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S. 1269

To address the threat to national security from illegal, unreported, and unregulated fishing and associated illegal activity, to prevent the illegal trade of seafood and seafood products, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 1, 2019

Mr. WICKER (for himself and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To address the threat to national security from illegal, unreported, and unregulated fishing and associated illegal activity, to prevent the illegal trade of seafood and seafood products, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Maritime Security And Fisheries Enforcement Act” or
6 the “Maritime SAFE Act”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Findings.
- Sec. 4. Purposes.
- Sec. 5. Statement of policy.

TITLE I—PROGRAMS TO COMBAT IUU FISHING AND INCREASE MARITIME SECURITY

- Sec. 101. Coordination with international organizations.
- Sec. 102. Engagement of diplomatic missions of the United States.
- Sec. 103. Assistance by Federal agencies to improve law enforcement within
priority regions and priority flag states.
- Sec. 104. Expansion of existing mechanisms to combat IUU fishing.
- Sec. 105. Improvement of transparency and traceability programs.
- Sec. 106. Technology programs.
- Sec. 107. Information sharing.

TITLE II—ESTABLISHMENT OF INTERAGENCY WORKING GROUP ON IUU FISHING AND SEAFOOD FRAUD

- Sec. 201. Interagency Working Group on IUU Fishing and Seafood Fraud.
- Sec. 202. Strategic plan.
- Sec. 203. Reports.
- Sec. 204. Gulf of Mexico IUU Fishing Subworking Group.

TITLE III—COMBATING HUMAN TRAFFICKING IN CONNECTION WITH THE CATCHING AND PROCESSING OF SEAFOOD PRODUCTS

- Sec. 301. Finding.
- Sec. 302. Adding the Secretary of Commerce to the Interagency Task Force to
Monitor and Combat Trafficking.
- Sec. 303. Human trafficking in the seafood supply chain report.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

- Sec. 401. Authorization of appropriations.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) AIS.—The term “AIS” means Automatic
4 Identification System (as defined in section 164.46
5 of title 33, Code of Federal Regulations, or a similar
6 successor regulation).

7 (2) COMBINED MARITIME FORCES.—The term
8 “Combined Maritime Forces” means the 33-nation
9 naval partnership, originally established in February

2002, which promotes security, stability, and prosperity across approximately 3,200,000 square miles of international waters.

(3) EXCLUSIVE ECONOMIC ZONE.—

(A) IN GENERAL.—Unless otherwise specified by the President as being in the public interest in a writing published in the Federal Register, the term “exclusive economic zone” means—

(i) the area within a zone established by a maritime boundary that has been established by a treaty in force or a treaty that is being provisionally applied by the United States; or

(ii) in the absence of a treaty described in clause (i)—

(I) a zone, the outer boundary of which is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured; or

(II) if the distance between the United States and another country is less than 400 nautical miles, a zone, the outer boundary of which is represented by a line equidistant between

1 the United States and the other coun-
2 try.

3 (B) INNER BOUNDARY.—Without affecting
4 any Presidential Proclamation with regard to
5 the establishment of the United States terri-
6 torial sea or exclusive economic zone, the inner
7 boundary of the exclusive economic zone is—

8 (i) in the case of coastal States, a line
9 coterminous with the seaward boundary of
10 each such State (as described in section 4
11 of the Submerged Lands Act (43 U.S.C.
12 1312));

13 (ii) in the case of the Commonwealth
14 of Puerto Rico, a line that is 3 marine
15 leagues from the coastline of the Common-
16 wealth of Puerto Rico;

17 (iii) in the case of American Samoa,
18 the United States Virgin Islands, and
19 Guam, a line that is 3 geographic miles
20 from the coastlines of American Samoa,
21 the United States Virgin Islands, or Guam,
22 respectively;

23 (iv) in the case of the Commonwealth
24 of the Northern Mariana Islands—

1 (I) the coastline of the Common-
 2 wealth of the Northern Mariana Is-
 3 lands, until the Commonwealth of the
 4 Northern Mariana Islands is granted
 5 authority by the United States to reg-
 6 ulate all fishing to a line seaward of
 7 its coastline; and

8 (II) upon the United States
 9 grant of the authority described in
 10 subclause (I), the line established by
 11 such grant of authority; or

12 (v) for any possession of the United
 13 States not referred to in clause (ii), (iii), or
 14 (iv), the coastline of such possession.

15 (C) RULE OF CONSTRUCTION.—Nothing in
 16 this paragraph may be construed to diminish
 17 the authority of the Department of Defense, the
 18 Department of the Interior, or any other Fed-
 19 eral department or agency.

20 (4) FOOD SECURITY.—The term “food secu-
 21 rity” means access to, and availability, utilization,
 22 and stability of, sufficient food to meet caloric and
 23 nutritional needs for an active and healthy life.

24 (5) GLOBAL RECORD OF FISHING VESSELS, RE-
 25 FRIGERATED TRANSPORT VESSELS, AND SUPPLY

1 VESSELS.—The term “global record of fishing ves-
2 sels, refrigerated transport vessels, and supply ves-
3 sels” means the Food and Agriculture Organization
4 of the United Nations’ initiative to rapidly make
5 available certified data from state authorities about
6 vessels and vessel related activities.

7 (6) IUU FISHING.—The term “IUU fishing”
8 means illegal fishing, unreported fishing, or unregu-
9 lated fishing (as such terms are defined in para-
10 graph 3 of the International Plan of Action to Pre-
11 vent, Deter, and Eliminate Illegal, Unreported and
12 Unregulated Fishing, adopted at the 24th Session of
13 the Committee on Fisheries in Rome on March 2,
14 2001).

15 (7) PORT STATE MEASURES AGREEMENT.—The
16 term “Port State Measures Agreement” means the
17 Agreement on Port State Measures to Prevent,
18 Deter, and Eliminate Illegal, Unreported, and Un-
19 regulated Fishing set forth by the Food and Agri-
20 culture Organization of the United Nations, done at
21 Rome, Italy November 22, 2009, and entered into
22 force June 5, 2016, which offers standards for re-
23 porting and inspecting fishing activities of foreign-
24 flagged fishing vessels at port.

1 (8) PRIORITY FLAG STATE.—The term “priority
2 flag state” means a country selected in accordance
3 with section 202(b)(3)—

4 (A) whereby the flagged vessels of which
5 actively engage in, knowingly profit from, or are
6 complicit in IUU fishing; and

7 (B) that is willing, but lacks the capacity,
8 to monitor or take effective enforcement action
9 against its fleet.

10 (9) PRIORITY REGION.—The term “priority re-
11 gion” means a region selected in accordance with
12 section 202(b)(2)—

13 (A) that is at high risk for IUU fishing ac-
14 tivity or the entry of illegally caught seafood
15 into the markets of countries in the region; and

16 (B) in which countries lack the capacity to
17 fully address the illegal activity described in
18 subparagraph (A).

19 (10) REGIONAL FISHERIES MANAGEMENT OR-
20 GANIZATION.—The term “Regional Fisheries Man-
21 agement Organization” means an intergovernmental
22 fisheries organization or arrangement, as appro-
23 priate, that has the competence to establish con-
24 servation and management measures.

25 (11) SEAFOOD.—The term “seafood”—

1 (A) means marine finfish, mollusks, crus-
2 taceans, and all other forms of marine animal
3 and plant life, including those grown, produced,
4 or reared through marine aquaculture oper-
5 ations or techniques; and

6 (B) does not include marine mammals or
7 birds.

8 (12) SEAFOOD FRAUD.—The term “seafood
9 fraud” means the knowing mislabeling or misrepre-
10 sentation of information regarding seafood or sea-
11 food products with the intent to deceive or defraud.

12 (13) SEAFOOD TRACEABILITY PROGRAM.—The
13 term “seafood traceability program” means any pro-
14 gram implemented by the National Oceanic and At-
15 mospheric Administration (such as the Seafood Im-
16 port Monitoring Program) that requires, with re-
17 spect to seafood and seafood products imported into
18 the United States—

19 (A) permitting, data reporting, and record-
20 keeping to prevent illegal, unreported, unregu-
21 lated, or misrepresented seafood from entering
22 United States commerce; and

23 (B) verifying the chain of custody of such
24 seafood, from harvest to point of entry into the
25 United States.

1 (14) TRANSNATIONAL ORGANIZED ILLEGAL AC-
 2 TIVITY.—The term “transnational organized illegal
 3 activity” means criminal activity conducted by self-
 4 perpetuating associations of individuals who operate
 5 transnationally for the purpose of obtaining power,
 6 influence, or monetary or commercial gains, wholly
 7 or in part by illegal means, while protecting their ac-
 8 tivities through a pattern of corruption or violence
 9 or through a transnational organizational structure
 10 and the exploitation of transnational commerce or
 11 communication mechanisms.

12 (15) TRANSSHIPMENT.—The term “trans-
 13 shipment” means the use of refrigerated vessels
 14 that—

15 (A) collect catch from multiple fishing
 16 boats;

17 (B) carry the accumulated catches back to
 18 port; and

19 (C) deliver supplies to fishing boats, which
 20 allows fishing vessels to remain at sea for ex-
 21 tended periods without coming into port.

22 **SEC. 3. FINDINGS.**

23 Congress makes the following findings:

24 (1) In a report titled, “Global Implications of
 25 Illegal, Unreported, and Unregulated (IUU) Fish-

1 ing”, the Office of the Director of National Intel-
2 ligence identified IUU fishing as—

3 (A) a threat to the national security of the
4 United States; and

5 (B) a challenge to peace and stability in
6 regions of importance to the United States.

7 (2) Executive Order 13773 (82 Fed. Reg.
8 10691), issued on February 9, 2017, calls for a
9 comprehensive approach by the Federal Government
10 to combat crime syndicates, including transnational
11 organized illegal activities that may be associated
12 with IUU fishing.

13 (3) It is estimated that the value of IUU fish-
14 ing may exceed \$1,000,000,000 annually in unlawful
15 or undocumented revenue and may sometimes be
16 linked to transnational organized illegal activities,
17 including weapons, drug, and human trafficking.

18 (4) IUU fishing—

19 (A) undermines the business of legitimate
20 workers in the seafood industry; and

21 (B) can create inaccurate population esti-
22 mates for fish and other seafood species.

23 (5) Marine fisheries employ millions of people
24 worldwide, the livelihoods of whom can be negatively

1 impacted by IUU fishing and associated
2 transnational organized illegal activities.

3 (6) IUU fishing vessels play a significant role
4 in other forms of trafficking, particularly drug traf-
5 ficking. The Department of Justice has documented
6 numerous cases of illicit fishing ships involved in
7 trafficking cocaine, heroin, and cannabis from South
8 America to the United States.

9 (7) By introducing cheaper, illegal products
10 into the global market, IUU fishing undercuts the
11 business and economic livelihoods of legitimate fish-
12 ermen in the United States and around the world.

13 (8) In the United States and around the world,
14 seafood fraud undermines the economic viability of
15 fisheries and deceives consumers about their pur-
16 chasing choices.

17 (9) Competition over seafood resources can lead
18 to heightened tensions, conflict, and geostrategic in-
19 stability in regions of importance to the United
20 States.

21 **SEC. 4. PURPOSES.**

22 The purposes of this Act are—

23 (1) to support a whole-of-government approach
24 across the Federal Government to counter IUU fish-
25 ing and related threats to maritime security;

1 (2) to improve data sharing that enhances sur-
2 veillance, enforcement, and prosecution against IUU
3 fishing and related activities at a global level;

4 (3) to support coordination and collaboration to
5 counter IUU fishing and seafood fraud within pri-
6 ority regions;

7 (4) to increase and improve global transparency
8 and traceability across the seafood supply chain as—

9 (A) a deterrent to IUU fishing and seafood
10 fraud;

11 (B) a tool for strengthening fisheries man-
12 agement and food security; and

13 (C) an approach to enhancing the imple-
14 mentation of United States seafood traceability
15 programs;

16 (5) to improve global enforcement operations
17 against IUU fishing through a whole-of-government
18 approach by the United States; and

19 (6) to prevent the use of IUU fishing as a fi-
20 nancing source for transnational organized groups
21 that undermine United States and global security in-
22 terests.

23 **SEC. 5. STATEMENT OF POLICY.**

24 It is the policy of the United States—

1 (1) to take action to curtail the global trade in
2 seafood and seafood products derived from IUU
3 fishing, including its links to forced labor and
4 transnational organized illegal activity;

5 (2) to develop holistic diplomatic, military, law
6 enforcement, economic, and capacity-building tools
7 to counter IUU fishing;

8 (3) to provide technical and other forms of as-
9 sistance to countries in priority regions and priority
10 flag states to combat IUU fishing and seafood fraud,
11 including assistance—

12 (A) to increase local, national, and regional
13 level capacities to counter IUU fishing through
14 the engagement of law enforcement and secu-
15 rity forces;

16 (B) to enhance port capacity and security,
17 including through support to implement the
18 Port State Measures Agreement;

19 (C) to combat corruption and increase
20 transparency and traceability in fisheries man-
21 agement and trade;

22 (D) to enhance information sharing within
23 and across governments and multilateral orga-
24 nizations through the development and use of
25 agreed standards for information sharing; and

1 (E) to support effective, science-based fish-
2 eries management regimes that promote legal
3 and safe fisheries and act as a deterrent to
4 IUU fishing;

5 (4) to promote global maritime security through
6 improved capacity and technological assistance to
7 support improved maritime domain awareness;

8 (5) to engage with priority flag states to en-
9 courage the use of high quality vessel tracking tech-
10 nologies;

11 (6) to engage with multilateral organizations
12 working on fisheries issues, including Regional Fish-
13 eries Management Organizations and the Food and
14 Agriculture Organization of the United Nations, to
15 combat and deter IUU fishing;

16 (7) to advance information sharing across gov-
17 ernments and multilateral organizations in areas
18 that cross multiple jurisdictions, through the devel-
19 opment and use of an agreed standard for informa-
20 tion sharing;

21 (8) to continue to use existing and future trade
22 agreements to combat IUU fishing and seafood
23 fraud;

24 (9) to employ appropriate assets and resources
25 of the United States Government in a coordinated

1 manner to disrupt the illicit networks involved in
2 IUU fishing;

3 (10) to continue to declassify and make avail-
4 able, as appropriate and practicable, technologies de-
5 veloped by the United States Government that can
6 be used to help counter IUU fishing;

7 (11) to recognize the ties of IUU fishing to
8 transnational organized illegal activity, including
9 human trafficking and illegal trade in narcotics and
10 arms, and as applicable, to focus on illicit activity in
11 a coordinated, cross-cutting manner;

12 (12) to recognize and respond to poor working
13 conditions, labor abuses, and other violent crimes in
14 the fishing industry;

15 (13) to increase and improve global trans-
16 parency and traceability along the seafood supply
17 chain as—

18 (A) a deterrent to IUU fishing and seafood
19 fraud; and

20 (B) an approach for strengthening fish-
21 eries management and food security; and

22 (14) to promote technological investment and
23 innovation to combat IUU fishing and seafood
24 fraud.

1 **TITLE I—PROGRAMS TO COM-**
 2 **BAT IUU FISHING AND IN-**
 3 **CREASE MARITIME SECURITY**

4 **SEC. 101. COORDINATION WITH INTERNATIONAL ORGANI-**
 5 **ZATIONS.**

6 The Secretary of State, in conjunction with the Sec-
 7 retary of Commerce, shall coordinate with Regional Fish-
 8 eries Management Organizations and the Food and Agri-
 9 culture Organization of the United Nations, and may co-
 10 ordinate with other relevant international governmental or
 11 nongovernmental organizations, or the private sector, as
 12 appropriate, to enhance regional responses to IUU fishing
 13 and related transnational organized illegal activities.

14 **SEC. 102. ENGAGEMENT OF DIPLOMATIC MISSIONS OF THE**
 15 **UNITED STATES.**

16 Not later than 1 year after the date of the enactment
 17 of this Act, each chief of mission (as defined in section
 18 102 of the Foreign Service Act of 1980 (22 U.S.C. 3902))
 19 to a relevant country in a priority region or to a priority
 20 flag state may, if the Secretary of State determines such
 21 action is appropriate—

22 (1) convene a working group, led by Depart-
 23 ment of State officials, to examine IUU fishing,
 24 which may include stakeholders such as—

1 (A) United States officials from relevant
2 agencies participating in the interagency work-
3 ing group identified in section 201, foreign offi-
4 cials, nongovernmental organizations, the pri-
5 vate sector, and representatives of local fisher-
6 men in the region; and

7 (B) experts on IUU fishing, law enforce-
8 ment, criminal justice, transnational organized
9 illegal activity, defense, intelligence, vessel
10 movement monitoring, and international devel-
11 opment operating in or with knowledge of the
12 region; and

13 (2) designate a counter-IUU Fishing Coordi-
14 nator from among existing personnel at the mission
15 if the chief of mission determines such action is ap-
16 propriate.

17 **SEC. 103. ASSISTANCE BY FEDERAL AGENCIES TO IMPROVE**
18 **LAW ENFORCEMENT WITHIN PRIORITY RE-**
19 **GIONS AND PRIORITY FLAG STATES.**

20 (a) IN GENERAL.—The Secretary of State, in collabo-
21 ration with the Secretary of Commerce and the Secretary
22 of the department in which the Coast Guard is operating,
23 shall provide assistance, as appropriate, in accordance
24 with this section.

1 (b) LAW ENFORCEMENT TRAINING AND COORDINA-
2 TION ACTIVITIES.—The officials referred to in subsection
3 (a) shall evaluate opportunities to provide assistance, as
4 appropriate, to countries in priority regions and priority
5 flag states to improve the effectiveness of IUU fishing en-
6 forcement, with clear and measurable targets and indica-
7 tors of success, including—

8 (1) by assessing and using existing resources,
9 enforcement tools, and legal authorities to coordi-
10 nate efforts to combat IUU fishing with efforts to
11 combat other illegal trade, including weapons, drugs,
12 and human trafficking;

13 (2) by expanding existing IUU fishing enforce-
14 ment training;

15 (3) by providing targeted, country- and region-
16 specific training on combating IUU fishing;

17 (4) by supporting increased effectiveness and
18 transparency of the fisheries enforcement sectors of
19 the governments of such countries; and

20 (5) by supporting increased outreach to stake-
21 holders in the affected communities as key partners
22 in combating and prosecuting IUU fishing.

23 (c) PORT SECURITY ASSISTANCE.—The officials re-
24 ferred to in subsection (a) shall evaluate opportunities to
25 provide assistance, as appropriate, to countries in priority

1 regions and priority flag states to help those states imple-
2 ment programs related to port security and capacity for
3 the purposes of preventing IUU fishing products from en-
4 tering the global seafood market, including support for im-
5 plementing the Port State Measures Agreement.

6 (d) CAPACITY BUILDING FOR INVESTIGATIONS AND
7 PROSECUTIONS.—The officials referred to in subsection
8 (a), in collaboration with the governments of countries in
9 priority regions and of priority flag states, shall evaluate
10 opportunities to assist those countries in designing and
11 implementing programs in such countries, as appropriate,
12 to increase the capacity of IUU fishing enforcement and
13 customs and border security officers to improve their abil-
14 ity—

15 (1) to conduct effective investigations, including
16 using law enforcement techniques such as under-
17 cover investigations and the development of informer
18 networks and actionable intelligence;

19 (2) to conduct vessel boardings and inspections
20 at sea and associated enforcement actions;

21 (3) to exercise existing shiprider agreements
22 and to enter into and implement new shiprider
23 agreements, as appropriate;

24 (4) to conduct vessel inspections at port and as-
25 sociated enforcement actions;

1 (5) to assess technology needs and promote the
2 use of technology to improve monitoring, enforce-
3 ment, and prosecution of IUU fishing;

4 (6) to conduct DNA-based and forensic identi-
5 fication of seafood used in trade;

6 (7) to conduct training on techniques, such as
7 collecting electronic evidence and using computer
8 forensics, for law enforcement personnel involved in
9 complex investigations related to international mat-
10 ters, financial issues, and government corruption
11 that include IUU fishing;

12 (8) to assess financial flows and the use of fi-
13 nancial institutions to launder profits related to IUU
14 fishing;

15 (9) to conduct training on the legal mechanisms
16 that can be used to prosecute those identified in the
17 investigations as alleged perpetrators of IUU fishing
18 and other associated crimes such as trafficking and
19 forced labor; and

20 (10) to conduct training to raise awareness of
21 the use of whistleblower information and ways to
22 incentivize whistleblowers to come forward with
23 original information related to IUU fishing.

24 (e) CAPACITY BUILDING FOR INFORMATION SHAR-
25 ING.—The officials referred to in subsection (a) shall

1 evaluate opportunities to provide assistance, as appro-
2 priate, to key countries in priority regions and priority flag
3 states in the form of training, equipment, and systems de-
4 velopment to build capacity for information sharing re-
5 lated to maritime enforcement and port security.

6 (f) COORDINATION WITH OTHER RELEVANT AGEN-
7 CIES.—The Secretary of State, in collaboration with the
8 Secretary of the department in which the Coast Guard is
9 operating and the Secretary of Commerce, shall coordinate
10 with other relevant agencies, as appropriate, in accordance
11 with this section.

12 **SEC. 104. EXPANSION OF EXISTING MECHANISMS TO COM-**
13 **BAT IUU FISHING.**

14 (a) IN GENERAL.—The Secretary of State, the Ad-
15 ministrator of the United States Agency for International
16 Development, the Secretary of the Department in which
17 the Coast Guard is operating, the Secretary of Defense,
18 the Secretary of Commerce, the Attorney General, and the
19 heads of other appropriate Federal agencies shall assess
20 opportunities to combat IUU fishing by expanding, as ap-
21 propriate, the use of the following mechanisms:

22 (1) Including counter-IUU fishing in existing
23 shiprider agreements in which the United States is
24 a party.

1 (2) Entering into shiprider agreements that in-
2 clude counter-IUU fishing with priority flag states
3 and countries in priority regions with which the
4 United States does not already have such an agree-
5 ment.

6 (3) Including counter-IUU fishing as part of
7 the mission of the Combined Maritime Forces.

8 (4) Including counter-IUU fishing exercises in
9 the annual at-sea exercises conducted by the Depart-
10 ment of Defense, in coordination with the United
11 States Coast Guard.

12 (5) Creating partnerships similar to the Oce-
13 ania Maritime Security Initiative and the Africa
14 Maritime Law Enforcement Partnership in other
15 priority regions.

16 (6) Creating incentives for informants.

17 (b) INCENTIVES FOR INFORMANTS.—

18 (1) IN GENERAL.—Any person who reports a
19 violation of an IUU fishing law, rule, or regulation
20 may apply to the Department of Justice for a re-
21 ward.

22 (2) APPLICABLE PROCEDURES.—

23 (A) IN GENERAL.—Except as provided in
24 subparagraph (B), the procedures set forth in
25 section 7623(b) of the Internal Revenue Code

of 1986 (except for paragraph (5)) shall apply to any application under paragraph (1).

(B) EXCEPTIONS.—

(i) JUDICIAL REVIEW.—An informant who applies for a reward under paragraph (1) may seek judicial review of a decision by the Department of Justice in the appropriate United States District Court.

(ii) AMOUNT OF REWARD.—Proceeds payable to an informant under this subsection shall include any civil, criminal, or administrative monetary sanction paid to the Federal Government in any IUU fishing case or related action.

(iii) PAYMENT DEADLINE.—Not later than 90 days after the payment of the proceeds described in clause (ii), the Attorney General shall pay the informant who is eligible for a reward under this subsection.

SEC. 105. IMPROVEMENT OF TRANSPARENCY AND TRACEABILITY PROGRAMS.

The Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Department in which the Coast Guard is operating, the Secretary of Commerce, and the heads

1 of other Federal agencies, if merited, shall work, as appro-
2 priate, with priority flag states and key countries in pri-
3 ority regions—

4 (1) to increase knowledge within such countries
5 about the United States transparency and
6 traceability standards for imports of seafood and
7 seafood products;

8 (2) to improve the capacity of seafood indus-
9 tries within such countries through information
10 sharing and training to meet the requirements of
11 Seafood Import Monitoring Program or similar
12 transparency and traceability standards for seafood
13 and seafood product imports, including catch docu-
14 mentation and trade tracking programs adopted by
15 relevant regional fisheries management organiza-
16 tions;

17 (3) to improve the capacities of government, in-
18 dustry, and civil society groups to develop and imple-
19 ment comprehensive traceability systems that—

20 (A) deter IUU fishing;

21 (B) strengthen fisheries management; and

22 (C) enhance maritime domain awareness;

23 (4) to support the implementation of seafood
24 traceability standards in such countries to prevent
25 IUU fishing products from entering the global sea-

1 food market and assess capacity and training needs
2 in those countries;

3 (5) to utilize harvest, landing, vessel tracking,
4 and other relevant data that may be collected in re-
5 sponse to requirements of seafood traceability pro-
6 grams—

7 (A) to improve fisheries dependent data
8 systems; and

9 (B) to achieve sound management and con-
10 servation of fisheries resources; and

11 (6) to address, as appropriate, broader under-
12 lying causes of IUU fishing, including weak policies
13 and systems, domestic resourcing, and corruption.

14 **SEC. 106. TECHNOLOGY PROGRAMS.**

15 The Secretary of State, the Administrator of the
16 United States Agency for International Development, the
17 Secretary of the Department in which the Coast Guard
18 is operating, the Secretary of Defense, the Secretary of
19 Commerce, and the heads of other Federal agencies, as
20 appropriate, shall pursue programs to expand the role of
21 technology for combating IUU fishing and seafood fraud,
22 including by—

23 (1) promoting the use of technology to combat
24 IUU fishing and seafood fraud;

1 (2) assessing the technology needs, including
2 vessel tracking technologies and data sharing, in pri-
3 ority regions and priority flag states;

4 (3) engaging with priority flag states to encour-
5 age the mandated use of vessel tracking tech-
6 nologies, including vessel monitoring systems, AIS,
7 or other vessel movement monitoring technologies on
8 fishing vessels and transshipment vessels at all
9 times, as appropriate, while at sea as a means to
10 identify IUU fishing activities and the shipment of
11 illegally caught fish products; and

12 (4) building partnerships with the private sec-
13 tor, including universities, nonprofit research organi-
14 zations, the seafood industry, and the technology,
15 transportation and logistics sectors, to leverage new
16 and existing technologies and data analytics to ad-
17 dress IUU fishing and seafood fraud.

18 **SEC. 107. INFORMATION SHARING.**

19 The Director of National Intelligence, in conjunction
20 with other agencies, as appropriate, shall develop an enter-
21 prise approach to appropriately share information and
22 data within the United States Government or with other
23 countries or nongovernmental organizations, or the private
24 sector, as appropriate, on IUU fishing and other con-
25 nected transnational organized illegal activity occurring in

1 priority regions and elsewhere, including big data analytics
2 and machine learning.

3 **TITLE II—ESTABLISHMENT OF**
4 **INTERAGENCY WORKING**
5 **GROUP ON IUU FISHING AND**
6 **SEAFOOD FRAUD**

7 **SEC. 201. INTERAGENCY WORKING GROUP ON IUU FISHING**
8 **AND SEAFOOD FRAUD.**

9 (a) IN GENERAL.—There is established a collabo-
10 rative interagency working group on maritime security,
11 IUU fishing, and seafood fraud (referred to in this title
12 as the “Working Group”).

13 (b) MEMBERS.—The members of the Working Group
14 shall be composed of—

15 (1) 1 chair, who shall be appointed by the Com-
16 mandant of the United States Coast Guard;

17 (2) 2 deputy chairs, who shall be appointed by
18 their respective agency heads, from—

19 (A) the Department of State; and

20 (B) the National Oceanic and Atmospheric
21 Administration;

22 (3) 12 members, who shall be appointed by
23 their respective agency heads, from—

24 (A) the Department of Defense;

25 (B) the United States Navy;

1 (C) the United States Agency for Inter-
2 national Development;

3 (D) the United States Fish and Wildlife
4 Service;

5 (E) the Department of Justice;

6 (F) the Department of the Treasury;

7 (G) U.S. Customs and Border Protection;

8 (H) U.S. Immigration and Customs En-
9 forcement;

10 (I) the Federal Trade Commission;

11 (J) the National Institute of Food and Ag-
12 riculture;

13 (K) the Food and Drug Administration;
14 and

15 (L) the Department of Labor;

16 (4) 1 or more members from the intelligence
17 community, who shall be appointed by the Director
18 of National Intelligence; and

19 (5) 5 members, who shall be appointed by the
20 President, from—

21 (A) the National Security Council;

22 (B) the Council on Environmental Quality;

23 (C) the Office of Management and Budget;

24 (D) the Office of Science and Technology
25 Policy; and

1 (E) the Office of the United States Trade
2 Representative.

3 (c) RESPONSIBILITIES.—The Working Group shall
4 ensure an integrated, Federal Government-wide response
5 to IUU fishing and seafood fraud globally, including by—

6 (1) improving the coordination of Federal agen-
7 cies to identify, interdict, investigate, prosecute, and
8 dismantle IUU fishing operations and organizations
9 perpetrating and knowingly benefitting from IUU
10 fishing and seafood fraud in the United States and
11 abroad;

12 (2) assessing areas for increased interagency in-
13 formation sharing on matters related to IUU fishing
14 and related crimes;

15 (3) establishing standards for information shar-
16 ing related to maritime enforcement;

17 (4) developing a strategy to determine how mili-
18 tary assets and intelligence can contribute to en-
19 forcement strategies to combat IUU fishing;

20 (5) increasing maritime domain awareness re-
21 lating to IUU fishing and related crimes and devel-
22 oping a strategy to leverage awareness for enhanced
23 enforcement and prosecution actions against IUU
24 fishing;

1 (6) supporting the implementation of the Port
2 State Measures Agreement in relevant countries and
3 assessing the capacity and training needs in such
4 countries;

5 (7) outlining a strategy to coordinate, increase,
6 and use shiprider agreements between the Depart-
7 ment of Defense or the Coast Guard and relevant
8 countries;

9 (8) enhancing cooperation with partner govern-
10 ments to combat IUU fishing and seafood fraud;

11 (9) identifying opportunities for increased infor-
12 mation sharing between Federal agencies and part-
13 ner governments working to combat IUU fishing and
14 seafood fraud;

15 (10) consulting and coordinating with the sea-
16 food industry and nongovernmental stakeholders
17 that work to combat IUU fishing and seafood fraud;

18 (11) supporting the work of collaborative inter-
19 national initiatives to make available certified data
20 from State authorities about vessel and vessel-re-
21 lated activities related to IUU fishing;

22 (12) supporting the identification and certifi-
23 cation procedures to address IUU fishing in accord-
24 ance with the High Seas Driftnet Fishing Morato-
25 rium Protection Act (16 U.S.C. 1826d et seq.); and

1 (13) developing a strategy for raising domestic
2 awareness of the issues relating to IUU fishing and
3 seafood fraud, including publishing annual reports
4 summarizing nonsensitive information about the
5 Working Group’s efforts to investigate, enforce, and
6 prosecute groups and individuals engaging in IUU
7 fishing and seafood fraud.

8 **SEC. 202. STRATEGIC PLAN.**

9 (a) STRATEGIC PLAN.—Not later than 2 years after
10 the date of the enactment of this Act, the Working Group
11 shall submit to Congress a 5-year integrated strategic plan
12 on combating IUU fishing and enhancing maritime secu-
13 rity, including specific strategies with monitoring bench-
14 marks for addressing IUU fishing in priority regions.

15 (b) IDENTIFICATION OF PRIORITY REGIONS AND
16 PRIORITY FLAG STATES.—

17 (1) IN GENERAL.—The strategic plan submitted
18 under subsection (a) shall identify priority regions
19 and priority flag states to be the focus of assistance
20 coordinated by the Working Group under section
21 201.

22 (2) PRIORITY REGION SELECTION CRITERIA.—
23 In selecting priority regions under paragraph (1),
24 the Working Group shall select regions that—

1 (A) are at high risk for IUU fishing activ-
2 ity or the entry of illegally caught seafood into
3 their markets; and

4 (B) lack the capacity to fully address the
5 issues described in subparagraph (A).

6 (3) PRIORITY FLAG STATES SELECTION CRI-
7 TERIA.—In selecting priority flag states under para-
8 graph (1), the Working Group shall select coun-
9 tries—

10 (A) the flagged vessels of which actively
11 engage in, knowingly profit from, or are
12 complicit in IUU fishing; and

13 (B) that are willing, but lack the capacity,
14 to police their fleet.

15 **SEC. 203. REPORTS.**

16 Not later than 5 years after the submission of the
17 5-year integrated strategic plan under section 202, and
18 every 5 years thereafter, the Working Group shall submit
19 a report to the Committee on Commerce, Science, and
20 Transportation of the Senate, the Committee on Foreign
21 Relations of the Senate, the Committee on Appropriations
22 of the Senate, the Committee on Natural Resources of the
23 House of Representatives, the Committee on Foreign Af-
24 fairs of the House of Representatives, and the Committee

1 on Appropriations of the House of Representatives that
2 contains—

3 (1) a summary of global and regional trends in
4 IUU fishing and seafood fraud;

5 (2) an assessment of the extent of the conver-
6 gence between transnational organized illegal activ-
7 ity, including human trafficking and forced labor,
8 and IUU fishing;

9 (3) an assessment of the topics, data sources,
10 and strategies that would benefit from increased in-
11 formation sharing and recommendations regarding
12 harmonization of data collection and sharing;

13 (4) an assessment of assets, including military
14 assets and intelligence, which can be used for either
15 enforcement operations or strategies to combat IUU
16 fishing;

17 (5) summaries of the situational threats with
18 respect to IUU fishing in priority regions and an as-
19 sessment of the capacity of countries within such re-
20 gions to respond to those threats;

21 (6) an assessment of the progress of countries
22 in priority regions in responding to those threats as
23 a result of assistance by the United States pursuant
24 to the strategic plan developed under section 202,
25 including—

1 (A) the identification of—

2 (i) relevant supply routes, ports of
3 call, methods of landing and entering ille-
4 gally caught product into legal supply
5 chains, and financial institutions used in
6 each country by participants engaging in
7 IUU fishing; and

8 (ii) indicators of IUU fishing that are
9 related to money laundering;

10 (B) an assessment of the adherence of
11 countries in priority regions to international
12 treaties related to IUU fishing, including the
13 Port State Measures Agreement;

14 (C) an assessment of the implementation
15 by countries in priority regions of seafood
16 traceability or capacity to apply traceability to
17 verify the legality of catch and strengthen fish-
18 eries management;

19 (D) an assessment of the capacity of coun-
20 tries in priority regions to implement shiprider
21 agreements;

22 (E) an assessment of the capacity of coun-
23 tries in priority regions to increase maritime
24 domain awareness; and

1 (F) an assessment of the capacity of gov-
2 ernments of relevant countries in priority re-
3 gions to sustain the programs for which the
4 United States has provided assistance under
5 this Act;

6 (7) an assessment of the capacity of priority
7 flag states to track the movement of and police their
8 fleet, prevent their flagged vessels from engaging in
9 IUU fishing, and enforce applicable laws and regula-
10 tions; and

11 (8) an assessment of the extent of involvement
12 in IUU fishing of organizations designated as for-
13 eign terrorist organizations under section 219 of the
14 Immigration and Nationality Act (8 U.S.C. 1189).

15 **SEC. 204. GULF OF MEXICO IUU FISHING SUBWORKING**
16 **GROUP.**

17 (a) IN GENERAL.—Not later than 90 days after the
18 date of the enactment of this Act, the Administrator of
19 the National Oceanic and Atmospheric Administration, in
20 coordination with the Coast Guard and the Department
21 of State, shall establish a subworking group to address
22 IUU fishing in the exclusive economic zone of the United
23 States in the Gulf of Mexico.

24 (b) FUNCTIONS.—The subworking group established
25 under subsection (a) shall identify—

1 (1) Federal actions taken and policies estab-
2 lished during the 5-year period immediately pre-
3 ceding the date of the enactment of this Act with re-
4 spect to IUU fishing in the exclusive economic zone
5 of the United States in the Gulf of Mexico, including
6 such actions and policies related to—

7 (A) the surveillance, interdiction, and pros-
8 ecution of any foreign nationals engaged in
9 such fishing; and

10 (B) the application of the provisions of the
11 High Seas Driftnet Fishing Moratorium Protec-
12 tion Act (16 U.S.C. 1826d et seq.) to any rel-
13 evant nation, including the status of any past
14 or ongoing consultations and certification proce-
15 dures;

16 (2) actions and policies, in addition to the ac-
17 tions and policies described in paragraph (1), each
18 of the Federal agencies described in subsection (a)
19 can take, using existing resources, to combat IUU
20 fishing in the exclusive economic zone of the United
21 States in the Gulf of Mexico; and

22 (3) any additional authorities that could assist
23 each such agency in more effectively addressing such
24 IUU fishing.

1 (c) REPORT.—Not later than 1 year after the IUU
2 Fishing Subworking Group is established under subsection
3 (a), the group shall submit a report to the Committee on
4 Commerce, Science, and Transportation of the Senate and
5 the Committee on Natural Resources of the House of Rep-
6 resentatives that contains—

7 (1) the findings identified pursuant to sub-
8 section (b); and

9 (2) a timeline for each of the Federal agencies
10 described in subsection (a) to implement each action
11 or policy identified pursuant to subsection (b)(2).

12 **TITLE III—COMBATING HUMAN**
13 **TRAFFICKING IN CONNEC-**
14 **TION WITH THE CATCHING**
15 **AND PROCESSING OF SEA-**
16 **FOOD PRODUCTS**

17 **SEC. 301. FINDING.**

18 Congress finds that human trafficking is a pervasive
19 problem in the catching and processing of certain seafood
20 products imported into the United States, particularly sea-
21 food products obtained through illegal, unreported, and
22 unregulated fishing.

1 **SEC. 302. ADDING THE SECRETARY OF COMMERCE TO THE**
2 **INTERAGENCY TASK FORCE TO MONITOR**
3 **AND COMBAT TRAFFICKING.**

4 Section 105(b) of the Victims of Trafficking and Vio-
5 lence Protection Act of 2000 (22 U.S.C. 7103(b)) is
6 amended by inserting “the Secretary of Commerce,” after
7 “the Secretary of Education,”.

8 **SEC. 303. HUMAN TRAFFICKING IN THE SEAFOOD SUPPLY**
9 **CHAIN REPORT.**

10 (a) IN GENERAL.—Not later than 1 year after the
11 date of the enactment of this Act, the Administrator of
12 the National Oceanic and Atmospheric Administration
13 and the Commissioner of the Food and Drug Administra-
14 tion shall jointly submit a report to Congress that de-
15 scribes the existence of human trafficking in the supply
16 chains of seafood products imported into the United
17 States.

18 (b) REPORT ELEMENTS.—The report required under
19 subsection (a) shall include—

20 (1) a list of the countries at risk for human
21 trafficking in their seafood catching and processing
22 industries, and an assessment of such risk for each
23 listed country;

24 (2) a description of the quantity and economic
25 value of seafood products imported into the United

1 States from the countries on the list compiled pursu-
2 ant to paragraph (1);

3 (3) a description and assessment of the meth-
4 ods, if any, in the countries on the list compiled pur-
5 suant to paragraph (1) to trace and account for the
6 manner in which seafood is caught;

7 (4) a description of domestic and international
8 enforcement mechanisms to deter illegal practices in
9 the catching of seafood in the countries on the list
10 compiled pursuant to paragraph (1); and

11 (5) such recommendations as the Administrator
12 and the Commissioner jointly consider appropriate
13 for legislative or administrative action to enhance
14 and improve actions against human trafficking in
15 the catching and processing of seafood products out-
16 side of United States waters.

17 **TITLE IV—AUTHORIZATION OF** 18 **APPROPRIATIONS**

19 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated such sums
21 as may be necessary to carry out the activities required
22 under this Act.

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