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Pirate Fishing Elimination Act

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Public Lands and Natural Resources

Introduced: Dec 12, 2011

Current Status: By Senator Rockefeller from Committee on Commerce, Science, and Transportation filed written report.

Latest Action: By Senator Rockefeller from Committee on Commerce, Science, and Transportation filed written report.

Report No. 112-255. (Dec 19, 2012)

Official Text: <https://www.congress.gov/bill/112th-congress/senate-bill/1980>

Sponsor

Name: Sen. Inouye, Daniel K. [D-HI]

Party: Democratic • **State:** HI • **Chamber:** Senate

Cosponsors (9 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Begich, Mark [D-AK]	D · AK		Dec 12, 2011
Sen. Murkowski, Lisa [R-AK]	R · AK		Dec 12, 2011
Sen. Rockefeller, John D., IV [D-WV]	D · WV		Dec 12, 2011
Sen. Snowe, Olympia J. [R-ME]	R · ME		Dec 12, 2011
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Dec 12, 2011
Sen. Akaka, Daniel K. [D-HI]	D · HI		Feb 15, 2012
Sen. Cantwell, Maria [D-WA]	D · WA		Mar 1, 2012
Sen. Wyden, Ron [D-OR]	D · OR		Apr 17, 2012
Sen. Udall, Tom [D-NM]	D · NM		Jun 21, 2012

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Nov 14, 2012

Subjects & Policy Tags

Policy Area:

Public Lands and Natural Resources

Related Bills

No related bills are listed.

(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)

Pirate Fishing Elimination Act - Implements the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, done at the Food and Agriculture Organization (FAO) of the United Nations (U.N.) in Rome, Italy, on November 22, 2009 (the Agreement).

(Sec. 5) Authorizes the Secretary of Commerce (Secretary) to designate and publicize ports of entry for each: (1) foreign vessel seeking entry to or in a port subject to U.S. jurisdiction; (2) vessel of the United States seeking entry to or in a port subject to the jurisdiction of another government or regional economic integration organization under the Agreement; and (3) person, private entity, or government subject to U.S. jurisdiction. Prohibits the designation of such a port unless it is designated as a customs reporting port of entry under specified provisions of the Tariff Act of 1930.

Defines "vessel" as any vessel, ship, or boat used, equipped, or intended for fishing or a fishing-related activity. Excludes a container vessel that is: (1) not carrying fish; or (2) carrying only previously landed fish without having engaged in or supported activities designated as illegal, unreported, and unregulated (IUU) fishing.

Defines "fishing-related activity" as any operation in support of, or in preparation for, fishing, including: (1) the landing, packaging, processing, transshipping, or transporting of fish that have not been previously landed at a port or place; and (2) the provision of personnel, fuel, gear, and other supplies at sea.

Directs the Secretary to provide the FAO a list of each designated port.

Requires the Secretary to maintain, and make publicly accessible, information regarding legal remedies available to persons affected by this Act.

(Sec. 6) Requires each vessel to submit to the Secretary of the department in which the Coast Guard is operating certain required information in advance of the vessel arriving in a port.

Requires the Secretary to deny entry to vessels: (1) listed as, engaged in, or supporting IUU fishing; or (2) that the Secretary has reasonable grounds to believe has violated this Act. Permits the Secretary to allow entry for scrapping, inspection, enforcement, or to assist a vessel or person in danger or distress.

Directs the Secretary to provide notice of denial of entry decisions to the flag nation of the vessel and, as appropriate, each relevant coastal nation, regional fisheries management organization (RFMO), and international organization.

Defines "RFMO" as an intergovernmental fisheries organization or arrangement that has the competence to establish conservation and management measures.

(Sec. 7) Sets forth standards for denying or permitting port services to vessels authorized to enter a port.

(Sec. 8) Requires the Secretary and the Secretary of the department in which the Coast Guard is operating to conduct vessel inspections. Sets forth standards for the prioritization of such inspections.

Directs the Secretary to transmit inspection results to the flag nation of the inspected vessel and, as appropriate, to: (1) each relevant party to the Agreement and nation, including a relevant coastal nation and the nation of which the vessel's

master is a national; (2) the relevant RFMO; (3) the FAO; and (4) any other relevant international organization.

Requires the Secretary, if reasonable grounds exist following the inspection to believe that a foreign vessel has engaged in or supported IUU fishing, to: (1) through the Secretary of State, notify the flag nation of the vessel and, as appropriate, each relevant coastal nation, RFMO, international organization, and the nation of which the vessel's master is a national; and (2) deny the vessel the use of port services. Authorizes the Secretary to take enforcement action.

(Sec. 9) Declares it unlawful for any person to: (1) impede or refuse to permit boarding to an authorized officer conducting investigation or enforcement activities; (2) resist lawful arrest; (3) interfere with the detection of a person violating this Act; (4) submit false information; (5) forcibly assault, resist, harass, or bribe authorized observers or data collectors; (6) import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish or fish product taken, possessed, transported, or sold in violation of any foreign law or treaty addressing the conservation or management of living marine resources, or any conservation and management measures; (7) falsify records or identifications of fish; or (8) carry out other acts prohibited by this Act.

Defines "authorized officer" as any: (1) commissioned, warrant, or petty officer of the Coast Guard; (2) special agent or fishery enforcement officer of the National Marine Fisheries Service; or (3) officer designated by the head of any federal or state agency with an agreement to enforce the Magnuson-Stevens Fishery Conservation and Management Act or any other statute administered by the National Oceanic and Atmospheric Administration (NOAA).

(Sec. 10) Requires the Secretary and the Secretary of the department in which the Coast Guard is operating to enforce this Act and authorize officers to conduct various enforcement activities.

Allows such Secretaries to utilize, by agreement and on a reimbursable or nonreimbursable basis, the personnel, services, equipment (including aircraft and vessels), and facilities of any other federal or state agency.

Permits authorized officers, under specified circumstances, to carry firearms, make appropriate arrests, and issue citations.

Sets forth forfeiture procedures and administrative, civil, and criminal penalties. Specifies the U.S. district courts with jurisdiction over actions arising in various locations and sets forth venue requirements for offenses not committed in any district.

(Sec. 11) Directs the Secretary to provide assistance, including grants, to assist developing nations and international organizations in meeting their obligations under the Agreement.

Authorizes the Secretary, when carrying out the international assistance responsibilities under this Act or any statute administered by the Secretary, to transfer funds to any foreign government and any international, nongovernmental, or intergovernmental organization.

(Sec. 12) Prohibits this Act from: (1) displacing any requirements imposed by U.S. customs laws or any other laws or regulations enforced or administered by the Secretary of Homeland Security (DHS); or (2) affecting a vessel's entry into port, in accordance with international law, for reasons of force majeure or distress.

Requires more stringent requirements to apply where such requirements exist under other federal laws.

(Sec. 13) Authorizes FY2012-FY2016 appropriations.

Actions Timeline

- **Dec 19, 2012:** By Senator Rockefeller from Committee on Commerce, Science, and Transportation filed written report. Report No. 112-255.
- **Nov 14, 2012:** Committee on Commerce, Science, and Transportation. Reported by Senator Rockefeller without amendment. Without written report.
- **Nov 14, 2012:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 549.
- **Jul 31, 2012:** Committee on Commerce, Science, and Transportation. Ordered to be reported without amendment favorably.
- **Dec 12, 2011:** Introduced in Senate
- **Dec 12, 2011:** Sponsor introductory remarks on measure. (CR S8491)
- **Dec 12, 2011:** Read twice and referred to the Committee on Commerce, Science, and Transportation.