

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-

1 less reasonable financial assurances have been
2 provided to the Secretary;

3 “(B) has not established to the satisfaction
4 of the Secretary that the fishing vessel is fully
5 insured against all risks and liabilities normally
6 provided in maritime liability insurance; or

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

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

11 (A) by amending paragraph (1) to read as
12 follows:

13 “(1) chapter 12113 of title 46, United States
14 Code;”;

15 (B) in paragraph (2), by inserting “of
16 1972” after “Marine Mammal Protection Act”;

17 (C) in paragraph (3), by inserting “of
18 1972” after “Marine Mammal Protection Act”;

19 and

20 (D) in the matter that follows paragraph

21 (3), by striking “any vessel documented” and

22 all that follows and inserting the following:

23 “any vessel documented under the laws of the United
24 States as of the date of enactment of the Fisheries Act
25 of 1995 for which a license has been issued under sub-

1 section (a) may fish for tuna in the Licensing Area, and
2 on the high seas and in waters subject to the jurisdiction
3 of the United States west of 146° west longitude and east
4 of 129.5° east longitude in accordance with international
5 law, subject to the provisions of the Treaty, this Act, and
6 other applicable law, provided that no such vessel inten-
7 tionally deploys a purse seine net to encircle any dolphin
8 or other marine mammal in the course of fishing.”.

9 **SEC. 9. ENFORCEMENT.**

10 (a) NOTICE REQUIREMENTS TO PACIFIC ISLAND
11 PARTY CONCERNING INSTITUTION AND OUTCOME OF
12 LEGAL PROCEEDINGS.—Section 10(c)(1) (16 U.S.C.
13 973h(c)(1)) is amended—

14 (1) by striking “paragraph 8 of Article 4 of”;

15 and

16 (2) by striking “Article 10 of”.

17 (b) SEARCHES AND SEIZURES BY AUTHORIZED OF-
18 FICERS; LIMITATIONS ON POWER.—Section 10(d)(1)(A)
19 (16 U.S.C. 973h(d)(1)(A)) is amended—

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

21 and

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

23 **SEC. 10. FINDINGS BY SECRETARY.**

24 (a) ORDER TO LEAVE WATERS UPON FAILURE TO
25 SUBMIT TO JURISDICTION OF PACIFIC ISLAND PARTY;

1 PROCEDURE APPLICABLE.—Section 11(a) (16 U.S.C.
2 973i(a)) is amended—

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

4 (2) in paragraph (1)—

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

7 (B) in subparagraph (C), by striking
8 “within the Treaty Area” and inserting “under
9 the jurisdiction”; and

10 (3) in paragraph (2)—

11 (A) in subparagraph (A), by striking “sec-
12 tion 5 (a)(4), (a)(5), (b)(2), or (b)(3)” and in-
13 serting “paragraph (4) of section 5(a) or para-
14 graphs (2) or (3) of section 5(b)”;

15 (B) in subparagraph (B), by striking “(7)”
16 and inserting “(6)”; and

17 (C) in subparagraph (C), by striking “(7)”
18 and inserting “(6)”.

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

1 **SEC. 11. REPORTING REQUIREMENTS; DISCLOSURE OF IN-**
2 **FORMATION.**

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

5 **“SEC. 12. REPORTING.**

6 **“(a) PROHIBITED DISCLOSURE OF CERTAIN INFOR-**
7 **MATION.—**The Secretary shall keep confidential and may
8 not disclose the following information, except in accord-
9 ance with subsection (b):

10 **“(1)** Information provided to the Secretary by
11 the Administrator that the Administrator has des-
12 ignated confidential.

13 **“(2)** Information collected by observers.

14 **“(3)** Information submitted to the Secretary by
15 any person in compliance with the requirements of
16 this Act.

17 **“(b) PERMITTED DISCLOSURE OF CERTAIN INFOR-**
18 **MATION.—**The Secretary may disclose information de-
19 scribed in subsection (a)—

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

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

23 **“(A)** for enforcement; or

24 **“(B)** in support of the homeland and na-
25 tional security missions of the Coast Guard as

1 defined in section 888 of the Homeland Secu-
2 rity Act of 2002 (6 U.S.C. 468);

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

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

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

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

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

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

24 Section 13 (16 U.S.C. 973k) is amended by striking
25 “. In particular, the boom shall be lowered” and all that

1 follows and inserting “and in accordance with any require-
2 ments established by the Secretary.”.

3 **SEC. 13. OBSERVERS.**

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

5 **SEC. 14. TECHNICAL ASSISTANCE.**

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

8 **“SEC. 15. TECHNICAL ASSISTANCE.**

9 “The Secretary and the Secretary of State may pro-
10 vide assistance to a Pacific Island Party to benefit such
11 Pacific Island Party from the development of fisheries re-
12 sources and the operation of fishing vessels that are li-
13 censed pursuant to the Treaty, including—

14 “(1) technical assistance;

15 “(2) training and capacity building opportuni-
16 ties;

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

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

21 **SEC. 15. ARBITRATION.**

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

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

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

4 **SEC. 16. DISPOSITION OF FEES, PENALTIES, FORFEITURES,**
5 **AND OTHER MONEYS.**

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

8 **SEC. 17. ADDITIONAL AGREEMENTS.**

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

14 **SEC. 18. AUTHORIZATION OF APPROPRIATIONS.**

15 Section 20(a) (16 U.S.C. 973r(a)) is amended to read
16 as follows:

17 “(a) There are authorized to be appropriated such
18 sums as may be necessary for carrying out the purposes
19 and provisions of the Treaty and this Act for fiscal year
20 2023 and each fiscal year thereafter.”.

○