

H.R. 3282, the Protecting Honest Fishermen Act of 2015

Sponsor – Congressman Farenthold (R-Texas)

Introduced on July 29, 2015

Referred to the House Energy and Commerce Committee

(with subsequent referrals to the House Agriculture Committee,

the House Natural Resources Committee, and the House Ways and Means Committee)

Section 1 – Short Title.

Section 2 – Seafood Safety. This bill would require NOAA to ensure that its seafood inspection activities are coordinated with the national sea grant college program to provide outreach on seafood safety to states, local health agencies, consumers, and the seafood industry.

The bill would require the Secretary of Commerce and the Secretary of Health and Human Services to ensure that seafood inspections and tests for seafood safety also collect information for seafood fraud detection and prevention.

The bill would require the Secretary of Health and Human Services, in consultation with the Secretary of Commerce, to develop and maintain a list of all seafood exporters, by country, and which tracks the timing, frequency and type of violations for Federal seafood safety laws. This list would be required to be posted on a public website.

Section 3 – Seafood Identification. The bill would require the Secretary of Commerce, in consultation with the Secretary of Health and Human Services to implement a program of disclosure by requiring that all seafood imported into the United States or distributed or offered for sale in interstate commerce display (on its packaging or otherwise accompanying the seafood) through processing, distribution, and final sale: (1) the market and scientific species names, (2) whether the seafood was harvested wild or was farm-raised, (3) the harvest method and date of the catch, and (4) the weight or number of product for an individual fish or lot. Additionally, the packaging would be required to disclose seafood that was: (1) previously frozen, treated with substances affecting weight, or processed in a country other than that in which it was landed or harvested; or (2) farm-raised. The bill would exempt importers, processors, distributors, or retailers from violations for unknowingly selling a product that was already mislabeled upon receipt, provided that such entities can produce the appropriate product traceability documentation.

The bill would allow an alternative to the disclosure requirements for certain categories of information by allowing an importer, processor, distributor, or retailer (including a restaurant) to may make the information available upon request to federal, state, or local officials authorized to conduct inspections of: (1) seafood, or (2) any facility that processes or sells seafood.

The bill would clarify that individuals fishing under the Magnuson-Stevens Fishery Conservation and Management Act are deemed to be in compliance with traceability requirements if they disclose data required for a fishery management plan.

The bill would block the importation of any shipment of such seafood from an exporter if the Secretary of Commerce finds that the shipment appears to be in violation of such seafood traceability requirements or if the Secretary of Health and Human Services finds that the shipment appears to violate other applicable federal laws or regulations. The bill would allow the Secretary of Health and Human Services to allow shipments from an exporter, whose previous shipment has been blocked, if the exporter presents certification of compliance from an accredited laboratory or under the Federal Food, Drug, and Cosmetic Act. The bill would again allow exporters to begin shipping seafood products if the initial blockage was deemed in compliance or if the exporter has not had any violations within a 12-month period.

The bill would authorize the Secretary of Commerce to use the same jurisdiction, powers, and duties of sections 308 through 311 of the Magnuson-Stevens Fishery Conservation and Management Act to prevent violations of this Act.

The bill would require the Secretary of Commerce, in consultation with the Secretary of Health and Human Services, to post on the Commerce public websites a list that: includes each exporter, by country, whose seafood is imported or offered for import into the United States; and tracks, for each exporter, the timing, type, and frequency of violations.

The bill would require the Secretary of Commerce, in consultation with the Secretary of Health and Human Services to increase the number of shipments inspected for seafood fraud by NOAA inspectors and authorized officers (including the verification of compliance with traceability requirements), to prevent the percentage of seafood shipments inspected from declining in a subsequent year, and to ensure that inspections for fraud prevention also collect seafood safety information.

The bill would clarify that nothing in this section would limit the authority of the Secretary of Health and Human Services to execute or enforce food safety laws or regulations.

Section 4 – Authority of States. The bill would authorize State Attorney Generals or other State officials designated by the State to bring civil action on behalf of a citizen against any individual that has engaged in or is engaging in seafood fraud. The bill would allow the State authority to recover monetary loss or damages for the citizen up to \$10,000. The bill would allow a court to increase the amount awarded to an individual.

Section 5 – Preemption. The bill would clarify that nothing in the bill would preempt the authority of a State to establish and enforce requirements for improving seafood safety and preventing seafood fraud that are consistent with the bill.

Section 6 – Definitions. The bill would define “other applicable Federal laws and regulations”, “seafood”, and “seafood fraud”.