

## S 269

### International Fisheries Stewardship and Enforcement Act

**Congress:** 113 (2013–2015, Ended)

**Chamber:** Senate

**Policy Area:** Public Lands and Natural Resources

**Introduced:** Feb 11, 2013

**Current Status:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 263.

**Latest Action:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 263. (Dec 17, 2013)

**Official Text:** <https://www.congress.gov/bill/113th-congress/senate-bill/269>

### Sponsor

**Name:** Sen. Rockefeller, John D., IV [D-WV]

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

### Cosponsors (12 total)

| Cosponsor                       | Party / State | Role | Date Joined  |
|---------------------------------|---------------|------|--------------|
| Sen. Begich, Mark [D-AK]        | D · AK        |      | Feb 11, 2013 |
| Sen. Cantwell, Maria [D-WA]     | D · WA        |      | Feb 11, 2013 |
| Sen. Hirono, Mazie K. [D-HI]    | D · HI        |      | Feb 11, 2013 |
| Sen. Merkley, Jeff [D-OR]       | D · OR        |      | Feb 11, 2013 |
| Sen. Murkowski, Lisa [R-AK]     | R · AK        |      | Feb 11, 2013 |
| Sen. Nelson, Bill [D-FL]        | D · FL        |      | Feb 11, 2013 |
| Sen. Schatz, Brian [D-HI]       | D · HI        |      | Feb 11, 2013 |
| Sen. Whitehouse, Sheldon [D-RI] | D · RI        |      | Feb 11, 2013 |
| Sen. Wyden, Ron [D-OR]          | D · OR        |      | Feb 11, 2013 |
| Sen. Boxer, Barbara [D-CA]      | D · CA        |      | Mar 7, 2013  |
| Sen. Blumenthal, Richard [D-CT] | D · CT        |      | Jun 4, 2013  |
| Sen. Markey, Edward J. [D-MA]   | D · MA        |      | Jan 7, 2014  |

### Committee Activity

| Committee                                       | Chamber | Activity    | Date         |
|-------------------------------------------------|---------|-------------|--------------|
| Commerce, Science, and Transportation Committee | Senate  | Reported By | Dec 17, 2013 |

### Subjects & Policy Tags

#### Policy Area:

Public Lands and Natural Resources

### Related Bills

| Bill      | Relationship | Last Action                                                          |
|-----------|--------------|----------------------------------------------------------------------|
| 113 HR 69 | Related bill | <b>Dec 22, 2014:</b> Placed on the Union Calendar, Calendar No. 516. |

International Fisheries Stewardship and Enforcement Act - **Title I: Administration and Enforcement of Certain Fishery and Related Statutes** - (Sec. 101) Directs the Secretary of Commerce (the Secretary) and the Secretary of the department in which the Coast Guard is operating to enforce the following laws concerning fisheries and fish products:

- the High Seas Driftnet Fishing Moratorium Protection Act,
- the Pacific Salmon Treaty Act of 1985,
- the Dolphin Protection Consumer Information Act,
- the Tuna Conventions Act of 1950,
- the North Pacific Anadromous Stocks Act of 1992,
- the South Pacific Tuna Act of 1988,
- the Antarctic Marine Living Resources Convention Act of 1984,
- the Atlantic Tunas Convention Act of 1975,
- the Northwest Atlantic Fisheries Convention Act of 1995,
- the Western and Central Pacific Fisheries Convention Implementation Act,
- the Northern Pacific Halibut Act of 1982,
- the Antigua Convention Implementing Act of 2013 (title IV of this Act), and
- any other similar laws designated by the Secretary after notice and an opportunity for a hearing.

Requires the Secretary to prevent a person from violating such Acts in the same manner as though specified prohibited acts and enforcement provisions of the Magnuson-Stevens Fishery Conservation and Management Act had been incorporated into each Act, including certain civil and criminal penalties, permit sanctions, and civil forfeiture procedures. Sets forth additional enforcement authorities relating to searches and seizures, inspections, shipment detentions, the carrying of firearms, arrests, and the execution of subpoenas.

Provides for a separate set of penalties and investigation authorities to apply for purposes of the Northern Pacific Halibut Act of 1982.

Directs the Secretary, and the head of each agency providing personnel for the International Fisheries Enforcement Task Force established under title II of this Act, to share information, intelligence, and data for purposes of detecting and investigating: (1) illegal, unreported, or unregulated (IUU) fishing activity; and (2) trafficking in the resulting fish or fish product. Requires data standardization measures to be developed for each task force agency, including standardization with appropriate international fisheries enforcement databases.

Requires the intelligence community, upon request of the Secretary and in accordance with the National Security Act of 1947, to: (1) collect information related to IUU fishing activity outside the United States about individuals who are not U.S. persons, and (2) share such information for law enforcement purposes.

Authorizes the Secretary, under specified conditions, to share fisheries-related data with: (1) federal or state agencies, (2) foreign governments, (3) the U.N.'s Food and Agriculture Organization (FAO), or (4) international fisheries management organizations or arrangements made through an international fishery agreement.

Makes certain acts unlawful, including: (1) refusing, resisting, or interfering with searches, investigations, inspections, or observers; (2) importing, exporting, transporting, selling, or purchasing fish or fish products in violation of a treaty or any binding conservation measure to which the United States is a party; or (3) falsifying records, accounts, labels, or product

identification.

(Sec. 102) Amends the High Seas Driftnet Fishing Moratorium Protection Act to direct the Secretary to identify nations or certain entities that: (1) are engaged, or have been engaged during the preceding three years, in IUU fishing; or (2) have violated related conservation and management measures. (Current law requires an identification of nations so engaged during the preceding two years.) Applies such Act to any other entity that is competent to enter into an international fishery management agreement.

Requires the Secretary's biennial report to Congress on international compliance to identify a nation if fishing vessels of that nation are engaged, or have been engaged during the preceding three years, in fishing activities or practices in certain waters beyond the national jurisdiction or exclusive U.S. economic zone that result in certain bycatch of protected living marine resource. (Current law requires an identification of nations so engaged during the preceding calendar year.)

Makes technical and conforming changes to apply the enforcement authorities established in section 101 of this Act to the:

- High Seas Driftnet Fishing Moratorium Protection Act,
- Dolphin Protection Consumer Information Act,
- North Pacific Anadromous Stocks Act of 1992,
- Pacific Salmon Treaty Act of 1985,
- South Pacific Tuna Act of 1988,
- Antarctic Marine Living Resources Convention Act of 1984,
- Northwest Atlantic Fisheries Convention Act of 1995,
- Western and Central Pacific Fisheries Convention Implementation Act, and
- Northern Pacific Halibut Act of 1982.

Amends the National Sea Grant College Program Reauthorization Act of 1998 to permit adjudicatory functions performed by an administrative law judge to be performed by another federal agency on a reimbursable basis when the administrative procedures concern any marine resource conservation law or regulation administered by the Secretary through the National Oceanic and Atmospheric Administration (NOAA).

(Sec. 103) Amends the High Seas Driftnet Fishing Moratorium Protection Act to authorize the Secretary to: (1) develop, maintain, and make public a list of vessels and vessel owners that are engaged, or that have been engaged during the preceding two years, in IUU fishing, including vessels or vessel owners identified by an international fishery management organization; and (2) take appropriate action against listed vessels and vessel owners in accordance with U.S. and international law, including principles, rights, and obligations under international fishery management and trade agreements. Requires such an action taken by the Secretary that includes measures to restrict use of, or access to, ports or port services to apply to all ports of the United States and its territories.

Directs the Secretary to include within the definition of "IUU fishing," to the extent possible: (1) fishing activities conducted by foreign vessels in waters under the jurisdiction of a nation without the permission of that nation; and (2) fishing activities conducted by foreign vessels in contravention of a nation's laws or regulations, including fishing activity that has not been reported or that has been misreported to the relevant national authority.

Amends the High Seas Driftnet Fisheries Enforcement Act to direct the Secretary of the Treasury, to the extent consistent with international law, to withhold or revoke clearance (provided by the Secretary of Homeland Security [DHS]) of: (1) any large-scale driftnet fishing vessel documented under U.S. law or of a nation whose nationals or vessels conduct large-

scale driftnet fishing beyond the exclusive economic zone of any nation, and (2) any fishing vessel of a nation that receives certain negative IUU or conservation certifications. Directs the Treasury Secretary to deny entry of such vessels to any U.S. place and to U.S. navigable waters.

Provides for certain denials of port privileges and sanctions to remain in effect until the Secretary certifies that the nation has addressed bycatch of a protected living marine resource or shark catch on the high seas.

(Sec. 104) Allows claims arising from the actions of any authorized officer taken pursuant to any scheme for at-sea boarding and inspection authorized under any international agreement to which the United States is a party to be pursued under the tort claims procedure specified in the federal judicial code, or other appropriate legal authorities.

**Title II: Law Enforcement and International Operations** - (Sec. 201) Requires the Secretary to establish, through the National Marine Fisheries Service's (NMFS) international enforcement program, an interagency International Fisheries Enforcement Task Force to: (1) detect and investigate IUU fishing, including trafficking in the resulting fish or fish product; and (2) enforce this Act.

Requires such task force to include permanent representation from: (1) NMFS's international enforcement program, (2) the Coast Guard, (3) U.S. Customs and Border Protection (CBP), (3) the U.S. Food and Drug Administration (FDA), and (4) other federal agencies that the Secretary considers appropriate.

Directs the Secretary to develop a five-year strategic plan, to be updated at least once every five years, to guide interagency and intergovernmental international fisheries enforcement efforts.

(Sec. 202) Authorizes the Secretary to provide international cooperation and assistance for international capacity building. Includes among the activities authorized to be provided to other nations: (1) technical expertise to assist them in addressing IUU fishing activities; (2) technical expertise to assist them in reducing the loss and environmental impacts of derelict fishing gears, reducing the bycatch of living marine resources, and promoting international marine resource conservation; and (3) technical expertise and training to aid them in building capacity for enhanced fisheries management, fisheries monitoring, catch and trade tracking activities, enforcement, and international marine resource conservation.

Allows the Secretary, for purposes of such assistance, to use the land, services, equipment, personnel, and facilities of any federal, state, local, Indian tribal, or foreign government or international organization to carry out the responsibilities of any NOAA-administered statute.

**Title III: Miscellaneous Amendments** - (Sec. 302) Amends the High Seas Driftnet Fishing Moratorium Protection Act to direct the Secretary to seek and foster the sharing of accurate, relevant, and timely information to: (1) improve scientific understanding, improve fisheries management, and improve compliance with conservation and management measures in international waters; (2) promote the conservation of protected living marine resources; and (3) combat IUU fishing.

Authorizes information disclosure to the FAO, international fishery management organizations, or arrangements made under an international fishery agreement, if those organizations or arrangements have policies and procedures to safeguard the information from unintended or unauthorized disclosure.

(Sec. 303) Amends the High Seas Fishing Compliance Act to provide that a high seas fishing permit is void if: (1) one or more permits required for a vessel to fish expire, are revoked, or are suspended; or (2) the vessel is no longer eligible for U.S. documentation, such documentation is revoked or denied, or the vessel is deleted from such documentation.

Removes a provision that makes a permit valid for five years.

(Sec. 304) Amends the Pacific Salmon Treaty Act of 1985 to set forth the rate of compensation for members of the Committee on Scientific Cooperation who are not state or federal employees.

**Title IV: Implementation of the Antigua Convention** - Antigua Convention Implementing Act of 2013 - (Sec. 403)

Amends the Tuna Conventions Act of 1950 to modify or establish requirements regarding: (1) the number, appointment, and qualifications of U.S. commissioners of the Inter-American Tropical Tuna Commission; (2) the appointment, number, and compensation of individuals on the General Advisory Committee; and (3) the appointment, number, and compensation of scientists on the Scientific Advisory Subcommittee.

Requires the United States to be represented on such Commission by five U.S. commissioners appointed by the President, including: (1) one commissioner from the Department of Commerce, (2) one commissioner from the Western Pacific Fishery Management Council, (3) one commissioner from the Pacific Fishery Management Council, and (4) not more than two commissioners who reside in a state other than a state whose vessels maintain a substantial fishery in the area of the Convention. Allows the Secretary of State to designate alternate commissioners.

(Sec. 405) Authorizes the Secretary to promulgate regulations that: (1) carry out U.S. international obligations under the Convention and the Tuna Conventions Act of 1950, including recommendations and decisions adopted by the Commission; and (2) apply to all vessels and persons subject to the jurisdiction of the United States, including U.S. flag vessels wherever they may be operating. (Current law that would be replaced by this amendment: [1] authorizes the Secretary of State to approve or disapprove of bylaws and rules adopted by each commission and submitted for U.S. approval; and [2] requires that regulations recommended by the Inter-American Tropical Tuna Commission or the International Commission for the Scientific Investigation of Tuna, if approved by the Secretaries of State and Commerce, be promulgated and applicable to all vessels and persons subject to U.S. jurisdiction.)

(Sec. 406) Revises the list of prohibited acts under the Tuna Conventions Act of 1950.

(Sec. 407) Requires that the Tuna Conventions Act of 1950 be enforced under this Act.

(Sec. 409) Repeals the Eastern Pacific Tuna Licensing Act of 1984.

(Sec. 410) Makes conforming changes to the Marine Mammal Protection Act of 1972.

## **Actions Timeline**

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- **Dec 17, 2013:** Committee on Commerce, Science, and Transportation. Reported by Senator Rockefeller with an amendment in the nature of a substitute. With written report No. 113-127.
- **Dec 17, 2013:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 263.
- **Jul 30, 2013:** Committee on Commerce, Science, and Transportation. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Feb 11, 2013:** Introduced in Senate
- **Feb 11, 2013:** Read twice and referred to the Committee on Commerce, Science, and Transportation.

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