

Fishermen's Protective Act

Agencies: U.S. Departments of State, Commerce and the Interior

Citation: [22 U.S.C. §§ 1971 et seq.](#)

Enacted as: "An Act – To protect the rights of vessels of the United States on the high seas and in territorial waters of foreign countries", on August 27, 1954

Summary:

The [Fishermen's Protective Act](#) directs the Secretary of State, after a U.S. vessel has been seized by a foreign government, to take such steps as are necessary to protect the vessel and the health and welfare of its crew; to secure the release of such vessel and the crew; and to determine the amount of any fine, license fee, registration fee, and any other direct charge that is reimbursable.

The owner of any U.S. vessel that is seized by a foreign government, not at war with the United States and not pursuant to a treaty or convention, shall be reimbursed by the Secretary of State for the amount of the fine, license fee, registration fee, or any other direct charge actually paid. After the Secretary of State has secured the release of the vessel and reimbursed its owner, he is then allowed to take such action that he deems appropriate to make and collect claims from the foreign country for the amount reimbursed.

If the vessel that is seized is a commercial fishing vessel, the Secretary of State is authorized to reimburse the owner for the fair market value of any catch that was spoiled as a result of the seizure by the foreign government.

The Pelly Amendment to the Fisherman's Protective Act ([22 U.S.C. § 1978](#)) was enacted in 1971 to conserve Atlantic salmon. The Pelly Amendment grants the President discretion to prohibit the importation of fish or fish products originating in a country that is diminishing the effectiveness of an international fishery conservation program, to the extent that such prohibition is sanctioned by the World Trade Organization. The Packwood-Magnuson Amendment of 1979, an amendment to the Magnuson-Stevens Act, allows the President to impose trade sanctions pursuant to the Pelly Amendment if a country is diminishing the effectiveness of the [International Convention for the Regulation of Whaling](#). The Pelly Amendment sanction is also linked to the Driftnet Impact Monitoring, Assessment, and Control Act of 1987 and the Driftnet Act Amendments of 1990. In addition, a 1990 amendment to the Endangered Species Act prohibits shrimp imports from any country that fails to satisfy U.S. officials that its shrimp-harvesting practices are comparable to U.S. practices.

The Fishermen's Protective Act Amendments of 2000 ([Public Law 106-450](#)) amended the Fishermen's act to extend the coverage for commercial fishermen until 2003. The Act calls for the creation of the Fishermen's Protective Fund which is to be used by the Secretary of State for reimbursing the vessel owner. Any payments received from foreign governments for reimbursements to owners are to be placed in the Fishermen's Protective Fund. Owners of commercial fishing vessels may also apply for reimbursement from the Secretary for any damage to fishing gear or equipment.

Source: http://www.oceancommission.gov/documents/gov_oceans/Protective.PDF

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