat or equivalent
17 of an international fishery management organization
18 or arrangement made pursuant to an international
19 fishery agreement, or a foreign government, if—

20 “(A) such government, organization, or ar-
21 rangement has policies and procedures to pro-
22 tect such information from unintended or unau-
23 thorized disclosure; and

24 “(B) such disclosure is necessary—

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

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

7 “(iii) to administer or enforce a bind-
8 ing conservation measure adopted by any
9 international organization or arrangement
10 to which the United States is a party;

11 “(iv) to assist in any investigative, ju-
12 dicial, or administrative enforcement pro-
13 ceeding in the United States; or

14 “(v) to assist in any law enforcement
15 action undertaken by a law enforcement
16 agency of a foreign government, or in rela-
17 tion to a legal proceeding undertaken by a
18 foreign government.

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

21 “(1) to violate any provision of this title or any
22 regulation or permit issued pursuant to this title;

23 “(2) to refuse to permit any officer authorized
24 to enforce the provisions of this title to board,
25 search, or inspect a vessel, aircraft, vehicle, or shore-

1 side facility subject to such person’s control for the
2 purposes of conducting any search, investigation, or
3 inspection in connection with the enforcement of this
4 title, any regulation promulgated under this title, or
5 any Act to which this section applies;

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

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

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

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

20 “(A) any observer on a vessel under this
21 title or any Act to which this section applies; or

22 “(B) any data collector employed by the
23 National Marine Fisheries Service or under
24 contract to any person to carry out responsibil-

1 ities under this title or any Act to which this
2 section applies.

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

9 “(g) CRIMINAL PENALTY.—Any person who commits
10 an act that is unlawful under subsection (e)(2), (e)(3),
11 (e)(4), (e)(5), or (e)(6) is deemed to be guilty of an offense
12 punishable under section 309(b) of the Magnuson-Stevens
13 Fishery Conservation and Management Act (16 U.S.C.
14 1859(b)).

15 “(h) UTILIZATION OF FEDERAL AGENCY ASSETS.—
16 ”.

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

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

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

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

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

5 “(b) DISCLOSURE OF INFORMATION.—The Secretary
6 may disclose, as necessary and appropriate, information,
7 including information collected under joint authority of
8 the Magnuson-Stevens Fishery Conservation and Manage-
9 ment Act (16 U.S.C. 1801 et seq.) and the Atlantic Tunas
10 Convention Act of 1975 (16 U.S.C. 71 et seq.), the West-
11 ern and Central Pacific Fisheries Convention Implementa-
12 tion Act (16 U.S.C. 6901 et seq.), any other statute imple-
13 menting an international fishery agreement, to any other
14 Federal or State government agency, the Food and Agri-
15 culture Organization of the United Nations, or the secre-
16 tariat or equivalent of an international fishery manage-
17 ment organization or arrangement made pursuant to an
18 international fishery agreement, if such government, orga-
19 nization, or arrangement, respectively, has policies and
20 procedures to protect such information from unintended
21 or unauthorized disclosure.

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

23 “(1) develop, maintain, and make public a list
24 of vessels and vessel owners engaged in illegal, unre-
25 ported, or unregulated fishing or fishing-related ac-

1 activities in support of illegal, unreported, or unregu-
2 lated fishing, including vessels or vessel owners iden-
3 tified by an international fishery management orga-
4 nization or arrangement made pursuant to an inter-
5 national fishery agreement, that—

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

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

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

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

1 (c) NOTIFICATION REGARDING IDENTIFICATION OF
2 NATIONS.—Section 609(b) of such Act (166 U.S.C.
3 1826j(b)) is amended to read as follows:

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

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

9 “(1) notify, as soon as possible, the President
10 and nations that have been identified under sub-
11 section (a), and also notify other nations whose ves-
12 sels engage in fishing activities or practices de-
13 scribed in subsection (a), about the provisions of this
14 section and this Act;”.

15 (e) EFFECT OF CERTIFICATION UNDER SECTION
16 609.—Section 609(d)(3)(A)(i) of such Act (16 U.S.C.
17 1826j(d)(3)(A)(i)) is amended by striking “that has not
18 been certified by the Secretary under this subsection, or”.

19 (f) EFFECT OF CERTIFICATION UNDER SECTION
20 610.—Section 610(e)(5) of such Act (16 U.S.C.
21 1826k(c)(5)) is amended by striking “that has not been
22 certified by the Secretary under this subsection, or”.

23 (g) IDENTIFICATION OF NATIONS.—

1 (1) SCOPE OF IDENTIFICATION FOR ACTIONS
2 OF FISHING VESSELS.—Section 609(a) of such Act
3 (16 U.S.C. 1826j(a)) is amended—

4 (A) in the matter preceding paragraph (1)
5 by striking “2 years” and inserting “3 years”;

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

11 (C) in paragraph (1), by striking “vessels
12 of”.

13 (2) ADDITIONAL GROUNDS FOR IDENTIFICA-
14 TION.—Section 609(a) of such Act (16 U.S.C.
15 1826j(a)) is further amended—

16 (A) by redesignating paragraphs (1) and
17 (2) in order as subparagraphs (A) and (B) (and
18 by moving the margins of such subparagraphs
19 2 ems to the right);

20 (B) by inserting before the first sentence
21 the following:

22 “(1) IDENTIFICATION FOR ACTIONS OF FISHING
23 VESSELS.—”; and

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

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

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

12 “(B) if it is failing, or has failed at any
13 point during the preceding three years, to effec-
14 tively address or regulate illegal, unreported, or
15 unregulated fishing in areas described under
16 paragraph (1)(B).

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

22 (3) PERIOD OF FISHING PRACTICES SUP-
23 PORTING IDENTIFICATION.—Section 610(a)(1) of
24 such Act (16 U.S.C. 1826k(a)(1)) is amended by

1 striking “calendar year” and replacing with “three
2 years”.

3 (h) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) Section 609(f) of such Act (16 U.S.C.
5 1826j) is amended by—

6 (A) striking “2007” and inserting “2010”;

7 and

8 (B) striking “2013” and inserting “2015”.

9 (2) Section 610(f) of such Act (16 U.S.C.
10 1826k) is amended by—

11 (A) striking “2007” and inserting “2010”;

12 and

13 (B) striking “2013” and inserting “2015”.

14 (i) TECHNICAL CORRECTIONS.—

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

18 (2) Section 609(d)(1) of such Act (16 U.S.C.
19 1826j(d)(1)) is amended by striking “of its fishing
20 vessels”.

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

24 (4) Section 609(d)(2) of such Act (16 U.S.C.
25 1826j(d)(2)) is amended—

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

3 (B) by inserting “the importation” after
4 “or other basis”;

5 (C) by striking “harvesting”; and

6 (D) by striking “not certified under para-
7 graph (1)” and inserting “issued a negative cer-
8 tification under paragraph (1)”.

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

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

13 (B) In subsection (c)(1)(A), by striking “,
14 and which, in the case of pelagic longline fish-
15 ing, includes mandatory use of circle hooks,
16 careful handling and release equipment, and
17 training and observer programs”.

18 (C) In subsection (c)(4), by striking all
19 preceding subparagraph (B) and inserting the
20 following:

21 “(4) ALTERNATIVE PROCEDURE.—The Sec-
22 retary may establish a procedure to authorize, on a
23 shipment-by-shipment, shipper-by-shipper, or other
24 basis the importation of fish or fish products from
25 a vessel of a nation issued a negative certification

1 under paragraph (1) if the Secretary determines
2 that such imports were harvested by practices that
3 do not result in bycatch of a protected marine spe-
4 cies, or were harvested by practices that—

5 “(A) are comparable to those of the United
6 States, taking into account different conditions;
7 and”.

8 **SEC. 3. AMENDMENTS TO THE HIGH SEAS DRIFTNET FISHERIES ENFORCEMENT ACT.**

9
10 (a) **NEGATIVE CERTIFICATION EFFECTS.**—Section
11 101 of the High Seas Driftnet Fisheries Enforcement Act
12 (16 U.S.C. 1826a) is amended—

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

15 (2) in subsection (a)(2)(A), by inserting “or, as
16 appropriate, for fishing vessels of a nation that re-
17 ceives a negative certification under section 609(d)
18 or section 610(c) of the High Seas Driftnet Fishing
19 Moratorium Protection Act (16 U.S.C. 1826)” after
20 “(1)”;

21 (3) in subsection (a)(2)(B), by inserting before
22 the period the following: “, except for the purposes
23 of inspecting such vessel, conducting an investiga-
24 tion, or taking other appropriate enforcement ac-
25 tion”;

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

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

8 (6) in subsection (b)(3)(A)(i), by inserting “or
9 a negative certification under section 609(d) or sec-
10 tion 610(c) of the High Seas Driftnet Fishing Mora-
11 torium Protection Act (16 U.S.C. 1826j(d),
12 1826k(e))” after “(1)(A)”;

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

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

21 (9) in subsection (b)(4)(A)(i), by inserting “, or
22 to address the offending activities for which a nation
23 received a negative certification under section 609(d)
24 or 610(c) of the High Seas Driftnet Fishing Morato-
25 rium Protection Act (16 U.S.C. 1826j(d),

1 1826k(c))” after “beyond the exclusive economic
2 zone of any nation”.

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

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

8 (2) inserting “or effectively addressed the of-
9 fending activities for which the nation received a
10 negative certification under 609(d) or 610(e) of the
11 High Seas Driftnet Fishing Moratorium Protection
12 Act (16 U.S.C. 1826j(d), 1826k(e))” before the pe-
13 riod at the end.

14 **SEC. 4. AMENDMENTS TO THE TUNA CONVENTIONS ACT OF**
15 **1950.**

16 Section 8 of the Tuna Conventions Act of 1950 (16
17 U.S.C. 957) is amended—

18 (1) in subsection (a) by striking “knowingly”;

19 (2) by striking subsections (d) through (g) and
20 inserting the following:

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

1 (3) by redesignating subsection (h) as sub-
2 section (e).

3 **SEC. 5. AMENDMENTS TO NORTH PACIFIC ANADROMOUS**
4 **STOCKS ACT OF 1992.**

5 (a) UNLAWFUL ACTIVITIES.—Section 810 of the
6 North Pacific Anadromous Stocks Act of 1992 (16 U.S.C.
7 5009) is amended—

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

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

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

16 **“SEC. 811. ADDITIONAL PROHIBITIONS AND ENFORCE-**
17 **MENT.**

18 “For additional prohibitions relating to this Act and
19 enforcement of this Act, see section 606 of the High Seas
20 Driftnet Fishing Moratorium Protection Act (16 U.S.C.
21 1826g).”.

22 **SEC. 6. AMENDMENTS TO THE PACIFIC SALMON TREATY**
23 **ACT OF 1985.**

24 Section 8 of the Pacific Salmon Treaty Act of 1985
25 (16 U.S.C. 3637) is amended—

1 (1) in subsection (a)(2)—

2 (A) by inserting “, investigation,” after
3 “search”; and

4 (B) by striking “this title;” and inserting
5 “this Act;”;

6 (2) in subsection (a)(3)—

7 (A) by inserting “, investigation,” after
8 “search”; and

9 (B) by striking “subparagraph (2) ;” and
10 inserting “paragraph (2);”;

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

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

15 “(b) **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 **SEC. 7. AMENDMENTS TO THE WESTERN AND CENTRAL PA-**
21 **CIFIC FISHERIES CONVENTION IMPLEMENTA-**
22 **TION ACT.**

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

1 (1) in section 503(a) (16 U.S.C. 6902(a)), by
2 striking “one of whom shall be the chairman or a
3 member of the Western Pacific Fishery Management
4 Council and the Pacific Fishery Management Coun-
5 cil” and inserting “one of whom shall be a member
6 of the Western Pacific Fishery Management Council,
7 and one of whom shall be a member of the Pacific
8 Fishery Management Council”;

9 (2) in section 503(c)(1) (16 U.S.C. 6902(c)(1)),
10 by striking “shall be considered to be Federal em-
11 ployees” and all that follows through the end of the
12 sentence and inserting “shall not be considered Fed-
13 eral employees except for purposes of injury com-
14 pensation and tort claims liability as provided in
15 chapter 81 of title 5, United States Code, and chap-
16 ter 171 of title 28, United States Code.”;

17 (3) in section 503(d)(2)(B) (16 U.S.C.
18 6902(d)(2)(B)), by amending clause (ii) to read as
19 follows:

20 “(ii) shall not be considered Federal
21 employees while performing service except
22 for the purposes of injury compensation
23 and tort claims liability as provided in
24 chapter 81 of title 5, United States Code,

1 and chapter 171 of title 28, United States
2 Code.”;

3 (4) by amending section 506(c) (16 U.S.C.
4 6905(e)) to read as follows:

5 “(c) 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).”; and

10 (5) in section 507(a)(2) (16 U.S.C. 6906(a)(2))
11 by striking “suspension, on” and inserting “suspen-
12 sion, of”.

13 **SEC. 8. AMENDMENTS TO THE SOUTH PACIFIC TUNA ACT**
14 **OF 1988.**

15 The South Pacific Tuna Act of 1988 is amended—

16 (1) in section 5(a) (16 U.S.C. 973c(a))—

17 (A) in paragraph (8), by inserting “, inves-
18 tigation,” after “search”; and

19 (B) in paragraph (10), by inserting “, in-
20 vestigation,” after “search”; and

21 (2) by striking sections 7 and 8 (16 U.S.C.
22 973e and 973f) and inserting the following:

23 **“SEC. 7. ADDITIONAL PROHIBITIONS AND ENFORCEMENT.**

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

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

3 **SEC. 9. AMENDMENTS TO THE ANTARCTIC MARINE LIVING**
4 **RESOURCES CONVENTION ACT.**

5 The Antarctic Marine Living Resources Convention
6 Act of 1984 is amended—

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

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

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

13 (C) in paragraph (5), by inserting “, inves-
14 tigation,” after “search”;

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

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

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

19 “(b) REGULATIONS TO IMPLEMENT CONSERVATION
20 MEASURES.—

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

1 Secretary of State notifies the Commission under
2 section 305(a)(1)—

3 “(A) that has been in effect for 12 months
4 or less;

5 “(B) that is adopted by the Commission;
6 and

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

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

16 (3) by striking sections 308 and 309 (16 U.S.C.
17 2437 and 2438) and inserting the following:

18 **“SEC. 308. ADDITIONAL PROHIBITIONS AND ENFORCE-**
19 **MENT.**

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

1 **SEC. 10. AMENDMENTS TO THE ATLANTIC TUNAS CONVEN-**
2 **TION ACT.**

3 The Atlantic Tunas Convention Act of 1975 is
4 amended—

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

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

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

9 (C) by inserting “(A)” after “(2)”; and

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

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

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

20 (3) in section 8 (16 U.S.C. 971f)—

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

22 and

23 (B) by inserting before subsection (b) the

24 following:

25 “(a) For additional prohibitions relating to this Act
26 and enforcement of this Act, see section 606 of the High

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

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

8 (5) by striking section 11 (16 U.S.C. 971j) and
9 redesignating sections 12 and 13 as sections 11 and
10 12, respectively.

11 **SEC. 11. AMENDMENTS TO THE HIGH SEAS FISHING COM-**
12 **PLIANCE ACT OF 1965.**

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

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

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

21 “(2) the vessel is no longer documented under
22 the laws of the United States or eligible for such
23 documentation.”.

1 **SEC. 12. AMENDMENTS TO THE PACIFIC WHITING ACT OF**
2 **2006.**

3 (a) **SCIENTIFIC EXPERTS ON JOINT TECHNICAL**
4 **COMMITTEE.**—Section 605(a)(1) of the Pacific Whiting
5 Act of 2006 (16 U.S.C. 7004)(a)(1)) is amended to read
6 as follows:

7 “(1) **IN GENERAL.**—The Secretary, in consulta-
8 tion with the Secretary of State, shall appoint no
9 more than two individuals to serve as scientific ex-
10 perts on the joint technical committee, at least one
11 of whom shall be an official of the National Oceanic
12 and Atmospheric Administration.”; and

13 (b) **TREATMENT AS FEDERAL EMPLOYEES.**—Section
14 609(a) of the Pacific Whiting Act of 2006 (16 U.S.C.
15 7008(a)) is amended by striking “shall be considered to
16 be Federal employees while performing such service, only
17 for purposes of—” and all that follows and inserting
18 “shall not be considered Federal employees while per-
19 forming such service, except for purposes of injury com-
20 pensation or tort claims liability as provided in chapter
21 81 of title 5, United States Code, and chapter 171 of title
22 28, United States Code.”.

1 **SEC. 13. AMENDMENTS TO THE DOLPHIN PROTECTION**
2 **CONSUMER INFORMATION ACT.**

3 The Dolphin Protection Consumer Information Act
4 (16 U.S.C. 1385) is amended by amending subsection (e)
5 to read as follows:

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

11 **SEC. 14. AMENDMENTS TO THE NORTHERN PACIFIC HAL-**
12 **IBUT ACT OF 1982.**

13 (a) **PROHIBITED ACTS.**—Section 7 of the Northern
14 Pacific Halibut Act of 1982 (16 U.S.C. 773e) is amend-
15 ed—

16 (1) in paragraph (a) by redesignating subpara-
17 graphs (1) through (6) as subparagraphs (A)
18 through (F);

19 (2) by redesignating paragraphs (a) and (b) as
20 paragraphs (1) and (2), respectively;

21 (3) by in paragraph (1)(B), as so redesignated,
22 by inserting “, investigation,” before “or inspec-
23 tion”;

24 (4) by in paragraph (1)(C), as so redesignated,
25 by inserting “, investigation,” before “or inspec-
26 tion”;

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

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

5 (b) ENFORCEMENT POWERS.—Section 11 of the
6 Northern Pacific Halibut Act of 1982 (16 U.S.C. 773i)
7 is amended by adding at the end the following:

8 “(g) In addition to the powers of officers authorized
9 pursuant to subsection (b), any officer who is authorized
10 by the Secretary, or by the head of any Federal or State
11 agency that has entered into an agreement with the Sec-
12 retary under subsection (a), to enforce the Convention,
13 this Act, or any regulation adopted under this Act, may—

14 “(1) search or inspect any facility or convey-
15 ance used or employed in, or which reasonably ap-
16 pears to be used or employed in, the storage, proc-
17 essing, transport, or trade of fish or fish products;

18 “(2) inspect records pertaining to the storage,
19 processing, transport, or trade of fish or fish prod-
20 ucts; and

21 “(3) detain, for a period of up to 5 days, any
22 shipment of fish or fish product imported into, land-
23 ed on, introduced into, exported from, or transported
24 within the jurisdiction of the United States, or, if
25 such fish or fish product is deemed to be perishable,

1 sell and retain the proceeds therefrom for a period
2 of up to 5 days.”.

3 **SEC. 15. AMENDMENTS TO THE NORTHWEST ATLANTIC**
4 **FISHERIES CONVENTION ACT OF 1995.**

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

7 (1) in the section heading, by striking “**AND**
8 **PENALTIES**” and inserting “**AND ENFORCE-**
9 **MENT**”;

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

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

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

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

21 **SEC. 16. AMENDMENT TO THE MAGNUSON-STEVENSON FISHERY**
22 **CONSERVATION AND MANAGEMENT ACT.**

23 Section 307(1)(Q) of the Magnuson-Stevens Fishery
24 Conservation and Management Act (16 U.S.C.
25 1857(1)(Q)) is amended by inserting before the semicolon

1 the following: “or any treaty or in contravention of any
2 binding conservation measure adopted by an international
3 agreement or organization to which the United States is
4 a party”.

5 **SEC. 17. INTERNATIONAL COOPERATION AND ASSISTANCE**
6 **PROGRAM.**

7 (a) INTERNATIONAL COOPERATION AND ASSISTANCE
8 PROGRAM.—The Secretary of Commerce, acting through
9 the National Marine Fisheries Service, may establish an
10 international cooperation and assistance program, includ-
11 ing grants, to provide assistance for sustainable fishery
12 management capacity building efforts.

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

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

18 (2) provide funding and technical expertise to
19 other nations to assist them in reducing the loss and
20 environmental impacts of derelict fishing gear, re-
21 ducing the bycatch of living marine resources, and
22 promoting international marine resource conserva-
23 tion;

24 (3) provide funding, technical expertise, and
25 training to other nations to aid them in building ca-

1 capacity for enhanced fisheries management, fisheries
2 monitoring, catch and trade tracking activities, en-
3 forcement, and international marine resource con-
4 servation;

5 (4) establish partnerships with other Federal
6 agencies or non-governmental organizations, as ap-
7 propriate, to ensure that fisheries development as-
8 sistance to other nations is directed toward projects
9 that promote sustainable fisheries; and

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

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

18 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to the Secretary \$5,000,000

- 1 for each of fiscal years 2010 through 2015 to carry out
- 2 this section.

Passed the House of Representatives September 22,
2009.

Attest:

Clerk.

111TH CONGRESS
1ST SESSION

H. R. 1080

AN ACT

To strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, and for other purposes.