

## **High Seas Fishing Compliance Act**

**Agencies:** National Oceanic and Atmospheric Administration, and U.S. Coast Guard

**Citation:** [16 U.S.C. §§ 5501 et seq.](#)

**Enacted as:** the “High Seas Fishing Compliance Act of 1995”, on November 3, 1995

### **Summary:**

The purpose of the [High Seas Fishing Compliance Act \(HSFCA\)](#) is to: (1) implement the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement) adopted by the Conference of the Food and Agriculture Organization (FAO) of the United Nations on November 24, 1993; and (2) establish a system of permitting, reporting, and regulation for U.S. vessels fishing on the high seas.

The HSFCA includes a number of mandatory duties for the Secretary of Commerce (Secretary): (1) the establishment of a permitting program that requires all high seas fishing vessels to obtain a valid permit when engaging in harvesting operations on the high seas; (2) a requirement that the Secretary not issue a permit to a vessel unless the Secretary is satisfied that the United States will be able to exercise effectively its responsibilities under the Compliance Agreement; (3) a requirement that the Secretary establish conditions and restrictions on the issuance of permits as are necessary and appropriate to carry out the obligations of the United States under the Compliance Agreement; (4) the establishment, by regulation, of a fee system for the issuance of permits; (5) the maintenance of a record system or automated file of high seas fishing vessels issued permits under the HSFCA; (6) in cooperation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, the Secretary shall submit information to the FAO relating to records of high seas fishing vessels, any changes in such information, the vessel’s identity, owner or operator and factors relevant to the Secretary’s determination to issue the permit, and a summary of evidence regarding any activities of foreign fishing vessels that undermine the effectiveness of international conservation and management measures; and (7) in cooperation with the Secretary of State, the Secretary is required to publish in the Federal Register, from time to time, a notice listing international conservation and management measures recognized by the United States.

Additionally, the Secretary is required to work in conjunction with the Secretary of the department in which the Coast Guard operates to enforce the provisions of the HSFCA. The Secretary has both mandatory and discretionary duties in the enforcement of the HSFCA. These duties include: (1) maintaining a record of all citations issued pursuant to the Act (mandatory function); (2) permitting an arrest without a warrant for an offense against the United States committed in an enforcement officer’s presence, or for a felony cognizable under the laws of the United States, if the officer has reasonable grounds to believe that a felony has been or will be committed (discretionary function); (3) modification, compromise or remittance of any civil penalty imposed upon a vessel (discretionary function); (4) permit sanctions for failure to pay civil penalties, including revocation of permit, suspension of permit, denial of permit and imposition of additional restrictions and conditions on the permit (discretionary function).

**Source:** [16 U.S.C. §§ 5501 et seq.](#)

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