

Statement of Purpose and Need

The purpose of this Act is to implement the Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing (Agreement) adopted by the United Nations Food and Agriculture Organization (FAO) in November of 2009.

The Agreement is the first binding global instrument focused specifically on combating illegal, unreported and unregulated (IUU) fishing. It sets forth minimum standards for the conduct of dockside inspections and training of inspectors and, most significantly, would require parties to restrict port entry and port services to foreign vessels known or suspected of having been involved in IUU fishing, particularly those on the IUU vessel list of a regional fishery management organization (RFMO), thereby increasing the risks and costs of IUU activities. The Agreement is recognized within the international community as a landmark event in the effort to combat IUU fishing. The United States was a primary participant in the negotiation of the Agreement and was one of the first countries to sign the Agreement expressing intent to ratify in 2009. Moreover, broad ratification of the Agreement was called for at the United Nations General Assembly in December 2010 (Res. 65/38), at the 29th Meeting of the FAO's Committee on Fisheries in February and at the Joint Meeting of the Tuna RFMOs (Kobe III) in La Jolla, CA in July.

The Agreement has four primary sets of obligations, applicable to foreign flagged fishing vessels (including support vessels) seeking entry to Party's port:

- It would require Parties to designate ports to which foreign flagged vessels may seek entry, and to impose requirements with respect to the information to be collected and considered, and process to be followed, in granting or denying port entry and/or the use of port services to foreign vessels.
- It would require Parties to maintain the capacity to conduct dockside vessel inspections in the designated ports and sets forth minimum standards for the conduct of inspections and the training of inspectors. A sufficient number of inspections must be conducted to satisfy the objective of the Agreement.
- It would require the denial of port entry and the use of port services to vessels that have been engaged in IUU fishing with some exceptions, including for enforcement; and
- It would require information sharing, including the sharing of inspection results, with the flag States and, as appropriate, other relevant States Parties and entities and follow-up actions by the flag State when evidence of IUU fishing is found during the course of an inspection.

The National Oceanic and Atmospheric Administration within the Department of Commerce is the lead agency for U.S. implementation of the Agreement, and primary responsibility for carrying out its obligations, particularly those related to vessel inspections, will fall on the National Marine Fisheries Service's Office of Law Enforcement.