

*National Plan of Action (IPOA) to Prevent and Deter IUU Fishing -- U.S. Enforcement Authorities*

Enforcement Authorities

- 1 Agricultural Marketing Act of 1946, 7 U.S.C. § 1621-1627
- 2 American Fisheries Act of 1998, Pub. Law 105-277;
- 3 Anadromous Fish Products Act, 16 U.S.C. 1822 note, Section 801(f);
- 4 Antarctic Marine Living Resources Convention Act of 1984, 16 U.S.C. 2431-2444;
- 5 Antarctic Protection Act of 1990, 16 U.S.C. 2461-2465;
- 6 Atlantic Coastal Fisheries Cooperative Management Act, 16 U.S.C. 5103(b);
- 7 Atlantic Salmon Convention Act of 1982, 16 U.S.C. 3601-3608;
- 8 Atlantic Striped Bass Conservation Act, 16 U.S.C. 1851 note;
- 9 Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971-971k;
- 10 Authorized Law Enforcement Activities, 14 U.S.C. 89;
- 11 Certificate of Legal Origin for Anadromous Fish Products, 16 U.S.C. 1822 note;
- 12 Civil Asset Forfeiture Reform Act of 2000 (CAFRA), Pub. L. 106-185, 114 Stat. 202 (2000);
- 13 Communications Assistance for Law Enforcement Act, 103 P.L. 414, 108 Stat. 4279, 47 U.S.C. 1001;
- 14 Crimes and Criminal Procedure, Wire and Electronic Communications and Interception of Oral Communications, 18 U.S.C. 2510;
- 15 Dolphin Protection Consumer Information Act, 16 U.S.C. 1385 *et seq.*;
- 16 Driftnet Impact Monitoring, Assessment, and Control Act, 16 U.S.C. 1822 note (Section 4001 *et seq.*);
- 17 Eastern Pacific Tuna Licensing Act of 1984, 16 U.S.C. 972-972h;
- 18 Electronic Signatures in Global and National Commerce Act, 106 P.L. 229, 114 Stat. 264;
- 19 Endangered Species Act of 1973, 16 U.S.C. 1531-1544;
- 20 Fur Seal Act Amendments of 1983, 16 U.S.C. 1151-1175;
- 21 High Seas Driftnet Enforcement Act, 16 U.S.C. 1362, 1371, 1852, 1862, 1826a-c, 1861 note, 46 U.S.C. app. 1707a, 2110 note;
- 22 High Seas Fishing Compliance Act, 16 U.S.C. 5501-5509;
- 23 Lacey Act Amendments of 1981, 16 U.S.C. 3371-3378;
- 24 Law Enforcement as a Primary Duty, 14 U.S.C. 2;
- 25 Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801-1882;
- 26 Marine Mammal Protection Act of 1972, 16 U.S.C. 1361-1407;
- 27 National Marine Sanctuaries Act, 16 U.S.C. 1431-1439;
- 28 National Security Act of 1947, 50 U.S.C. 401
- 29 North Pacific Anadromous Stocks Act of 1992, 16 U.S.C. 5001-5012;
- 30 Northern Pacific Halibut Act of 1982, 16 U.S.C. 773-773k;
- 31 Northwest Atlantic Fisheries Convention Act of 1995, 16 U.S.C. 5601-5612;

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- 32 Pacific Salmon Treaty Act of 1985, 16 U.S.C. 3631-3644;
- 33 South Pacific Tuna Act of 1988, 16 U.S.C. 973-973r;
- 34 Sponge Act, 16 U.S.C. 781 *et seq.*;
- 35 Stopping Vessels, 14 U.S.C. 637
- 36 Tuna Conventions Act of 1950, 16 U.S.C. 951-961;
- 37 Whaling Convention Act of 1949, 16 U.S.C. 916-916l.

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1	Consumer marketing statute.	Secretary of Agriculture is authorized to inspect, grade and certify agricultural products. §1622(9h). Secretary may cooperate with other branches of government in carrying out his duties. §1624.	None specified	\$1,000 or imprisonment for one year, or both.	All persons, natural and juridical (individual, partnership, corporation, association or any other legal entity subject to the laws of the U.S.), for misrepresentation of inspection.
2	Fisheries regulation statute.	Forfeiture of all fish taken in violation of regulations. §212.	Pollock	\$120,000 for each day of fishing.	Owners of vessels holding an official fisheries endorsement (through agent or representative) for falsification or concealment of a material fact; false statement or representation with respect to the eligibility of the vessel.
3	Fish products import regulation statute.	Secretary of Treasury, pursuant to direction from the President and following certification by Secretary of Commerce, may direct that all unlawfully taken anadromous fish products brought into the U.S., or their monetary value be forfeited. §1978(e)(2). Secretary of Treasury is responsible for enforcement generally.	All anadromous stock	\$12,000 for first violation; \$27,000 for each subsequent violation.	All persons, natural or juridical engaging in unlawful import of illegally caught fish.
4	Treaty implementation statute (Convention on the Conservation	Authorized officer may search any person, place, vehicle, vessel, etc. reasonably suspected of	All Antarctic marine living resources.	Civil: Up to \$6,000 for acts prohibited by §2435, and up to \$12,000 for acts knowingly	Any person engaged in harvesting of marine living resources in Antarctica.

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	of Antarctic Marine Living Resources).	involvement in harvesting of marine living resources in violation of the Convention. Evidence, marine living resources, equipment and vessels so engaged may be seized and are subject to forfeiture. Enforcement rests jointly with the Secretary and the Secretary of the Department in which the Coast Guard is operating.		committed. Criminal: Only for non-harvest violations –\$50,000 or imprisonment for up to 10 years, or both, for each “offense” committed - defined as violation of §2435 (4), (5), (6) or (7).	
5	Antarctic environmental protection statute; implementation of voluntary international resource activity ban.	None provided.	None Specified.	Ineligibility to locate a mining claim; refusal of a patent or a lease relating to mineral or geothermal leasing. Monetary penalties of up to \$5,500 and \$11,000 (for knowing violations).	Any person, subject to the jurisdiction of the United States, engaging in, financing or knowingly providing assistance to any Antarctic mineral resource activity.
6	Fisheries conservation and management statute.	In the absence of an approved and implemented fisheries management plan under the Magnuson-Stevens Act, Secretary of Commerce may issue and enforce regulations to govern fishing in the EEZ in a manner consistent with a national coastal fisheries management plan and § 301	All fisheries resources potentially within scope of Secretary’s authority.	Sections 307-311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. §1857-61) regarding prohibited acts, civil penalties, criminal offenses, civil forfeitures, and enforcement apply with respect to the regulations issued by the	All persons subject to liability provisions of Magnuson-Stevens Act.

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		of the Magnuson Act.		Secretary under this section in the same manner if such regulations were issued under the Magnuson Act.	
7	Treaty implementation statute (Convention for the Conservation of Salmon in the North Atlantic Ocean).	Any vessel used, and any fish (or the value thereof) taken or retained in any manner, in connection with or as the result of the commission of an act which is unlawful under subsection (a) of this section shall be subject to civil forfeiture under §310 of the Magnuson-Stevens Act (16 U.S.C. §1860). Enforcement rests with Secretary, in cooperation with the Secretary of the Treasury and the Secretary of the Department in which the USCG is operating.	North Atlantic Salmon	Any person who commits an act unlawful under (a) of this section shall be liable for a civil penalty under §308 of the Magnuson-Stevens Act (16 U.S.C. § 1858; and shall be guilty of an offense under §309 of the Act (16 U.S.C. § 1859).	Any person, or any vessel, subject to the jurisdiction of the U.S. that conducts directed fishing for salmon in waters seaward of twelve miles from the baselines from which the breadths of territorial seas are measured in waters of the Atlantic Ocean north of 36 degrees north latitude; or violates any provision of the Convention or this chapter, or any regulation promulgated thereunder. § 3606(a).
8	Fisheries Conservation and management statute.	Moratorium on fishing of Atlantic Striped Bass within state coastal waters if that state has failed to implement the conservation plan adopted by the Marine Fisheries Commission. This moratorium may be enforced	Atlantic Striped Bass.	Violators of the moratorium shall be subject to penalties set out under §308 of the Magnuson-Stevens Act (16 U.S.C. §1858) (The civil penalty shall not exceed \$120,000 for each	All persons subject to the jurisdiction of the United States.

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		through the use of all powers available to authorized officers under §311 (b) of the Magnuson-Stevens Act (16 U.S.C. § 1861(b)). Enforcement authority rests jointly with Secretaries of Commerce and Interior.		violation. Each day of a continuing violation shall constitute a separate offense. The Secretary or his designee shall assess the amount of the penalty by written notice).	
9	Fisheries and import regulation statute; implementation of treaty obligations (International Convention for the Conservation of Atlantic Tunas 1966).	Any person authorized to enforce the provisions of this chapter and the regulations issued thereunder may board any vessel subject to the jurisdiction of the U.S. and inspect such vessel and its catch. If such inspection results in the reasonable belief that the vessel or any person on board is engaging in operations in violation of this chapter, such person may be arrested.	Atlantic Highly Migratory Species (defined by regulation or Magnuson Act §1802(20).	Civil penalty up to \$120,000. Each day of a continuing violation shall constitute a separate offense. All fish taken or retained in violation of the Statute or regulations thereunder may be seized and disposed of pursuant to an order of a court of competent jurisdiction, or, if perishable, in a manner prescribed by regulation of the Secretary.	Any person in charge of a fishing vessel or any fishing vessel subject to the jurisdiction of the U.S. engaging in fishing in violation of any regulation adopted pursuant to section 971d of this title; or any person engaging in shipping, transport, purchase, sale, offer for sale, import, export, or having possession or control of any fish which he should have known were taken or retained contrary to the recommendation of the Commission made pursuant to article VIII of the Convention and adopted as regulations pursuant to § 971d.
10	Authorizes the USCG to go on board any vessel subject to the jurisdiction or operation of any law of the U.S.	Authorizes the USCG to make inquiries, examinations, inspections, searches, seizures, and arrests for the prevention, detection, and suppression of violations of laws of the U.S.	N/A	N/A	

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11	Use of "certificates of legal origin" by multilateral or bilateral agreement to ensure lawful harvest	Trade Sanctions	Anadromous Fish	Prohibited importation of fish products from an offending country for such duration as the President determines appropriate.	Any nation trading in unlawfully taken anadromous fish; fisherman on U.S. vessels harvesting anadromous fish
12	Statute came out of 7-year attempt to reform civil forfeitures to put in place greater protections for personal property.	Investigation reports must be completed and forwarded to GCEL within 30 days from the date of seizure. In any case in which is not forwarded within 30 days from the seizure date, an explanation for the delay must be provided GCEL. After 50 days, the money <i>may</i> be returned to the respondent(s) if there is no reasonable explanation for the delay. Seized property or money <i>will</i> be returned in cases that are forwarded after 60 days. A claimant may file a claim at any time before the deadline set forth by the Agency.	N/A	N/A	N/A
13	Requires the cooperation of telecommunications carriers in the	Enforcement is by the federal court issuing the surveillance order under 18 U.S.C. §2516.	N/A	Civil penalty up to \$10K per day or violation.	Any telecommunications common carrier (47 U.S.C. §153) subject to the jurisdiction of the U.S. as well as any supplier of services or equipment

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	interception of wire, oral, or electronic communications.				(subject to the jurisdiction of the U.S.) that may be required to enable the compliance of the carrier.
14	Establishes procedure for obtaining judicial authorization to intercept wire, oral or electronic communications and establishes conditions on the use of such intercepted communications.	Authorizes the Attorney General or his/her designee to authorize application by a federal enforcement agency to a federal judge for authorization to conduct interception pursuant to a federal investigation.	N/A	N/A	N/A
15	Consumer Product Labeling	Civil penalties, equitable relief	Tuna and Dolphins	1) up to \$10,000 per violation (according to 15 U.S.C. § 45); 2) Civil penalties not to exceed \$110,000.	Any producer, importer, exporter, distributor, or seller of any tuna product exported from or offered for sale in the U.S. Vessel captains, Designees of the Secretary, representatives of the Inter-American Tropical Tuna Commission, and authorized representatives of participating nations.
16	Research, exchange of information, and cooperative enforcement	Trade Sanctions	Fish, shellfish, marine mammals, seabirds, and other forms of marine life or waterfowl found in, or which breed within, areas subject to the jurisdiction of the	Prohibited importation of fish products from an offending country for such duration as the President determines appropriate.	Driftnet fishers operating in the North Pacific.



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			U.S., including fish that spawn in the fresh or estuarine waters of the U.S.		
17	Domestic implementation of multilateral conservation agreements	Civil penalties, search warrants, power of search without a warrant, arrest, seizure, forfeiture.	Certain "designated species of tuna," as defined at 16 U.S.C. § 972.	Civil monetary penalties up to \$120,000.	Any person subject to the jurisdiction of the U.S., or any vessel subject to the jurisdiction of the U.S. Any person in possession of the regulated species if taken in violation of the Act.
18	Facilitates the use of electronic records and signatures in foreign commerce.	N/A	N/A	N/A	N/A
19	Implementation of multilateral convention through prohibitions on trade or possession of protected species; prohibitions on trade, taking, possession, distribution of domestically protected species; regulation of international traders in fish and wildlife.	Enforcement tools include: reward for information leading to enforcement action; search and arrest warrants; power to inspect items during importation or exportation; power to arrest upon reasonable grounds if violation committed within presence or view; seizure; forfeiture of fish, wildlife, and plants possessed in violation of Act, forfeiture of equipment upon conviction (16 U.S.C. § 1540(e)(4)).	Any threatened or endangered species, as defined at 16 U.S.C. §1532.	Civil Penalties: up to \$30,000. Criminal violations: up to \$50,000 or up to one year imprisonment (maximum not available for all violations). Revocation of permits, licenses and agreements also available.	Any person subject to the jurisdiction of the U.S. Exceptions by permit for Alaska natives; provisions for re-introduction of protected species.
20	Implementation of	Boarding and inspection	Northern Pacific Fur	Criminal fines and	Any person or vessel subject to the

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	multilateral convention through prohibitions on harvesting or possession of fur seals taken in violation of provisions.	authority in U.S. waters or the high seas; arrest, search, and seizure authority with reasonable cause to believe violation is occurring; extradition of seized vessel and arrested person; authority for enforcement agents to testify against violators in foreign judicial proceedings at the request of foreign authorities; forfeiture of U.S. vessel and fur seals if used or taken in violation of the Act; authorization to issue warrants for probable cause.	Seal	imprisonment for knowing violations of the Act: up to \$20,000 and/or imprisonment for up to one year. Civil penalties for violations: up to \$11,000 per violation.	jurisdiction of the U.S. for the taking, or activities connected with such taking, of fur seals in violation of the Act; also, for refusal to allow boarding and inspection by authorized officials. Exceptions by permit for Alaska natives.
21	Implementation of multilateral program through denial of port privileges and trade sanctions levied on non-conforming nations	Denial of port privileges, denial of entry to U.S. waters, and imposition of trade sanctions.	All species affected by large-scale high seas driftnet fishing. All fish and wildlife, or products of these species, exported by nations that engage in such fishing.	Penalties include the denial of port privileges and the denial of entry into U.S. waters. Penalties also include the loss of revenue for foreign exporters from non-conforming nations.	Large-scale driftnet fishers with vessels under the jurisdiction of the U.S. or fishers with vessels under the jurisdiction of nations found to be using large-scale driftnets on the high seas. The nationals of non-conforming nations may also be made unable to export fish and wildlife to the U.S.
22	Implementation of multilateral agreement through permitting; record-keeping; information sharing; and	Enforcement tools include: rebuttable presumption that all living marine resources found on board a seized vessel were taken or retained violation of the Act;	All living marine resources commercially exploited on the high seas.	Civil Penalties: A) Not to exceed \$109,000 per violation (with the vessel used in commission of the offense liable in rem); B) Revocation, suspension,	Any person subject to the jurisdiction of the U.S. for fishing without a permit, fishing in contravention of conservation measures or permit conditions, obstructing justice, or possessing or trading any living marine resource taken

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	prohibitions.	coordination with other agencies; grant of exclusive jurisdiction to U.S. district courts; authority to arrest with reasonable cause with or, under certain circumstances, without a warrant; authority to board, search, and inspect any high seas fishing vessel; authority to sell any seized marine living resource as long as proceeds are deposited with the court; authority to execute any warrant; authority to exercise "any other lawful authority;" discretion to issue citations in lieu of other actions.		denial, or imposition of additional conditions or restrictions of a permit under the Act; Criminal penalties available for violations involving obstruction of justice, and threatening or assaulting an officer.	in violation of the Act. The owner or operator of a vessel that has been used in the commission of the above acts, or any person who has not paid assessed penalties, fines, or fees for any permit issued under any U.S. fisheries resource statute.
23	Use of trade and possession prohibitions to hamper black markets in protected species	Civil penalties; criminal fines; imprisonment; revocation of permit; forfeiture and seizure of vessel, including its fishing gear, furniture, appurtenances, stores, and cargo if possessed, retained, or used in violation of Act (other than an act for which a citation is a sufficient sanction); rebuttable presumption that all living marine resources found on	Any fish or wildlife species regulated under any U.S. law, treaty, or regulation, or any Indian tribal law, or any State or foreign law. Any wild plant (excluding common food crops and cultivars) which is indigenous to any State and which is either (A) listed on an appendix to	Civil Penalties: For knowing violations of Sec. 1 or Sec. 4: Up to \$12,000 for each violation. Criminal Sanctions: up to \$20,000 and/or imprisonment for not more than 5 years. Suspension or revocation of license or permit also available.	Any natural or juridical person subject to the jurisdiction of the U.S. for: 1) trade (including the offer or provision, or acceptance of guiding, outfitting, or other services or a hunting or fishing license for consideration) in any subject species taken, possessed, transported, or sold in violation of federal law, Indian tribal law, or state laws if in interstate or foreign commerce; 2) to possess within the special maritime and territorial jurisdiction of the U.S. any fish, wildlife, or plant taken in violation of the same

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		board a seized vessel are taken or retained violation of the Act; provision for sharing of enforcement tools between agencies; grant of exclusive jurisdiction to the U.S. district courts; authority to arrest with reasonable cause; authority to board, search, and inspect any high seas fishing vessel ; authority to sell any seized marine living resource as long as proceeds are deposited with the court; authority to execute any warrant; authority to exercise "any other lawful authority;" discretion to issue citations in lieu of other actions.	the CITES, or (B) listed pursuant to any State law that provides for the conservation of species threatened with extinction.		laws; 3) to import or export or transport in interstate commerce fish or wildlife unless the container has been properly marked; 4) to falsely identify any fish, wildlife, or plant traded in foreign or interstate commerce
24	Requires the USCG to enforce or assist in the enforcement of all applicable federal laws of the U.S.		N/A	N/A	
25	Fisheries Conservation and Management	The Secretary of Commerce is authorized to promulgate regulations implementing the Act and enforce the Act and any implementing	The fish off the coasts of the United States, the highly migratory species of the high seas, the species which	Civil penalties up to \$120,000.	There is a very broad range of prohibitions under the Act and any person subject to the laws of the U.S. comes within the scope of liability.

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		regulations. The U.S. shall cooperate directly or through appropriate international organizations with those nations involved in fisheries for highly migratory species.	dwelling on or in the Continental Shelf, and the anadromous species which spawn in United States rivers or estuaries.		
26	Marine mammal and marine mammal products conservation.	The Secretary may, by agreement, use the resources of another federal agency to enforce the Act and may also designate officers and employees of a state or U.S. possession to enforce the Act, allowing them to function as federal law enforcement agents for this purpose.	Marine mammals, and marine mammal products.	Civil penalty: \$11,000 - \$12,000. Criminal penalty (knowing violations): up to \$20,000 and/or imprisonment for not more than one year. Any person involved in unlawful importation may be made to abandon the mammal or product. 16 U.S.C. 13759(a)(1).	Any person or vessel subject, to the jurisdiction of the U.S. on high seas, or on lands. (Including any port or harbor) To take or import marine mammals or marine mammal products. Also any transport, purchase, sell, export, or offer to do so of any marine mammal or marine mammal products.
27	Regulation and conservation of national sanctuaries.	The Secretary must conduct enforcement activities to carry out the Act. A person authorized to enforce the Act may board, search, inspect or seize a vessel, equipment, stores and cargo suspected of being used to violate the Act, and seize unlawfully taken sanctuary resources.	Species that depend upon these marine areas to survive and propagate.	Any person who violates will receive a civil penalty between \$109,000 - \$119,000. 16 U.S.C 1437(c)(1)	Any person who destroys, causes the loss of, or injures any sanctuary resource is liable to the U.S. for an amount equal to the sum of: 1. The amount of response costs and damages resulting from the destruction, loss, or injury and, 2. Interest on that amount calculated in the manner described under section 2705 of title 33. Also any vessel used to destroy, cause loss, or injure any sanctuary, shall be liable for response costs and damages.

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28	Provides a comprehensive, coordinated program for national security.	Authorizes intelligence agencies to assist federal enforcement agencies with the collection of information outside the U.S. regarding individuals who are non-U.S. persons.	N/A	N/A	N/A
29	Implements the conservation of Anadromous Stocks in the North Pacific Ocean.	The Secretary of Commerce is responsible for administering provisions of the convention, the Act and any regulations issued. With the Secretary of Transportation, the Secretary is responsible for coordinating the participation of the U.S. in the commission.	Fish of the particular Anadromous Stock of the North Pacific Ocean.	Civil penalty: \$100,000-\$110,000. Each day of a continuing violation shall constitute a separate offense. Criminal penalty: a fine under title 18, or imprisonment for up to 10 year (for injury to an officer) months, or both.	Any person or fishing vessel subject to the jurisdiction of the U.S. to: fish for anadromous fish in the convention area; retain on board or fail to return immediately to the sea any anadromous fish taken incidentally in a fishery directed at nonanadromous fish in the convention area. Ship, transport, offer for sale, sell, purchase etc, of any anadromous fish taken or retained in violation of the convention.
30	Implements the (1953 convention between the U.S. and Canada) preservation of the halibut Fishery of the Northern Pacific Ocean and the Bering sea.	Any fishing vessel used and any fish taken in connection with the commission of a prohibited act are subject to forfeiture to the U.S. upon application to the Attorney General. The Act is enforceable by the Secretary and the Secretary of the department in which the Coast Guard is operating.	Halibut	Civil penalty between \$27,500 - \$30,000. Each day of a continuing violation shall constitute a separate offense. Criminal penalty of not more than \$50,000 or imprisonment for not more than 6 months, or both. Other criminal penalties available for non-fishing violations.	It is unlawful for a person to violate the convention or the act and regulations or to resist or interfere with an enforcement officer in the conduct of a search, inspection or lawful detention. It is also unlawful for a foreign fishing vessel to fish for halibut in the EEZ or special areas, unless authorized. Any vessel engaged in catching, processing or transporting fish in convention waters, or a vessel outfitted to engage in an activity described above, and a vessel in normal support of a vessel described

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				above.	
31	Provides for appointment of U.S. representatives to the Fisheries Commission and General Council	The Secretary appoints up to three members of the general council and the commission. The Secretary of State and the Secretary must jointly establish a consultative committee to advise on issues related to the convention.	N/A	Civil penalty: \$100,000 - \$109,000, and/or permit sanction. Violations of paragraph 2-4, or 6 of subsection (a) of 16 U.S.C. §5606 shall be punishable under 16 U.S.C. §1859(b).	Any person or vessel to: Violate a regulation under the act or a measure binding on the U.S. under the convention; refuse to permit an officer to board a vessel to conduct a search or inspection etc, which interfere with, or delay an arrest for violation of the Act.
32	Fulfillment of obligations under the Pacific Salmon Treaty. (Between the U.S. and Canada)	The U.S. Secretary of State is authorized to: receive and transmit reports and other communications of and, to the commission panel. The secretary of commerce shall inform the state.	Pacific Salmon	Civil penalty up to \$120,000. Criminal penalties of up to \$200,000 or imprisonment of up to 10 years.	Any person or vessel subject to the jurisdiction of the U.S. who violates the Act, its implementing regulations, or a Fraser River panel regulation. A vessel used in the commission of a prohibited act shall be subject to forfeiture.
33	Implements the treaty on fisheries between the governments of certain pacific Island states and the U.S.	An officer authorized by the secretary, or the secretary of the department in which the Coast Guard operates.	Tuna	Civil penalties: \$275,000-\$300,000. Criminal penalties: \$50,000-\$100,000 and imprisonment from 6 months to 10 years.	Any person or vessel to violate the Act or any of it's regulations; use a vessel for fishing in violation of an applicable national law; violate terms and conditions of a fishing arrangement entered into under the treaty.
34	Conservation of commercial sea sponges  (Inactive)	The Secretary and/or his or her designee is authorized to make arrests and seize vessels and sponges.	Sponges	Monetary fine of not more than \$500. Such fine shall be a lien against the vessel or boat on which the offense is committed.	Any citizen of the U.S., or person owing duty of obedience to the laws of the United States, or any boat or vessel of the United States, or person belonging to or on any such boat or vessel.
35	Stopping Vessels	Authorizes the USCG to stop	N/A	N/A	

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		vessels, including the firing of a warning signal and disabling fire at a vessel that does not stop, from a CG vessel or aircraft, or a DoD vessel with CG LEDET personnel embarked.			
36	Establishes an international commission for the scientific investigation of tuna.	The joint responsibility of the U.S. Coast Guard, the department of the Interior and the Bureau of customs.	Tuna	Civil penalty up to \$120,000 (16 U.S.C. §957)	Any person who knowingly ships, transports, purchases, sells,... etc. fish taken or retained in violation of the Act; fails to make, keep, or furnish catch returns, or other reports as required.
37	Provides framework for implementing the 1946 international convention for the regulation of whaling	Authorized enforcement officer or employee of the Dept. of Commerce, Coast Guard, U.S. Marshall, etc.	Whales	Except as to violations of Sec. 916c(a)(3), fines up to \$10,000 or imprisonment of not more than one year or both.	Any person, subject to the U.S. jurisdiction to engage in whaling in violation of the convention.



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	<b>Geographic Application</b>	<b>Sufficiency of Penalty</b>	<b>Miscellaneous</b>	<b>Recommendations</b>
1	U.S. interstate commerce jurisdiction (no geographic limitation specified).		Not clear how inspection under the Act relates to ability to deter/prevent IUU fishing under the IPOA.	It may be useful to apply a similar port inspection requirement to establish origin of all fish products being imported to/transported through the U.S., if such a requirement does not already exist under another statute.
2	Bering Sea and Aleutian Islands Management Area.	Amount of monetary penalty seems sufficient.	Eligibility requirements for a fishery endorsement: at least 75% of the aggregate interest in owner entity(-ies) must be owned and controlled by citizens of the U.S. Does not apply to vessels engaged in fisheries in the EEZ under the authority of the Western Pacific Management Council established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. § 1852(a)(1)(H)) or to a purse seine vessel engaged in tuna fishing in the Pacific Ocean outside the U.S. EEZ or pursuant to the South Pacific Regional Fisheries Treaty. Particular attention shall be paid to enforcing the citizenship requirements for vessels measuring over 10 feet in registered length, especially in contexts of ownership/interest transfer and borrowing in all forms (specific exemptions addressed in the Act). 46 U.S.C. § 12102(c).	Consider non-monetary penalties, perhaps including loss or suspension of endorsement.

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3	U.S. interstate commerce jurisdiction (no geographic limitation specified).			It may be useful to incorporate port state provisions comparable to those contained in the IPOA (paras. 51-58) into the statute (requiring all vessels entering into a U.S. port to carry logs documenting where fish were caught), and appropriate enforcement authorization if such does not already exist.
4	U.S. federal jurisdiction (over acts committed in Antarctic region).	Monetary penalties seem too low.	The Secretary of State, with the concurrence of the Secretary of Commerce and the Director of the National Science Foundation, is authorized to decide on behalf of the U.S. whether to accept a conservation measure adopted by the commission and to notify the Commission of any such decision. 16 U.S.C. § 2434(a)(1). The Secretary of State, with the concurrence of the Secretary, the Director of the National Science Foundation and the Secretary of the department in which the Coast Guard is operating, is authorized to the establishment of a system of observation/inspection, and to interim arrangements pending establishment of such a system. 16 U.S.C. § 2434(b).	Consider increasing monetary penalties from \$5K/\$10K to an amount that would have greater impact. Because U.S. flag vessels are not engaged in harvest of species regulated under the Act, these species are imported into the U.S. Importers are permitted. Permit sanction should be considered for importers who import illegally-caught. Maximum penalty should be increased to \$200,000 if maximum penalty is increased under MSFCMA

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5	U.S. federal jurisdiction (over acts committed in Antarctica).\		Not directly applicable to IUU fishing problem.	N/A
6	U.S. EEZ defined in the statute as extending from 3NM (extending from the seaward boundary of each of the coastal states) to 200NM from the baseline from which the territorial sea is measured. 16 U.S.C. § 5102(6).		Statute empowers the executive to comply with the IPOA in the U.S. EEZ.	Enforcement of the Atlantic Coastal Fisheries Cooperative Management Act follows the regime established by the MSFCMA.
7	U.S. federal jurisdiction (over acts committed in the Atlantic Ocean north of 36 degrees north latitude).			Effectively implements treaty provisions. Not clear, however, why additional restrictions on directed North Atlantic salmon fisheries within the U.S. territorial sea are not regulated.
8	U.S. federal jurisdiction (Atlantic states, territories and possessions).		Atlantic Striped Bass Conservation Act, formerly set out as a note here, was subsequently reclassified to sections 5151 to 5158 of this title. 16 U.S.C. § 1851 note. This statute is implemented under the Atlantic Coastal Fisheries Cooperative Management Act.	Moratorium applies only to waters subject to state jurisdiction (3NM). Not clear whether measures protecting Atlantic Striped bass within federal jurisdiction exist. Enforcement of the Atlantic Coastal Fisheries Cooperative Management Act follows the regime established by the

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				Magnuson-Stevens Fishery Conservation and Management Act.
9			Enforcement may be reciprocal with other treaty parties except that, where any agreement provides for arrest or seizure of persons or vessels under U.S. jurisdiction, it shall also provide that the person or vessel arrested or seized shall be promptly handed over to a U.S. enforcement officer or another authorized U.S. official. § 971f(a).	Regulations implemented pursuant to the statute will determine effectiveness.
10	High seas and waters subject to the jurisdiction of the United States.	N/A		Continuing enforcement will have the effect of deterring IUU fishing.
11	Fish harvested within the waters of any nation having anadromous fish populations or on the high seas	No provision for penalty to US fishers who harvest without certificates.	It is unclear from the face of the statute whether any agreements have been negotiated under the Act or whether the agencies have issued regulations implementing its provisions. Other and different penalty provisions or enforcement authorities may be part of the regulations or treaty provisions.	Para. 66 of the IPOA specifies that unilateral trade-related measures should be avoided and sanctions should be used only in exceptional circumstances. It may be preferable to establish in agreements negotiated under the Act a multilateral tribunal or other means of adjudicating trade in non-certified fish.
12	N/A	N/A		To resolve outstanding

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				issue regarding innocent owner defense, knowledge should be imputed to owners in violations involving possession under the doctrine of respondeat superior.
13	None specified.	The civil penalty amounts provided seem sufficient.	Amends title 18 to make clear a telecommunications carrier's responsibility to cooperate in the interception of communications for law enforcement purposes.	U.S. law currently is sufficient in this area.
14	Applies to all interstate or foreign communications as well as all communications affecting interstate or foreign commerce.	N/A		U.S. law currently is sufficient in this area.
15	The Eastern Tropical Pacific Ocean and other tuna fisheries in which an association between dolphins and tuna exists	\$10,000 penalty for first set of liable parties may not be sufficient to "effectively prevent, deter and eliminate IUU fishing and to deprive offenders of the benefits accruing from such fishing." IPOA, para. 21.	This Act appears to involve IUU fishing only to the extent that the liable parties are involved in internationally-banned activities, such as driftnet fishing on the high seas, or fishing into contravention of the international Dolphin Conservation Program.	The Act could more fully provide for publicity of fishers, and associated corporate interests, that violate its provisions. See, IPOA, Para. 32. Statute does a good job of making liable parties throughout the production and distribution chain.
16	The North Pacific Ocean, including the Bering Sea, outside the EEZ of any nation.	No specific provision for penalty to U.S. fishers who use driftnets irresponsibly.	It is unclear from the face of the statute whether any agreements have been negotiated under the Act or whether the	Para. 66 of the IPOA specifies that unilateral trade-related measures

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			agencies have issued regulations implementing its provisions. Other and different penalty provisions or enforcement authorities may be part of the regulations or treaty provisions.	should be avoided and sanctions should be used only in exceptional circumstances. It would be preferable to establish in agreements negotiated under the Act a multilateral tribunal or other means of adjudicating disputes involving the use of driftnets.
17	The "Agreement Area" of the Eastern Pacific, as defined at 16 U.S.C. § 972(2) (creating a perimeter using a set of longitudinal coordinates).	Penalty of \$6,000 seems unlikely to deter violations and seems low in view of the fundamental obstruction to effective enforcement of refusal to allow an inspection of a vessel.	The Act provides that a fisher whose harvest has been seized may provide a bond or other stipulation for the value of the harvest so that he may sell the harvest on the market. The bond or stipulation must be approved by a judge of the district court.	A loophole in the statute appears to be the ability of a fisher to refuse boarding by U.S. enforcement agents. The fisher may know that the on-board harvest is in violation of the Act and would carry a penalty of up to \$30,000. Not allowing the agents to board carries only a \$6,000 penalty, and the penalty is not increased for subsequent violations.
18	None specified.	N/A	It is difficult to see the direct relevance of this Act on IUU fishing except inasmuch as it might require the Secretary to accept reports in electronic form.	U.S. law currently is sufficient in this area.
19	No geographic limitation	Penalties appear sufficient to	The agencies are authorized to charge	One hole may be that

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	(prohibitions on taking apply to the "territorial sea" and the "high seas," 16 U.S.C. § 1538(B-C).	deter illegal taking of protected species.	reasonable fees for permits, certificates, and the costs of seizing and holding fish forfeited under the chapter. This seems as though it should also be included under the other authorities. Also, the Act contains a provision allowing more strict provisions of the MMPA to take precedence. Such provisions might be useful in other statutes in which there are overlapping jurisdictions.	takings are prohibited on only the "territorial sea" and on the "high seas." This may exclude the area of the coastal sea between the end of the territorial sea, which UNCLOS establishes at 12 nm, and the boundary of the EEZ at 200 nm.
20	Northern Pacific Ocean, including the Bering, Okhotsk, and Japan Seas.	Penalties may be insufficient to deter illegal taking of protected species.	The Act authorizes Commerce, the Treasury, the Coast Guard, and even state officers to enforce its provision as federal law enforcement agents.	Consider increasing penalty amounts.
21	The high seas (area beyond the EEZ of any nation).	Neither civil nor criminal penalties can be imposed on foreign vessels that are denied entry into U.S. waters. Thus, under the current law, it appears difficult to conceive of how the penalties could be made harsher.	Title IV of the Act includes amendments to the Magnuson Act and the MMPA. Summaries of those provisions are not included here; they have been left for discussion in the context of those Acts. Title V of the Act involves the repeal of a recreational boat tax and the creation of an automated tariff filing and information system. These statutes appear unrelated to fisheries conservation and have not been summarized here.	16 U.S.C. § 1826a authorizes "additional sanctions" to be used if the first sanctions provoke retaliation or are insufficient. It is unclear how the additional sanctions provide any different/more penalty than those at § 1826a. A more effective penalty might authorize the seizure and forfeiture of large-scale, foreign driftnet boats that enter U.S. waters or ports. No such provision is currently included in this

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				Act.
22	The high seas (area beyond the EEZ of any nation).	The penalty provisions seem entirely adequate as long as they are not circumvented through the discretionary issuance of "citations," which apparently carry no monetary penalty, under § 5506(d).	Permit sanctions attach to the vessel so that they continue in force even after sale. § 5507(b)(3). The Secretary is granted the authority to conduct hearings, including issue subpoenas, and provision is made for judicial review and the collection of penalties.	Care should be taken to ensure that, in the interest of expediency, citations do not come to replace monetary penalties.
23	No geographic limitation (but specifically including the high seas and other areas of the "special maritime and territorial jurisdiction of the U.S." as defined at 18 U.S.C. § 7).	Civil and criminal penalties available may be sufficient.		The Lacey Act may be underutilized at this time. Increased enforcement would have the effect of deterring IUU fishing.
24	High seas and waters subject to the jurisdiction of the United States.	N/A		Continuing enforcement will have the effect of deterring IUU fishing.
25	Within the EEZ and beyond the EEZ as to anadromous fish stocks and the fishery resources on the continental shelf.	Monetary penalties seem too low considering the depleted condition of many of the species managed under the Act. Higher monetary penalties are needed to serve as a more effective deterrent.		Consider increase of civil penalties to \$200,000.



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26	The territorial sea of the U.S. Also areas referred to as Eastern Special Areas, in the article of agreement between the U.S. and the Union of the Soviet Socialist Republics on the maritime boundary. 15 U.S.C. 1362(15).	Civil monetary penalties are insufficient.		Increased penalties are necessary for the Act to serve as an effective deterrent.
27	Those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands over which the U.S exercises jurisdiction, including the EEZ.	Civil monetary penalties seem as though they may be sufficient.		Presumably patrolling and monitoring for illegal activity within the sanctuaries has the effect of deterring IUU fishing, at least within those areas.
28	Outside U.S.	N/A		U.S. law currently is sufficient in this area.
29	The waters of the North Pacific Ocean and its adjacent seas, north of 33 degrees North Latitude, beyond the EEZ.			Continuing enforcement of the Act will have the effect of deterring IUU fishing.
30	The maritime areas off the West coast of the U.S. and Canada described in Article I of the convention, and the EEZ.	Civil monetary penalties seem a bit low.		Consider increase in penalty amounts.
31	Northwest Atlantic Fisheries	Civil monetary penalties seem sufficient.		Continuing enforcement of the Act will have the effect of deterring IUU fishing.

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32	Between the U.S. and Canada, the U.S. and the EEZ.	Civil monetary penalties seem sufficient.		Continuing enforcement of the Act will have the effect of deterring IUU fishing.
33	All waters in the treaty area except, waters subject to U.S. jurisdiction in accordance with international law. Waters within closed areas, and waters within limited areas closed to fishing.	Civil monetary penalties seem sufficient.		Continuing enforcement of the Act will have the effect of deterring IUU fishing.
34	Gulf of Mexico or the Straits of Florida outside of State territorial limits	Penalty amounts seem too low to serve as effective deterrent.		Increased penalties should be considered if illegal harvest is adversely impacting the species.
35	High seas and waters subject to the jurisdiction of the U.S.	N/A		Continuing enforcement will have the effect of deterring IUU fishing.
36	N/A – No specific location.	Monetary penalties seem sufficient.		Continuing enforcement of the Act will have the effect of deterring IUU fishing.
37	None specified.	Monetary penalty amounts may be too low.	Not sure how big of a problem IUU fishing is with regard to whales. Whaling is among the most highly regulated activity involving harvest of fishery resources. The greatest threat to many whale species may be accidental takes (e.g., vessel strikes) .	If illegal whaling is a problem, penalty amounts should be increased. If most illegal taking of whales is inadvertent, higher penalties might encourage greater care.