

**Administration Bill**

**A BILL**

To implement the Antigua Convention for the Strengthening of the Inter-American Tropical Tuna Commission, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as “The Antigua Convention Implementing Act of 2005”.

**SECTION 2. AMENDMENT OF THE TUNA CONVENTIONS ACT OF 1950.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Tuna Conventions Act of 1950, September 7, 1950, ch. 907, 64 Stat. 777-780, as amended (16 U.S.C. Chapter 16, §§ 951-962).

**SECTION 3. DEFINITIONS.**

(a) CONVENTION. – Section 2 (16 U.S.C. § 951) is amended by-

(1) striking paragraph (a) of Section 2; and

(2) inserting in its place: “(a) “convention” includes (1) the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, by the United States of America and the Republic of Costa Rica, and (2) the Convention for the Strengthening of the Inter-American Tropical Tuna Commission Established by the 1949 Convention Between the United States of America and the Republic of Costa Rica, signed at Washington, November 14, 2003, hereafter the Antigua Convention, upon its entry into force for the United States, and any amendments thereto that are in force for the United States, or both such Conventions, as the context requires;”;

(b) COMMISSION. -- Section 2 (16 U.S.C. § 951) is amended by-

(1) striking paragraph (b) of Section 2; and

(2) inserting in its place: “(b) “Commission” means the Inter-American Tropical Tuna Commission provided for by the Convention referred to in subsection (a) of this section;”;

(c) UNITED STATES COMMISSIONERS. -- Section 2 (16 U.S.C. § 951) is amended by striking in paragraph (c) of Section 2 the words “representing the United States of America”;

(d) UNITED STATES SECTION. Section 2 (16 U.S.C. § 951) is amended by-

(1) inserting a new paragraph (d): ““United States Section” means the U.S. Commissioners to the IATTC and a designee of the Secretary of State;” and

(2) redesignating paragraph (d) “person” as paragraph (f) “person”;

(e) IMPORT. – Section 2 (16 U.S.C. § 951) is amended by inserting a new paragraph (e):

““Import” means to land on, bring into, or introduce into, or attempt to land on, bring

into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.”.

(f) UNITED STATES. Section 2 (16 U.S.C. § 951) is amended by-

(1) redesignating paragraph (e) “United States” as paragraph (g) “United States”;  
and

(2) in this paragraph deleting the words “, the Trust Territory of the Pacific Islands, and the Canal Zone”.

#### **SECTION 4. COMMISSIONERS; NUMBER, APPOINTMENT, AND QUALIFICATIONS.**

Section 3 (16 U.S.C. § 952) is amended by-

(a) deleting in the first line the word “two” and the “s” at the end of the word “Commissions”; and

(b) inserting in the first line the words “by the U.S. Section, including” after the word “Commission”.

#### **SECTION 5. GENERAL ADVISORY COMMITTEE AND SCIENTIFIC ADVISORY SUBCOMMITTEE.**

(1) Paragraph (a) of section 4 (16 U.S.C. § 953) is amended by-

(a) inserting in the first line the words “of State” after the word “Secretary”;

(b) inserting in the first line of subsection (1) the words “, with the concurrence of the Secretary of Commerce,” after the first word, “appoint”; and

(c) inserting in the first line of subsection (2) the words “jointly with the Secretary of Commerce” after the first word “appoint”.

(2) Paragraph (b) of section 4 (16 U.S.C. § 953) is amended by-

(a) striking the text of subsection (1);

(b) inserting in its place “The General Advisory Committee shall be invited to have representatives attend all nonexecutive meetings of the United States Sections and shall be given full opportunity to examine and to be heard on all proposed programs of investigations, reports, recommendations, resolutions, and regulations of the Commission.”;

(c) striking in the second line of subsection (2)(A) the word “Commissioners”;

(d) inserting in its place the words “U.S. Section”;

(e) inserting in the second line of subsection (2)(A)(ii) the word “tropical” between the words “eastern” and “Pacific Ocean”;

(f) inserting in the last line of subsection (2)(B) the acronym “(IDCP)” after the word “Program” and before the period;

(g) striking in subsection (2)(B)(i) the word “Program”;

(h) inserting in its place the acronym “IDCP”;

(i) striking in the second line of subsection (2)(B)(ii) the letter “s” at the end of the word “ecosystems”;

(j) inserting in the second line of subsection (2)(B)(ii) the word “considerations” after the word “ecosystem”;

(k) striking in the second line of subsection (2)(B)(iii) the word “Program”;

(l) inserting in its place the acronym “IDCP”;

- (m) striking in the second line of subsection (2)(B)(v) the word “Program”;
- (n) inserting in its place the acronym “IDCP”;
- (o) striking in the third line of subsection (3) the word “sections”; and
- (p) inserting in its place the word “Section”.

## **SECTION 6. SECRETARY OF STATE TO ACT FOR THE UNITED STATES**

(1) Paragraph (a) of Section 6 (16 U.S.C. § 955) is amended by-

- (a) striking paragraph (a);
- (b) inserting in its place: “(a) The Secretary of State is authorized to approve or disapprove, on behalf of the United States Government, bylaws and rules, or amendments thereof, adopted by the Commission and submitted for approval of the United States Government in accordance with the provisions of the Conventions, and, with the concurrence of the Secretary of Commerce, to approve or disapprove the general annual programs of the Commissions. The Secretary of State is further authorized to receive, on behalf of the United States Government, reports, requests, recommendations, decisions, and other communications of the Commissions, and to take appropriate action thereon either directly or by reference to the appropriate authority.”;
- (c) striking the title of paragraph (a); and
- (d) inserting in its place “(a) Approval of Commission bylaws and rules; action on reports, requests, recommendations, resolutions, and decisions” .

(2) Paragraph (b) of Section 6 (16 U.S.C. § 955) is amended by-

- (a) striking paragraph (b); and

(b) inserting in its place: “ (b) Regulations recommended and decisions adopted by the Commission pursuant to the Convention requiring the submission to the Commission of records of operations by boat captains or other persons who participate in the fisheries covered by the Convention, upon the concurrent approval of the Secretary of State and the Secretary of Commerce, shall be promulgated by the latter and upon publication in the Federal Register, shall be applicable to all vessels and persons subject to the jurisdiction of the United States. .”.

(3) Paragraph (c) of Section 6 (16 U.S.C. § 955) is amended by-

(a) striking subsection (c);

(b) inserting in its place: “(1) Regulations to carry out recommendations and decisions of the Commission shall be promulgated by the Secretary of Commerce, after consultation with the Secretary of State.

“(2) To the extent practicable within the implementation schedule of the recommendations and decisions of the Commission, the Secretary of Commerce shall provide opportunity for public comment on any rules promulgated under this section.

“(3) After publication in the Federal Register, such regulations shall be applicable to all vessels and persons subject to the jurisdiction of the United States on such date as the Secretary of Commerce shall prescribe, except that no such rules shall go into effect for United States vessels and persons prior to an agreed date for the application of similar rules to all vessels from all nations whose vessels fish in common with United States vessels in the regulatory area.

“(4) The Secretary of Commerce shall suspend at any time the application of any rules promulgated under this section when, after consultation with the U.S. Section it is

determined that foreign fishing operations in the regulatory area are such as to constitute a serious threat to the achievement of the objectives of the Commission's recommendations or decisions.

“(5) Upon the promulgation of regulations under section (1), the Secretary of Commerce shall promulgate additional regulations, in consultation with the Secretary of State, which shall become effective simultaneously with the initiating regulations.”;

(c) striking the title of section (c); and

(d) inserting in its place: “(c) Rulemaking Procedures and Prohibitions”.

## **SECTION 7. PROHIBITED ACTS**

Section 8 (16 U.S.C. § 957) is amended by-

(a) striking subsections (a) through (h);

(b) inserting in their place: “It is unlawful for any person--

“(a) to violate any provision of this chapter or any regulation or permit issued pursuant to this Act;

“(b) to use any fishing vessel to engage in fishing after the revocation, or during the period of suspension, of an applicable permit issued pursuant to this Act;

“(c) to refuse to permit any officer authorized to enforce the provisions of this Act (as provided for in Section 10) to board a fishing vessel subject to such person's control for the purposes of conducting any search, investigation or inspection in connection with the enforcement of this Act or any regulation, permit, or the Convention;

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

“(e) to resist a lawful arrest for any act prohibited by this Act;

“(f) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this Act or any regulation, permit, or agreement referred to in subsection (a) or (b);

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

“(h) to knowingly and willfully submit to the Secretary false information regarding any matter that the Secretary is considering in the course of carrying out this Act;

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

“(j) to engage in fishing in violation of any regulation adopted pursuant to Section 6(c) of this Act;

“(k) to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of such regulations;

“(l) to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this Act to be made, kept, or furnished;

“(m) to fail to stop a vessel upon being hailed and instructed to stop by a duly authorized official of the United States;

“(n) to import, in violation of any regulation adopted pursuant to Section 6(c) of this Act, any fish in any form of those species subject to regulation pursuant to a recommendation, resolution, or decision of the Commission, or any tuna in any form not under regulation but under investigation by the Commission, during the period such fish have been denied entry in accordance with the provisions of Section 6(c) of this Act. In the case of any fish as described in this subsection offered for entry into the United States, the Secretary of Commerce shall require proof satisfactory to him that such fish is not ineligible for such entry under the terms of Section 6(c) of this Act.”;

(c) striking the title of Section 8; and

(d) inserting in its place: “Prohibited Acts”.

## **SECTION 8. CIVIL PENALTIES AND PERMIT/REGISTRY SANCTIONS**

The Act is amended by inserting following Section 8 (16 U.S.C. § 957) a new section:

“Sec. 8A. Civil penalties and permit/registry sanctions

“(a) Civil administrative penalties.--

“(1) Assessment of civil administrative penalties. -- Any person who is found by the Secretary, after notice and an opportunity for a hearing in accordance with

section 554 of title 5, United States Code, to have committed an act prohibited by Section 8 shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed \$240,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of such civil administrative penalty shall be assessed by the Secretary, or his designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require. In assessing such penalty the Secretary may also consider any information provided by the violator relating to the ability of the violator to pay, *Provided*, That the information is served on the Secretary at least 30 days prior to an administrative hearing.

“(2) Review of civil administrative penalties.--Any person against whom a civil administrative penalty is assessed under subsection (a)(1) or against whom a permit/registry sanction is imposed under subsection (g) (other than a permit suspension for nonpayment of penalty or fine) may obtain review thereof in the United States district court for the appropriate district by filing a complaint against the Secretary in such court within 30 days from the date of such order. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the Secretary shall

be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

“(3) Action upon failure to pay civil administrative penalty assessment.--If any person fails to pay an assessment of a civil administrative penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General of the United States, who shall recover the amount (plus interest at the current prevailing rates from the date of the final order). In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review. Any person who fails to pay, on a timely basis, the amount of an assessment of a civil penalty shall be required to pay, in addition to such amount and interest, attorney’s fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such person’s penalties and nonpayment penalties that are unpaid as of the beginning of such quarter.

“(b) Civil judicial penalties.-- Any person who violates any provision of this Act, or any regulation or permit issued thereunder, shall be subject to a civil penalty not to exceed \$300,000 for each such violation. Each day of a continuing violation shall constitute a separate violation. The Attorney General, upon the request of the Secretary, may commence a civil action in an appropriate district court of the United States, and such court shall have jurisdiction to award civil penalties and such other relief as justice may require. In determining the amount of a civil penalty, the court shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior violations, and such other matters as justice may require. In imposing such penalty, the district court may also consider information related to the ability of the violator to pay.”;

“(c) Upon the request of the Secretary, the Attorney General may seek to enjoin any person who is alleged to be in violation of any provision of this Act, or regulation, or permit issued under this Act.”;

“(d) In rem jurisdiction.--A fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used in the commission of an act prohibited by Section 8 shall be liable in rem for any civil penalty assessed for such violation under Section 8A and may be proceeded against in any district court of the United States having jurisdiction thereof. Such penalty shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

“(e) Compromise or other action by Secretary.--The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

“(f) Subpoenas.--For the purposes of conducting any investigation or hearing under this section, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned for the purposes of conducting any hearing shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

“(g) Permit/registry sanctions.--

“(1) In any case in which (A) a vessel has been used in the commission of an act prohibited under Section 8, (B) the owner or operator of a vessel or any other person who has been issued or has applied for a permit under this Act has acted in violation of Section 8, (C) any amount in settlement of a civil forfeiture imposed on a vessel or other property, or any civil penalty or criminal fine imposed on a vessel or owner or operator of a

vessel or any other person who has been issued or has applied for a permit under any marine resource law enforced by the Secretary has not been paid and is overdue, or (D) any payment required for observer services provided to or contracted by an owner or operator who has been issued a permit or applied for a permit under any marine resource law administered by the Secretary has not been paid and is overdue, the Secretary may--

“(i) revoke any permit issued with respect to such vessel or person, with or without prejudice to the issuance of subsequent permits;

“(ii) suspend such permit for a period of time considered by the Secretary to be appropriate;

“(iii) deny such permit;

“(iv) impose additional conditions and restrictions on any permit issued to or applied for by such vessel or person under this Act and, with respect to foreign fishing vessels, on the approved application of the foreign nation involved and on any permit issued under that application; or

“(v) revoke or suspend the listing of the vessel on any fishery vessel registry for a period of time considered by the Secretary to be appropriate.

“(2) In imposing a sanction under this subsection, the Secretary may take into account--

“(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

“(B) with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

“(3) Transfer of ownership of a vessel, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any permit sanction that will be in effect or pending with respect to the vessel at the time of the transfer.

“(4) In the case of any permit that is suspended under this subsection for nonpayment of a civil penalty or criminal fine, the Secretary shall reinstate the permit upon payment of the penalty or fine and interest thereon at the prevailing rate.

“(5) No sanctions shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this section or otherwise.”.

## **SECTION 9. CRIMINAL OFFENSES**

The Act is amended by inserting following Section 8 (16 U.S.C. § 957) a new section:

“Sec. 8B. Criminal offenses

“(a) Any person (other than a foreign government or any entity of such government) who knowingly violates Section 8(c), (d), (e), (g), (h), or (i), upon conviction, shall be

imprisoned for not more than five years and shall be fined not more than \$500,000 for individuals or \$1,000,000 for an organization; except that if in the commission of any such offense the individual uses a dangerous weapon, engages in conduct that causes bodily injury to any observer or data collector described in Section 7 or any officer authorized to enforce the provisions of this Act (as provided for in Section 10), or places any such observer, data collector or officer in fear of imminent bodily injury, the maximum term of imprisonment is not more than ten years.

“(b) Any person (other than a foreign government or any entity of such government) who knowingly violates any other provision of Section 8 shall be fined under Title 18 or imprisoned not more than five years or both.

“(c) Jurisdiction.--The several district courts of the United States shall have jurisdiction over any actions arising under this Act. For the purpose of this Act, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii. Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district as authorized by law. Any offenses not committed in any district are subject to the venue provisions of Title 18, Section 3238.

“(d) Penalties pursuant to this section for fishing violations prohibited by Section 8(a), (b), (c), (g), and (k) committed in the Exclusive Economic Zone by a vessel other than a vessel of the United States shall be imposed on a natural person only in accordance with international law.”

## **SECTION 10. CIVIL FORFEITURES**

The Act is amended by inserting following Section 8 (16 U.S.C. § 957) a new section:

“Sec. 8C. Civil forfeitures

“(a) In general.--Any fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) or other conveyance used, and any fish (or the fair market value thereof) taken, retained, or imported in any manner, in connection with or as a result of the Commission of any act prohibited by Section 8 (other than any act for which the issuance of a citation under Section 10 (c) is sufficient sanction) shall be subject to forfeiture to the United States.

“(b) Jurisdiction of district courts.--Any district court of the United States which has jurisdiction under Section 10 or other applicable law shall have jurisdiction, upon application by the Attorney General on behalf of the United States, to order any forfeiture authorized under subsection (a) and any action provided for under subsection (d).

“(c) Applicable Procedures.—The provisions of chapter 46 of title 18 relating to civil forfeitures shall extend to any seizure or civil forfeiture under this section insofar as such provisions are not inconsistent with this Act. The provisions of the customs laws relating to--

“(1) the seizure, forfeiture, and condemnation of property for violation of the customs law;

“(2) the disposition of such property or the proceeds from the sale thereof; and

“(3) the remission or mitigation of any such forfeiture;

shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, unless such provisions are inconsistent with the purposes, policy, and provisions of this Act. The duties and powers imposed upon the Commissioner of Customs or other persons under the provisions incorporated by this subsection shall, with respect to this Act, be performed by officers or other persons designated for such purpose by the Secretary.

“(d) Procedure.--

“(1) Any officer authorized to serve any process in rem which is issued by a court having jurisdiction under Section 10 may--

“(A) stay the execution of such process; or

“(B) discharge any fish seized pursuant to such process upon the receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person (i) delivering such property to the appropriate court upon order thereof, without any impairment of its value, or (ii) paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court. Nothing in this paragraph may be construed to require the Secretary, except in the Secretary's discretion or pursuant to the order of a court under Section 10, to release on bond any seized fish or other property or the proceeds from the sale thereof.

“(2) Any fish seized pursuant to this Act may be sold as authorized by the provisions incorporated by subsection (c).”.

## **SECTION 11. COOPERATION WITH OTHER AGENCIES**

(1) Paragraph (a) of Section 9 (16 U.S.C. § 958) is amended by striking in the sixth line the word “Commissions” and inserting the word “Commission’s”.

(2) Paragraph (b) of Section 9 (16 U.S.C. § 958) is amended by striking in the fourth line the word “their” and inserting the word “its”.

(3) Paragraph (c) of Section 9 (16 U.S.C. § 958) is amended by striking in the first line the words “Commissions are” and inserting the words “Commission is”.

## **SECTION 12. ENFORCEMENT**

Section 10 (16 U.S.C. § 959) is amended by-

(1) striking paragraphs (a) through (e);

(2) inserting the following:

“(a) Responsibility.--The provisions of this Act shall be enforced by the Secretary and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, including all elements of the Department of Defense, and of any State agency, in the performance of such duties.

“(b) Powers of authorized officers.--

“(1) Any officer who is authorized (by the Secretary, the Secretary of the department in which the Coast Guard is operating, or the head of any Federal or State agency which has entered into an agreement with such Secretaries under subsection (a)) to enforce the provisions of this Act may--

“(A) with or without a warrant or other process--

“(i) arrest any person, if he has reasonable cause to believe that such person has committed an act prohibited by Section 8;

“(ii) board, and search or inspect, any fishing vessel which is subject to the provisions of this Act;

“(iii) seize any fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, the violation of any provision of this Act;

“(iv) seize any fish (wherever found) taken or retained in violation of any provision of this Act; and

“(v) seize any other evidence related to any violation of any provision of this Act;

“(B) execute any warrant or other process issued by any court of competent jurisdiction; and

“(C) exercise any other lawful authority.

“(2) Subject to the direction of the Secretary, a person charged with law enforcement responsibilities by the Secretary who is performing a duty related to enforcement of a law regarding fisheries or other marine resources may make an arrest without a warrant for an offense against the United States committed in his presence, or for a felony cognizable under the laws of the United States, if he has reasonable grounds to believe that the person to be arrested has committed or is committing a felony. The arrest authority described in the preceding sentence may be conferred upon an officer or employee of a State agency, subject to such conditions and restrictions as are set forth by agreement between the State agency, the Secretary, and, with respect to enforcement operations within the exclusive economic zone, the Secretary of the department in which the Coast Guard is operating.

“(c) Issuance of citations.--If any officer authorized to enforce the provisions of this Act (as provided for in this section) finds that a fishing vessel is operating or has been operated in violation of any provision of this Act, such officer may, in accordance with regulations issued jointly by the Secretary and the Secretary of the department in which the Coast Guard is operating, issue a citation to the owner or operator of such vessel in lieu of proceeding under subsection (b). If a permit has been issued pursuant to this Act for such vessel, such officer shall note the issuance of any citation under this subsection, including the date thereof and the reason therefore, on the permit. The Secretary shall maintain a record of all citations issued pursuant to this subsection.

“(d) Jurisdiction of courts.--The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this Act. In the case of Guam or any possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Guam, except that in the case of American Samoa, the appropriate court is the United States District Court for the District of Hawaii, and except that in the case of the Northern Mariana Islands, the appropriate court is the United States District Court for the District of the Northern Mariana Islands. Any such court may, at any time--

“(1) enter restraining orders or prohibitions;

“(2) issue warrants, process in rem, or other process;

“(3) prescribe and accept satisfactory bonds or other security; and

“(4) take such other actions as are in the interest of justice.

“(e) Payment of storage, care, and other costs.--

“(1) Notwithstanding any other provision of law, the Secretary or the Secretary of the Treasury may pay from sums received as fines, penalties, and forfeitures of property for violations of any provisions of this Act -

“(A) the reasonable and necessary costs incurred in providing temporary storage, care, and maintenance of seized fish or other property pending disposition of any civil or criminal proceeding alleging a violation of any provision of this Act or any other marine resource law enforced by the Secretary with respect to that fish or other property;

“(B) a reward of up to and not exceeding 20 percent of the penalty or fine collected or \$20,000, whichever is the lesser amount, to any person who furnishes information which leads to an arrest, conviction, civil penalty assessment, or forfeiture of property for any violation of any provision of this Act or any other fishery resource law enforced by the Secretary;

“(C) any expenses directly related to investigations and civil or criminal enforcement proceedings, including any necessary expenses for equipment, training, travel, witnesses, and contracting services directly related to such investigations or proceedings;

“(D) any valid liens or mortgages against any property that has been forfeited;

“(E) claims of parties in interest to property disposed of under section 612(b) of the Tariff Act of 1930 (19 U.S.C. 1612(b)), as made applicable by Section 8C(c) of this Act or by any other marine resource law enforced by the Secretary, to seizures made by the Secretary, in amounts determined by the Secretary to be applicable to such claims at the time of seizure; and

“(F) reimbursement to any Federal or State agency, including the Coast Guard, for services performed, or personnel, equipment, or facilities utilized, under any agreement with the Secretary entered into pursuant to subsection (a), or any similar agreement authorized by law.

“(2) Any person found in an administrative or judicial proceeding to have violated this Act or any other marine resource law enforced by the Secretary shall be liable for the cost incurred in the sale, storage, care, and maintenance of any fish or other property lawfully seized in connection with the violation.”; and

(3) striking in the heading of Section 10 the words “of chapter”.

### **SECTION 13. FUNCTIONS NOT RESTRAINED**

Section 11 (16 U.S.C. § 960) is amended by-

(1) striking in the fifth and six lines the word “Commissions” and inserting the word “Commission”;

(2) striking in the sixth line the words “or their”; and

(3) striking in the heading of Section 11 the word “Commissions” and inserting the word “Commission’s”.

### **SECTION 14. AUTHORIZATION OF APPROPRIATIONS**

Section 12 (16 U.S.C. § 961) is amended by-

(1) striking in the third line the words “each convention” and inserting the words “the Convention”; and

(2) striking in the first line of paragraph (a) the words “each commission” and inserting the words, “the Commission”.

### **SECTION 15. REDUCTION OF BYCATCH**

Section 15 (16 U.S.C. § 962) is amended by striking in the third line the word “vessel” and inserting the word “vessels”.

**SECTION 16. REPEAL OF EASTERN PACIFIC TUNA LICENSING ACT OF 1984**

Public Law 98-445, October 4, 1984 (16 U.S.C. Chapter 16B) is repealed.