

Union Calendar No. 493

117TH CONGRESS
2^D SESSION

H. R. 3075

[Report No. 117-674, Part I]

To address seafood slavery and combat illegal, unreported, or unregulated fishing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2021

Mr. HUFFMAN (for himself and Mr. GRAVES of Louisiana) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Ways and Means, Transportation and Infrastructure, Agriculture, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

DECEMBER 30, 2022

Additional sponsors: Mr. PALAZZO, Mr. CASE, Ms. NORTON, Mr. LOWENTHAL, Ms. BARRAGÁN, Mr. BLUMENAUER, Mr. MOORE of Alabama, Mr. DEFazio, Ms. TITUS, Mr. SABLAN, Ms. ROSS, Ms. BROWNLEY, Mr. FITZPATRICK, Mr. QUIGLEY, Mr. KILMER, Ms. JAYAPAL, Mr. CRIST, and Mr. MRVAN

DECEMBER 30, 2022

Reported from the Committee on Natural Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

DECEMBER 30, 2022

Committees on Ways and Means, Transportation and Infrastructure, Agriculture, and Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 11, 2021]

A BILL

To address seafood slavery and combat illegal, unreported, or unregulated fishing, 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.**

4 *This Act may be cited as the “Illegal Fishing and*
5 *Forced Labor Prevention Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act, the following definitions apply:*

8 (1) *OPPRESSIVE CHILD LABOR.*—*The term “op-*
9 *pressive child labor” has the meaning given such term*
10 *in section 3 of the Fair Labor Standards Act of 1938*
11 *(29 U.S.C. 203).*

12 (2) *FORCED LABOR.*—*The term “forced labor”*
13 *means any labor or service provided for or obtained*
14 *by any means described in section 1589(a) of title 18,*
15 *United States Code.*

16 (3) *HUMAN TRAFFICKING.*—*The term “human*
17 *trafficking” has the meaning given the term “severe*
18 *forms of trafficking in persons” in section 103 of the*
19 *Trafficking Victims Protection Act of 2000 (22 U.S.C.*
20 *7102).*

21 (4) *ILLEGAL, UNREPORTED, OR UNREGULATED*
22 *FISHING.*—*The term “illegal, unreported, or unregu-*
23 *lated fishing” has the meaning given such term in*
24 *section 609 of the High Seas Driftnet Fishing Morato-*

1 *rium Protection Act (16 U.S.C. 1826j(e)), as amended*
2 *by this Act.*

3 (5) *SEAFOOD.*—*The term “seafood” means fish*
4 *meal, and all marine animal and plant life meant for*
5 *consumption as food other than marine mammals*
6 *and birds, including fish, shellfish, shellfish products,*
7 *and processed fish.*

8 (6) *SEAFOOD FRAUD.*—*The term “seafood fraud”*
9 *means the mislabeling or misrepresentation of the in-*
10 *formation required under this Act or other any other*
11 *Federal law or international agreement (other than*
12 *this Act) pertaining to the import, export, transport,*
13 *sale, harvest, processing, or trade of seafood, includ-*
14 *ing—*

15 (A) *the Magnuson-Stevens Fishery Con-*
16 *servation and Management Act (16 U.S.C. 1801*
17 *et seq.);*

18 (B) *the Lacey Act Amendments of 1981 (16*
19 *U.S.C. 3371 et seq.);*

20 (C) *the Federal Food, Drug, and Cosmetic*
21 *Act (21 U.S.C. 301 et seq.);*

22 (D) *the FDA Food Safety Modernization*
23 *Act (Public Law 111–353);*

24 (E) *the Fair Packaging and Labeling Act*
25 *(15 U.S.C. 1451 et seq.);*

1 (F) subtitle D of the Agricultural Marketing
2 Act of 1946 (7 U.S.C. 1638 et seq.);

3 (G) parts 60 and 65 of title 7, Code of Fed-
4 eral Regulations (or any successor regulations);

5 (H) part 123 of title 21, Code of Federal
6 Regulations (or any successor regulations); and

7 (I) section 216.24 of title 50, Code of Fed-
8 eral Regulations.

9 (7) SEAFOOD IMPORT MONITORING PROGRAM.—

10 The term “Seafood Import Monitoring Program”
11 means the Seafood Traceability Program established
12 under section 300.324 of title 50, Code of Federal
13 Regulations.

14 (8) SECRETARY.—The term “Secretary” means
15 the Secretary of Commerce, acting through the Ad-
16 ministrators of the National Oceanic and Atmospheric
17 Administration.

18 **TITLE I—COMBATING HUMAN**
19 **TRAFFICKING THROUGH SEA-**
20 **FOOD IMPORT MONITORING**

21 **SEC. 101. DEFINITIONS.**

22 In this title, the following additional definitions apply:

23 (1) COMPETENT AUTHORITY.—The term “com-
24 petent authority” means government and any third
25 party that meets certain governing criteria. Such cri-

1 *teria shall be established by regulation, after outreach*
2 *to key environmental and labor stakeholders.*

3 (2) *UNIQUE VESSEL IDENTIFIER.—The term*
4 *“unique vessel identifier” means a unique number*
5 *that stays with a vessel for the duration of the vessel’s*
6 *life, regardless of changes in flag, ownership, name, or*
7 *other changes to the vessel.*

8 **SEC. 102. EXPANSION OF SEAFOOD IMPORT MONITORING**
9 **PROGRAM TO ALL SPECIES.**

10 *The Secretary shall, not later than 2 years after the*
11 *date of enactment of this Act, expand the Seafood Import*
12 *Monitoring Program to apply to all seafood and seafood*
13 *products imported into the United States.*

14 **SEC. 103. ENHANCEMENT OF SEAFOOD IMPORT MONI-**
15 **TORING PROGRAM AUTOMATED COMMERCIAL**
16 **ENVIRONMENT MESSAGE SET.**

17 *The Secretary of Commerce, acting through the Ad-*
18 *ministrators of the National Oceanic and Atmospheric Ad-*
19 *ministration, in coordination with the Commissioner of*
20 *U.S. Customs and Border Protection, shall, not later than*
21 *6 months after the date of enactment of this Act, develop*
22 *a strategy to improve the quality and verifiability of al-*
23 *ready collected Seafood Import Monitoring Program Mes-*
24 *sage Set data elements in the Automated Commercial Envi-*
25 *ronment system that prioritizes the use of enumerated data*

1 *types, such as checkboxes, dropdown menus, or radio but-*
 2 *tons, and any additional elements the Agency finds nec-*
 3 *essary, among other options, rather than open text fields,*
 4 *for—*

5 *(1) authorization to fish;*

6 *(2) unique vessel identifier (if available);*

7 *(3) catch document identifier;*

8 *(4) location of wild-capture harvest and landing*
 9 *or aquaculture location;*

10 *(5) type of fishing gear used to harvest the fish;*

11 *(6) name of farm or aquaculture facility, if ap-*
 12 *plicable; and*

13 *(7) location of aquaculture facility, if applicable.*

14 **SEC. 104. ADDITIONAL DATA REQUIREMENTS FOR SEAFOOD**

15 **IMPORT MONITORING PROGRAM DATA COL-**
 16 **LECTION.**

17 *(a) IN GENERAL.—Not later than one year after date*
 18 *of enactment of this Act, the Secretary shall revise section*
 19 *300.324 of title 50, Code of Federal Regulations, to—*

20 *(1) require at the time of entry for imported sea-*
 21 *food and seafood products—*

22 *(A) location of catch or cultivation, includ-*
 23 *ing—*

1 (i) *geographic location at a resolution*
2 *of not less than 1 degree latitude by 1 de-*
3 *gree longitude;*

4 (ii) *the country code of the Inter-*
5 *national Organization for Standardization*
6 *if the catch was within the exclusive eco-*
7 *nomie zone or territorial waters of a coun-*
8 *try;*

9 (iii) *if appropriate, the regional fish-*
10 *eries management organization or organiza-*
11 *tions having jurisdiction over the catch, if*
12 *it occurs within the jurisdiction of any re-*
13 *gional fisheries management organization;*
14 *and*

15 (iv) *the Food and Agriculture Organi-*
16 *zation major fishing area codes;*

17 (B) *electronic reports of chain-of-custody*
18 *records that identify, including with unique ves-*
19 *sel identifiers when applicable, each custodian of*
20 *the seafood, including transshippers, processors,*
21 *storage facilities, and distributors and the phys-*
22 *ical address of such facilities;*

23 (C) *maritime mobile service identity num-*
24 *ber of harvesting and transshipment vessels; and*

1 (D) *beneficial owner of each harvesting and*
2 *transshipment vessel or aquaculture facility,*
3 *when applicable;*

4 (2) *require all importers submitting seafood im-*
5 *port data to require prior notification and submis-*
6 *sion of seafood import data at least 72 hours and no*
7 *more than 15 days prior to entry; and*

8 (3) *require verification and certification of har-*
9 *vest information by competent authorities at all*
10 *major transfer points in the supply chain, including*
11 *harvest, landing, processing, and transshipment at*
12 *the time of entry.*

13 (b) *FORCED LABOR.—The Secretary, working in direct*
14 *consultation with the Secretary of Homeland Security, De-*
15 *partment of Labor, and Department of State, shall, not*
16 *later than one year after the date of enactment of this Act,*
17 *complete a regulatory process to establish additional key*
18 *data elements for the Seafood Import Monitoring Program,*
19 *that collect information about labor conditions in the har-*
20 *vest, transshipment, and processing of imported fish and*
21 *fish products.*

22 (c) *INTERNATIONAL FISHERIES TRADE PERMIT.—Not*
23 *later than one year after the date of enactment of this Act,*
24 *the Secretary shall—*

1 (1) *publish and maintain on the website of the*
2 *National Marine Fisheries Service a list of all current*
3 *International Fisheries Trade Permit holders, includ-*
4 *ing the name of the permit holder and expiration date*
5 *of the permit;*

6 (2) *begin to revoke, modify, or deny issuance of*
7 *an International Fisheries Trade with respect to a*
8 *permit holder or applicant that has violated any re-*
9 *quirement of section 300.322, 300.323, 300.324, or*
10 *300.325 of title 50, Code of Federal Regulations; and*

11 (3) *require an International Fisheries Trade*
12 *Permit for importers.*

13 **SEC. 105. EFFORTS TO IMPROVE DETECTION OF AT-RISK**
14 **SEAFOOD IMPORTS.**

15 *The Secretary of Commerce, in consultation with the*
16 *Secretary of Homeland Security, Secretary of Labor, and*
17 *the Secretary of State, shall, not later than one year after*
18 *the date of enactment of this Act, finalize a detailed stra-*
19 *tegic plan to develop, mature, and adopt artificial intel-*
20 *ligence and machine learning technologies to detect imports*
21 *of fish and fish products at risk of being associated with*
22 *illegal, unreported, or unregulated fishing, human traf-*
23 *ficking, forced labor, and seafood fraud, and provide a de-*
24 *tailed report of such strategic plan to the Committee on*

1 *Natural Resources of the House of Representatives, and*
2 *Committee on Commerce of the Senate.*

3 **SEC. 106. IMPORT AUDITS.**

4 (a) *AUDIT PROCEDURES.*—*The Secretary shall, not*
5 *later than 1 year after the date of enactment of this Act,*
6 *implement procedures to audit information and supporting*
7 *records of sufficient numbers of imports of seafood and sea-*
8 *food products subject to the Seafood Import Monitoring Pro-*
9 *gram to support statistically robust conclusions that the*
10 *samples audited are representative of all seafood imports*
11 *with respect to a given year.*

12 (b) *ANNUAL REVISION.*—*In developing the procedures*
13 *required in subsection (a), the Secretary shall, not less fre-*
14 *quently than once each year, revise such procedures to*
15 *prioritize for audit those imports originating from coun-*
16 *tries—*

17 (1) *identified pursuant to sections 609(b) or*
18 *610(a) of the High Seas Driftnet Fishing Moratorium*
19 *Protection Act (16 U.S.C. 1826j(b) or 1826k(a)) that*
20 *have not yet received a subsequent positive certifi-*
21 *cation pursuant to sections 609(d) or 610(c) of such*
22 *Act, respectively;*

23 (2) *identified by an appropriate regional fishery*
24 *management organization as being the flag state or*
25 *landing location of vessels identified by other coun-*

1 *tries or regional fisheries management organizations*
2 *as engaging in illegal, unreported, or unregulated*
3 *fishing;*

4 *(3) identified as having human trafficking, in-*
5 *cluding forced labor, in any part of the seafood sup-*
6 *ply chain, including on vessels flagged in such coun-*
7 *try and including feed for cultured production, in the*
8 *most recent Trafficking in Persons Report issued by*
9 *the Department of State in accordance with the Traf-*
10 *ficking Victims Protection Act of 2000 (22 U.S.C.*
11 *7101 et seq.);*

12 *(4) identified as producing goods that contain*
13 *seafood using forced labor or oppressive child labor in*
14 *the most recent List of Goods Produced by Child*
15 *Labor or Forced Labor in accordance with the Traf-*
16 *ficking Victims Protection Act (22 U.S.C. 7101 et*
17 *seq.); and*

18 *(5) identified as at risk for human trafficking,*
19 *including forced labor, in their seafood catching and*
20 *processing industries by the report required in section*
21 *3563 of the National Defense Authorization Act for*
22 *Fiscal Year 2020 (Public Law 116–92).*

23 **SEC. 107. INTERAGENCY COORDINATION.**

24 *The Secretary shall coordinate with the relevant agen-*
25 *cies to ensure that data elements described in this title can*

1 *be submitted through the International Trade Data System*
2 *Automated Commercial Environment to U.S. Customs and*
3 *Border Protection.*

4 **SEC. 108. AVAILABILITY OF FISHERIES INFORMATION.**

5 *(a) IN GENERAL.—Section 402(b)(1) of the Magnuson-*
6 *Stevens Fishery Conservation and Management Act (16*
7 *U.S.C. 1881a(b)(1)) is amended by striking “or” after the*
8 *semicolon at the end of subparagraph (G), by striking the*
9 *period at the end of subparagraph (H) and inserting “; or”*
10 *, and by adding at the end the following:*

11 *“(I) to Federal agencies responsible for*
12 *screening of imported seafood and for the pur-*
13 *pose of carrying out the duties under or with re-*
14 *spect to—*

15 *“(i) the Seafood Import Monitoring*
16 *Program;*

17 *“(ii) the Antarctic Marine Living Re-*
18 *sources Program;*

19 *“(iii) the Tuna Tracking and*
20 *Verification Program;*

21 *“(iv) the Atlantic Highly Migratory*
22 *Species International Trade Program;*

23 *“(v) the List of Goods Produced by*
24 *Child Labor or Forced Labor in accordance*

1 *with the Trafficking Victims Protection Act*
2 *of 2000 (22 U.S.C. 7101 et seq.);*

3 *“(vi) the Trafficking in Persons Report*
4 *required by section 110 of the Trafficking*
5 *Victims Protection Act of 2000 (22 U.S.C.*
6 *7107);*

7 *“(vii) enforcement activities and regu-*
8 *lations authorized under section 307 of the*
9 *Tariff Act of 1930 (19 U.S.C. 1307); and*

10 *“(viii) the taking and related acts in*
11 *commercial fishing operations under section*
12 *216.24 of title 50, Code of Federal Regula-*
13 *tions;*

14 *“(J) to Federal, State and local agencies for*
15 *the purposes of verification and enforcement of*
16 *title II of this Act; or*

17 *“(K) information that pertains to catch*
18 *documentation and legality of catch, if disclosure*
19 *of that information would not materially dam-*
20 *age the value of catch or business.”.*

21 *(b) IMPLEMENTATION DEADLINE.—Not later than 1*
22 *year after the date of enactment of this Act, the Secretary*
23 *shall issue regulations implementing the amendments in*
24 *this section.*

1 **SEC. 109. REPORT ON SEAFOOD IMPORT MONITORING.**

2 (a) *REPORT TO CONGRESS AND PUBLIC AVAILABILITY*
3 *OF REPORTS.*—*The Secretary shall, not later than 120 days*
4 *after the end of each fiscal year and annually thereafter,*
5 *submit to the Committee on Natural Resources of the House*
6 *of Representatives and the Committee on Commerce,*
7 *Science, and Transportation of the Senate a report that*
8 *summarizes the National Marine Fisheries Service’s efforts*
9 *to prevent the importation of seafood harvested through ille-*
10 *gal, unreported, or unregulated fishing, particularly with*
11 *respect to seafood harvested, produced, processed, or manu-*
12 *factured by forced labor. Each such report shall be made*
13 *publicly available on the Internet website of the National*
14 *Oceanic and Atmospheric Administration.*

15 (b) *CONTENTS.*—*Each report submitted under sub-*
16 *section (a) shall include—*

17 (1) *the volume and value of seafood species sub-*
18 *ject to the Seafood Import Monitoring Program, de-*
19 *scribed in section 300.324 of title 50, Code of Federal*
20 *Regulations, reported by 10-digit Harmonized Tariff*
21 *Schedule of the United States codes, imported during*
22 *the previous fiscal year;*

23 (2) *the enforcement activities and priorities of*
24 *the National Marine Fisheries Service with respect to*
25 *implementing the requirements under the Seafood Im-*
26 *port Monitoring Program;*

1 (3) *the percentage of import shipments subject to*
2 *this program selected for inspection or the informa-*
3 *tion or records supporting entry selected for audit, as*
4 *described in section 300.324(d) of title 50, Code of*
5 *Federal Regulations;*

6 (4) *the number and types of instances of non-*
7 *compliance with the requirements of the Seafood Im-*
8 *port Monitoring Program;*

9 (5) *the number and types of instances of viola-*
10 *tions of State or Federal law discovered through the*
11 *Seafood Import Monitoring Program;*

12 (6) *the seafood species with respect to which vio-*
13 *lations described in paragraphs (4) and (5) were most*
14 *prevalent;*

15 (7) *the location of catch or harvest with respect*
16 *to which violations described in paragraphs (4) and*
17 *(5) were most prevalent; and*

18 (8) *such other information as the Secretary con-*
19 *siders appropriate with respect to monitoring and en-*
20 *forcing compliance with the Seafood Import Moni-*
21 *toring Program.*

22 **SEC. 110. AUTHORIZATION OF APPROPRIATIONS.**

23 *There is authorized to be appropriated to the Commis-*
24 *sioner of U.S. Customs and Border Protection to carry out*
25 *enforcement actions pursuant to section 307 of the Tariff*

1 Act \$20,000,000 for each of fiscal years 2021 through 2025
2 for enforcement of section 307 of the Tariff Act of 1930 (19
3 U.S.C. 1307).

4 **TITLE II—SEAFOOD**
5 **TRACEABILITY AND LABELING**

6 **SEC. 201. FEDERAL ACTIVITIES ON SEAFOOD SAFETY AND**
7 **FRAUD.**

8 (a) NATIONAL SEA GRANT COLLEGE PROGRAM.—The
9 Administrator of the National Oceanic and Atmospheric
10 Administration shall ensure that seafood inspection activi-
11 ties are coordinated with the National Sea Grant College
12 Program established by the National Sea Grant College and
13 Program Act of 1966 (33 U.S.C. 1121 et seq.) which may
14 provide outreach to the States, local health agencies, con-
15 sumers, and the seafood industry on seafood safety and sea-
16 food fraud, as needed.

17 (b) INSPECTING TO PREVENT SEAFOOD FRAUD.—The
18 Secretary of Commerce and the Secretary of Health and
19 Human Services, in coordination with the Secretary of
20 Homeland Security, shall, to the maximum extent prac-
21 ticable, ensure that inspections and tests for seafood safety
22 also collect information for seafood fraud prevention.

23 **SEC. 202. SEAFOOD LABELING AND IDENTIFICATION.**

24 (a) IN GENERAL.—The Secretary, in coordination
25 with other relevant agencies shall, not later than three years

1 *after the date of enactment of this Act, implement the fol-*
2 *lowing requirements with respect to fish and fish products*
3 *imported into the United States or otherwise distributed or*
4 *offered for sale in interstate commerce:*

5 (1) *TRACEABILITY.—A requirement that the fol-*
6 *lowing information shall accompany seafood through*
7 *processing and distribution:*

8 (A) *The United Nations Food and Agri-*
9 *culture Organization Major Fishing Area, or a*
10 *more specific location, in which the seafood was*
11 *caught or cultivated.*

12 (B) *The acceptable market name (as deter-*
13 *mined by the Food and Drug Administration),*
14 *scientific name, and specific Aquatic Sciences*
15 *and Fisheries Information System number of the*
16 *Fisheries and Aquaculture Statistics Information*
17 *Service of the United Nations Food and Agri-*
18 *culture Organization for the seafood species.*

19 (C) *Whether the seafood was harvested wild*
20 *or was farm-raised.*

21 (D) *The method of harvest of the seafood,*
22 *including gear type as listed in section 600.725*
23 *of title 50, Code of Federal Regulations, or suc-*
24 *cessor regulation, and defined in section 600.10*
25 *of such title, or successor regulation.*

1 (E) *The date of the catch or harvest.*

2 (F) *The weight or number, as appropriate,*
3 *of product for an individual fish or lot.*

4 (G) *Date and name of entity (processor,*
5 *dealer, vessel) to which the seafood was landed.*

6 (H) *Name and flag state of vessel and evi-*
7 *dence of authorization, and if applicable, a*
8 *unique vessel identifier.*

9 (I) *Name and location of the facility from*
10 *which farm-raised seafood were harvested, the*
11 *method of cultivation, source and type of feed,*
12 *and evidence of authorization.*

13 (J) *The National Oceanic and Atmospheric*
14 *Administration Fisheries International Fisheries*
15 *Trade Permit number issued to the importer of*
16 *record for the entry, if applicable.*

17 (2) *LABELING.—The following information shall*
18 *be included in the labeling of seafood through proc-*
19 *essing, distribution, and final sale:*

20 (A) *The information required in subpara-*
21 *graphs (A), (B), (C), and (D) of paragraph (1).*

22 (B) *Whether the seafood has been previously*
23 *frozen or treated with any substance other than*
24 *ice or water.*

1 (C) *Whether the seafood was farm-raised*
2 *along with information regarding the country of*
3 *cultivation, the location of the aquaculture pro-*
4 *duction area, and the method of cultivation.*

5 (b) *PRODUCTION CODES.*—*The Secretary shall allow*
6 *compliance with subsection (a) through the use of produc-*
7 *tion codes, quick response codes, or other types of commonly*
8 *used processing codes and electronic bar coding methods.*

9 (c) *SAFE HARBOR.*—*No importer, processor, dis-*
10 *tributor, or retailer may be found to be in violation of the*
11 *requirements of this section for unknowingly selling a prod-*
12 *uct that was already mislabeled upon receipt, provided that*
13 *the importer, processor, distributor, or retailer can provide*
14 *the required product traceability documentation.*

15 **SEC. 203. FEDERAL ENFORCEMENT.**

16 (a) *ENFORCEMENT BY SECRETARY.*—*The Secretary of*
17 *Commerce shall prevent any person from violating this Act*
18 *in the same manner, by the same means, and with the same*
19 *jurisdiction, powers, and duties as though section 307 of*
20 *the Magnuson-Stevens Fishery Conservation and Manage-*
21 *ment Act (16 U.S.C. 1857) was incorporated into and made*
22 *a part of and applicable to this Act.*

23 (b) *LIST OF OFFENDERS.*—*The Secretary of Com-*
24 *merce, in consultation with the Secretary of Health and*

1 *Human Services, shall develop, maintain, and post on the*
2 *public website of the Department of Commerce a list that—*

3 (1) *includes, by country, each exporter whose*
4 *seafood is imported or offered for import into the*
5 *United States; and*

6 (2) *for each such exporter, tracks the timing,*
7 *type, and frequency of violations of Federal law relat-*
8 *ing to seafood fraud and illegal, unreported, or un-*
9 *regulated fishing.*

10 (c) *INSPECTIONS.—The Secretary of Commerce, in*
11 *consultation with the Secretary of Health and Human*
12 *Services, shall—*

13 (1) *increase, as resources allow, the number of*
14 *foreign and domestic seafood shipments that are au-*
15 *dated or inspected for seafood fraud and illegal, unre-*
16 *ported, or unregulated fishing by National Oceanic*
17 *and Atmospheric Administration auditors and au-*
18 *thorized officers, including verification of compliance*
19 *with the traceability requirements of section 104(a);*

20 (2) *conduct audits and inspections, as resources*
21 *allow, at a sufficient level to promote compliance and*
22 *deterrence; and*

23 (3) *to the maximum extent practicable, ensure*
24 *that inspections and tests for seafood fraud prevention*
25 *also collect information to support the Secretary of*

1 *Health and Human Services in implementing the*
2 *seafood safety requirements of the FDA Food Safety*
3 *Modernization Act (Public Law 111–353).*

4 *(d) INTERAGENCY AGREEMENT.—*

5 *(1) MEMORANDUM OF UNDERSTANDING RE-*
6 *QUIRED.—Not later than one year after the date of*
7 *enactment of this Act, the Secretary of Commerce, the*
8 *Secretary of Homeland Security, the Secretary of*
9 *Labor, and the Secretary of Health and Human Serv-*
10 *ices shall jointly execute a memorandum of under-*
11 *standing to codify and improve interagency coopera-*
12 *tion on seafood safety, preventing illegal, unreported,*
13 *or unregulated fishing and human trafficking, includ-*
14 *ing forced labor, and seafood fraud prevention, en-*
15 *forcement, and inspections.*

16 *(2) REQUIREMENTS.—The memorandum of un-*
17 *derstanding required by paragraph (1) shall include*
18 *provisions, performance metrics, and timelines as the*
19 *Secretaries consider appropriate to improve such co-*
20 *operation described in such paragraph (acting under*
21 *provisions of law other than this subsection)—*

22 *(A) to identify and execute specific proce-*
23 *dures for using authorities granted under the*
24 *FDA Food Safety Modernization Act (Public*
25 *Law 111–353) to ensure and improve the safety*

1 *of commercially marketed seafood in the United*
2 *States;*

3 *(B) to identify and execute specific proce-*
4 *dures for interagency cooperation on—*

5 *(i) interagency resource and informa-*
6 *tion sharing;*

7 *(ii) use and development of forensic*
8 *tools including means to fill existing gaps*
9 *in capabilities and eliminate duplication;*
10 *and*

11 *(iii) development of specific forensic*
12 *analysis information required by each agen-*
13 *cy to promote effective enforcement actions;*

14 *(C) to maximize the effectiveness of limited*
15 *personnel and resources by ensuring that—*

16 *(i) inspections of seafood shipments*
17 *and seafood processing and production fa-*
18 *cilities by the National Oceanic and Atmos-*
19 *pheric Administration and the Food and*
20 *Drug Administration are not duplicative;*
21 *and*

22 *(ii) information resulting from exami-*
23 *nations, testing, and inspections conducted*
24 *by the Department of Commerce with re-*
25 *spect to seafood is considered in making*

1 *risk-based determinations, including the es-*
2 *tablishment of inspection priorities for do-*
3 *mestic and foreign facilities and the exam-*
4 *ination and testing of domestic and im-*
5 *ported seafood;*

6 *(D) to create a process—*

7 *(i) by which data collected by all sea-*
8 *food inspectors and officers of the National*
9 *Oceanic and Atmospheric Administration*
10 *and U.S. Customs and Border Protection*
11 *authorized to conduct inspections of seafood*
12 *shipments or facilities that process or sell*
13 *seafood, or authorized officers that conduct*
14 *analysis of seafood import information, will*
15 *be used for risk-based screening of seafood*
16 *shipments, including food safety, adultera-*
17 *tion and misbranding, by the Food and*
18 *Drug Administration beginning not later*
19 *than one year after the date of enactment of*
20 *this Act; and*

21 *(ii) by which data collected by the Na-*
22 *tional Oceanic and Atmospheric Adminis-*
23 *tration, U.S. Customs and Border Protec-*
24 *tion, the Department of Labor, the Depart-*
25 *ment of State, and the Food and Drug Ad-*

1 *ministration is shared to maximize effi-*
2 *ciency and enforcement of seafood safety,*
3 *fraud prevention, and prohibitions on ille-*
4 *gal, unreported, or unregulated fishing;*

5 *(E) to create a process by which—*

6 *(i) data collected by inspectors and of-*
7 *ficers of other Federal, State, or local agen-*
8 *cies authorized to conduct inspections of*
9 *seafood, or inspections of facilities that*
10 *process or sell seafood, or data from import*
11 *analysts, will be used by the Food and Drug*
12 *Administration for risk-based screening of*
13 *seafood shipments; and*

14 *(ii) data collected by such inspectors*
15 *and officials is shared with the National*
16 *Oceanic and Atmospheric Administration,*
17 *U.S. Customs and Border Protection, De-*
18 *partment of Labor, and the Food and Drug*
19 *Administration to maximize efficiency and*
20 *enforcement of seafood safety and fraud pre-*
21 *vention; and*

22 *(F) to ensure that officers and employees of*
23 *the National Oceanic and Atmospheric Adminis-*
24 *tration are utilized by the Secretary of Health*
25 *and Human Services as third-party auditors*

1 *pursuant to section 808 of the Federal Food,*
2 *Drug, and Cosmetic Act (21 U.S.C. 384d) to*
3 *carry out seafood examinations and investiga-*
4 *tions under chapter VIII of such Act.*

5 **SEC. 204. STATE ENFORCEMENT.**

6 *(a) IN GENERAL.—Whenever the attorney general of*
7 *a State, or an official or agency designated by a State, has*
8 *reason to believe that any person has engaged or is engaging*
9 *in a pattern or practice of seafood fraud in violation of*
10 *section 203, the State may bring a civil action on behalf*
11 *of its residents to enjoin fraud, an action to recover for ac-*
12 *tual monetary loss or receive \$10,000 in damages for each*
13 *violation, or both such actions.*

14 *(b) WILLFUL OR KNOWING VIOLATIONS.—If the court*
15 *finds the defendant willfully or knowingly violated this Act,*
16 *the court may increase the amount of the award to an*
17 *amount equal to not more than 3 times the amount avail-*
18 *able under subsection (a).*

19 **SEC. 205. EFFECT ON STATE LAW.**

20 *Nothing in this title shall preempt the authority of a*
21 *State to establish and enforce anti-trafficking laws or re-*
22 *quirements for improving seafood safety and preventing*
23 *seafood fraud that are consistent with the requirements of*
24 *this Act.*

1 **TITLE III—STRENGTHENING**
2 **INTERNATIONAL FISHERIES**
3 **MANAGEMENT TO COMBAT**
4 **HUMAN TRAFFICKING**

5 **SEC. 301. DENIAL OF PORT PRIVILEGES.**

6 *Section 101(a)(2) of the High Seas Driftnet Fisheries*
7 *Enforcement Act (16 U.S.C. 1826a(a)(2)) is amended to*
8 *read as follows:*

9 “(2) *DENIAL OF PORT PRIVILEGES.—The Sec-*
10 *retary of Homeland Security shall, in accordance*
11 *with international law—*

12 *“(A) withhold or revoke the clearance re-*
13 *quired by section 60105 of title 46, United States*
14 *Code, for any large-scale driftnet fishing vessels*
15 *of a nation that receives a negative certification*
16 *under sections 609(d) or 610(c) of the High Seas*
17 *Driftnet Fishing Moratorium Protection Act (16*
18 *U.S.C. 1826j(d) or 1826k(c)), or fishing vessels of*
19 *a nation that has been listed pursuant to sec-*
20 *tions 609(b) or 610(a) of such Act (16 U.S.C.*
21 *1826j(b) or 1826k(a)) in two or more consecutive*
22 *reports as described under section 607 of such*
23 *Act (16 U.S.C. 1826h), until a positive certifi-*
24 *cation has been received;*

1 “(B) withhold or revoke the clearance re-
2 quired by section 60105 of title 46, United States
3 Code, for fishing vessels of a nation that has been
4 listed pursuant to sections 609(b) or 610(a) of
5 such Act (16 U.S.C. 1826j(b) or 1826k(a)) in two
6 or more consecutive reports as described under
7 section 607 of such Act (16 U.S.C. 1826h); and

8 “(C) deny entry of that vessel to any place
9 in the United States and to the navigable waters
10 of the United States, except for the purposes of
11 inspecting such vessel, conducting an investiga-
12 tion, or taking other appropriate enforcement ac-
13 tion.”.

14 **SEC. 302. IDENTIFICATION AND CERTIFICATION CRITERIA.**

15 (a) *DENIAL OF PORT PRIVILEGES.*—Strike subsections
16 (a) and (b) of section 609 of the High Seas Driftnet Fishing
17 Moratorium Protection Act (16 U.S.C. 1826j(a) and (b)),
18 and insert the following:

19 “(a) *COOPERATION WITH GOVERNMENTS.*—

20 “(1) *INFORMATION COLLECTION.*—The Secretary,
21 in consultation with the Secretary of State, shall en-
22 gage with each flag, coastal, port, and market nation
23 that exports seafood to the United States to collect in-
24 formation sufficient to evaluate the effectiveness of
25 such nation’s management of fisheries and control

1 *systems to prevent illegal, unreported, or unregulated*
2 *fishing.*

3 “(2) *RECOMMENDATIONS.*—*The Secretary, in*
4 *consultation with the Secretary of State, shall provide*
5 *recommendations to such nations to resolve compli-*
6 *ance gaps and improve fisheries management and*
7 *control systems in order to assist such nations in pre-*
8 *venting illegal, unreported, or unregulated fishing.*

9 “(b) *IDENTIFICATION AND WARNING.*—

10 “(1) *FOR ACTIONS OF A FISHING VESSEL.*—*The*
11 *Secretary shall identify and list in the report re-*
12 *quired by section 607 a nation if a fishing vessel of*
13 *such nation is engaged or has, in the preceding 3*
14 *years, engaged in illegal, unreported, or unregulated*
15 *fishing. The Secretary shall include all nations that*
16 *qualify for identification, regardless of whether the*
17 *Secretary has engaged in the process described in this*
18 *subsection or under subsection (a). Any of the fol-*
19 *lowing relevant information is sufficient to form the*
20 *basis of an identification:*

21 “(A) *compliance reports;*

22 “(B) *data or information from inter-*
23 *national fishery management organizations, a*
24 *foreign government, or an organization or stake-*
25 *holder group;*

1 “(C) information submitted by the public;

2 “(D) information submitted to the Secretary
3 under section 402(a) of the Magnuson-Stevens
4 Fishery Conservation and Management Act (16
5 U.S.C. 1881a(a));

6 “(E) import data collected by the Secretary
7 pursuant to part 300.324 of title 50, Code of
8 Federal Regulations; and

9 “(F) information compiled from a Federal
10 agency, including, the Coast Guard and agencies
11 within the Interagency Working Group on Ille-
12 gal, Unreported, and Unregulated Fishing.

13 “(2) FOR ACTIONS OF A NATION.—The Secretary
14 shall identify, and list in such report, a nation engag-
15 ing in or endorsing illegal, unreported, or unregulated
16 fishing, including the following:

17 “(A) Any nation that is failing, or has
18 failed in the preceding 3-year period, to cooper-
19 ate with the United States government in pro-
20 viding information about their fisheries manage-
21 ment and control systems described in subsection
22 (a) of this section.

23 “(B) Any nation that is violating, or has
24 violated at any point during the preceding 3
25 years, conservation and management measures,

1 *including catch and other data reporting obliga-*
2 *tions and requirements, required under an inter-*
3 *national fishery management agreement.*

4 “(C) *Any nation that is failing, or has*
5 *failed in the preceding 3-year period, to effec-*
6 *tively address or regulate illegal, unreported, or*
7 *unregulated fishing within its fleets in any areas*
8 *where its vessels are fishing.*

9 “(D) *Any nation that fails to discharge du-*
10 *ties incumbent upon it under international law*
11 *or practice as a flag, port, or coastal state to*
12 *take action to prevent, deter, and eliminate ille-*
13 *gal, unreported, or unregulated fishing.*

14 “(E) *Any nation that provides subsidies*
15 *that—*

16 “(i) *contribute to illegal, unreported,*
17 *or unregulated fishing or increased capacity*
18 *and overfishing at proportionally higher*
19 *rates than subsidies that promote fishery re-*
20 *source conservation and management; or*

21 “(ii) *that otherwise undermine the ef-*
22 *fectiveness of any international fishery con-*
23 *servation program.*

24 “(F) *Any nation that has been identified as*
25 *having human trafficking, including forced*

1 *labor, in any part of the seafood supply chain in*
2 *the most recent Trafficking in Persons Report*
3 *issued by the Department of State in accordance*
4 *with the Trafficking Victims Protection Act of*
5 *2000 (22 U.S.C. 7101 et seq.).*

6 “(G) *Any nation that has been identified as*
7 *producing seafood-related goods through forced*
8 *labor or oppressive child labor in the most recent*
9 *List of Goods Produced by Child Labor or*
10 *Forced Labor in accordance with the Trafficking*
11 *Victims Protection Act of 2000 (22 U.S.C. 7101*
12 *et seq.).*

13 “(H) *Any nation that has been identified as*
14 *at risk for human trafficking, including forced*
15 *labor, in their seafood catching and processing*
16 *industries in the report required in section 3563*
17 *of the National Defense Authorization Act for*
18 *Fiscal Year 2020 (Public Law 116–92).*

19 “(3) *WARNING.—The Secretary shall issue a*
20 *warning to each nation identified under this sub-*
21 *section.*

22 “(4) *TIMING.—The Secretary shall make an*
23 *identification under paragraphs (1) or (2) at any*
24 *time that the Secretary has sufficient information to*
25 *make such identification.”.*

1 (b) *ILLEGAL, UNREPORTED, OR UNREGULATED CER-*
2 *TIFICATION DETERMINATION.*—*Section 609(d) of the High*
3 *Seas Driftnet Fishing Moratorium Protection Act (16*
4 *U.S.C. 1826j(d)) is amended to read as follows:*

5 “(d) *IUU CERTIFICATION PROCEDURE.*—

6 “(1) *CERTIFICATION DETERMINATION.*—

7 “(A) *IN GENERAL.*—*The Secretary shall es-*
8 *tablish a procedure for certifying whether a na-*
9 *tion identified under subsection (b) has taken*
10 *appropriate corrective action with respect to the*
11 *offending activities identified under section (b)*
12 *that has led to measurable improvements in the*
13 *reduction of illegal, unreported, or unregulated*
14 *fishing and any underlying regulatory, policy,*
15 *or practice failings or gaps that may have con-*
16 *tributed to such identification.*

17 “(B) *OPPORTUNITY FOR COMMENT.*—*The*
18 *Secretary shall ensure that the procedure estab-*
19 *lished under subparagraph (A) provides for no-*
20 *tice and an opportunity for comment by the*
21 *identified nation.*

22 “(C) *DETERMINATION.*—*The Secretary*
23 *shall, consistent with such procedure, determine*
24 *and certify to the Congress not later than 90*
25 *days after the date on which the Secretary issues*

1 *a final rule containing the procedure, and bien-*
2 *nially thereafter—*

3 *“(i) whether the government of each*
4 *nation identified under subsection (b) has*
5 *provided documentary evidence that such*
6 *nation has taken corrective action with re-*
7 *spect to such identification; or*

8 *“(ii) whether the relevant international*
9 *fishery management organization has taken*
10 *corrective action that has ended the illegal,*
11 *unreported, or unregulated fishing activity*
12 *by vessels of that nation.*

13 *“(2) ALTERNATIVE PROCEDURE.—The Secretary*
14 *may establish a procedure to authorize, on a ship-*
15 *ment-by-shipment, shipper-by-shipper, or other basis*
16 *the importation of fish or fish products from a fishery*
17 *within a nation issued a negative certification under*
18 *paragraph (1) if the Secretary—*

19 *“(A) determines the fishery has not engaged*
20 *in illegal, unreported, or unregulated fishing*
21 *under an international fishery management*
22 *agreement to which the United States is a party;*

23 *“(B) determines the fishery is not identified*
24 *by an international fishery management organi-*

1 *zation as participating in illegal, unreported, or*
2 *unregulated fishing activities; and*

3 “(C) ensures that any such seafood or sea-
4 *food products authorized for entry under this sec-*
5 *tion are imported consistent with the reporting*
6 *and the recordkeeping requirements of Seafood*
7 *Import Monitoring Program described in part*
8 *300.324(b) of title 50, Code of Federal Regula-*
9 *tions (or any successor regulation).*

10 “(3) *EFFECT OF CERTIFICATION DETERMINA-*
11 *TION.—*

12 “(A) *EFFECT OF NEGATIVE CERTIFI-*
13 *CATION.—The provisions of subsections (a) and*
14 *(b)(3) and (4) of section 101 of the High Seas*
15 *Driftnet Fisheries Enforcement Act (16 U.S.C.*
16 *1826a(a) and (b)(3) and (4)) shall apply to any*
17 *nation that, after being identified and warned*
18 *under subsection (b) has failed to take the appro-*
19 *priate corrective actions for which the Secretary*
20 *has issued a negative certification under this*
21 *subsection.*

22 “(B) *EFFECT OF POSITIVE CERTIFI-*
23 *CATION.—The provisions of subsections (a) and*
24 *(b)(3) and (4) of section 101 of the High Seas*
25 *Driftnet Fisheries Enforcement Act (16 U.S.C.*

1 1826a(a) and (b)(3) and (4)) shall not apply to
2 any nation identified under subsection (a) for
3 which the Secretary has issued a positive certifi-
4 cation under this subsection.”.

5 **SEC. 303. ILLEGAL, UNREPORTED, OR UNREGULATED FISH-**
6 **ING DEFINED.**

7 (a) *DEFINITION OF ILLEGAL, UNREPORTED, OR UN-*
8 *REGULATED FISHING IN THE HIGH SEAS DRIFTNET FISH-*
9 *ING MORATORIUM PROTECTION ACT.*—Section 609(e) of the
10 *High Seas Driftnet Fishing Moratorium Protection Act (16*
11 *U.S.C. 1826j(e)) is amended to read as follows:*

12 “(e) *ILLEGAL, UNREPORTED, OR UNREGULATED FISH-*
13 *ING DEFINED.*—*In this title, the term ‘illegal, unreported,*
14 *or unregulated fishing’ means any activity set out in para-*
15 *graph 3 of the 2001 Food and Agriculture Organization*
16 *International Plan of Action to Prevent, Deter and Eliminate*
17 *Illegal, Unreported, and Unregulated Fishing.*”.

18 (b) *DEFINITION OF ILLEGAL, UNREPORTED, OR UN-*
19 *REGULATED FISHING IN THE MAGNUSON-STEVEN'S FISH-*
20 *ERY CONSERVATION AND MANAGEMENT ACT.*—Section 3 of
21 *the Magnuson-Stevens Fishery Conservation and Manage-*
22 *ment Act (16 U.S.C. 1802) is amended by adding at the*
23 *end the following:*

24 “(51) *The term ‘illegal, unreported, or unregu-*
25 *lated fishing’ means any activity set out in para-*

1 *graph 3 of the 2001 Food and Agriculture Organiza-*
2 *tion International Plan of Action to Prevent, Deter*
3 *and Eliminate Illegal, Unreported, and Unregulated*
4 *Fishing.”.*

5 *(c) RULE OF CONSTRUCTION.—In construing the term*
6 *“illegal, unreported, or unregulated fishing” for purposes*
7 *of the High Seas Driftnet Fishing Moratorium Protection*
8 *Act and the Magnuson-Stevens Fishery Conservation and*
9 *Management Act, the Secretary shall follow internationally*
10 *recognized labor rights stated in the International Labour*
11 *Organization Declaration on Fundamental Principles and*
12 *Rights at Work and its Follow-Up (1998), including—*

13 *(1) freedom of association and the effective rec-*
14 *ognition of the right to collective bargaining;*

15 *(2) the elimination of all forms of forced or com-*
16 *pulsory labor;*

17 *(3) the effective abolition of oppressive child*
18 *labor, a prohibition on the worst forms of child labor,*
19 *and other labor protections for children and minors;*

20 *(4) the elimination of discrimination in respect*
21 *of employment and occupation; and*

22 *(5) acceptable conditions of work with respect to*
23 *minimum wages, hours of work, and occupational*
24 *safety and health.*

1 **SEC. 304. EQUIVALENT CONSERVATION MEASURES.**

2 (a) *IDENTIFICATION.*—Section 610(a) of the High Seas
3 *Driftnet Fishing Moratorium Protection Act* (16 U.S.C.
4 1826k(a)) is amended to read as follows:

5 “(a) *IDENTIFICATION.*—

6 “(1) *IN GENERAL.*—The Secretary shall identify
7 and list in the report under section 607—

8 “(A) a nation if—

9 “(i) any fishing vessel of that country
10 is engaged, or has been engaged during the
11 preceding 3 years in fishing activities or
12 practices on the high seas or within the ex-
13 clusive economic zone of another country,
14 that have resulted in bycatch of a protected
15 living marine resource; and

16 “(ii) the vessel’s flag state has not
17 adopted, implemented, and enforced a regu-
18 latory program governing such fishing de-
19 signed to end or reduce such bycatch that is
20 comparable to the regulatory program of the
21 United States; and

22 “(B) a nation if—

23 “(i) any fishing vessel of that country
24 is engaged, or has engaged during the pre-
25 ceding 3 years, in fishing activities on the
26 high seas or within the exclusive economic

1 *zone of another country that target or inci-*
2 *dentally catch sharks; and*

3 “(ii) *the vessel’s flag state has not*
4 *adopted, implemented, and enforced a regu-*
5 *latory program to provide for the conserva-*
6 *tion of sharks, including measures to pro-*
7 *hibit removal of any of the fins of a shark,*
8 *including the tail, before landing the shark*
9 *in port that is comparable to that of the*
10 *United States.*

11 “(2) *TIMING.—The Secretary shall make an*
12 *identification under paragraph (1) at any time that*
13 *the Secretary has sufficient information to make such*
14 *identification.”.*

15 (b) *CONSULTATION AND NEGOTIATION.—Section*
16 *610(b) of the High Seas Driftnet Fishing Moratorium Pro-*
17 *tection Act (16 U.S.C. 1826k(b)) is amended to read as fol-*
18 *lows:*

19 “(b) *CONSULTATION AND NEGOTIATION.—The Sec-*
20 *retary of State, acting in conjunction with the Secretary,*
21 *shall—*

22 “(1) *notify, as soon as possible, the President,*
23 *nations that have been identified under subsection*
24 *(a), and other nations whose vessels engage in fishing*

1 *activities or practices described in subsection (a),*
2 *about the provisions of this Act;*

3 *“(2) initiate discussions as soon as possible with*
4 *all foreign countries which are engaged in, or a fish-*
5 *ing vessel of which has engaged in, fishing activities*
6 *described in subsection (a), for the purpose of entering*
7 *into bilateral and multilateral treaties with such*
8 *countries to protect such species and to address any*
9 *underlying failings or gaps that may have contrib-*
10 *uted to identification under this Act;*

11 *“(3) seek agreements calling for international re-*
12 *strictions on fishing activities or practices described*
13 *in subsection (a) through the United Nations, the*
14 *Food and Agriculture Organization’s Committee on*
15 *Fisheries, and appropriate international fishery man-*
16 *agement bodies; and*

17 *“(4) initiate the amendment of any existing*
18 *international treaty for the protection and conserva-*
19 *tion of such species to which the United States is a*
20 *party in order to make such treaty consistent with the*
21 *purposes and policies of this section.”.*

22 *(c) CONSERVATION CERTIFICATION PROCEDURE.—*
23 *Section 610(c) of the High Seas Driftnet Fishing Morato-*
24 *rium Protection Act (16 U.S.C. 1826k(c)) is amended—*

1 (1) in subparagraph (A) of paragraph (1), by
2 striking “, taking into account different conditions,”;

3 (2) in paragraph (2), by inserting “the public
4 and” after “comment by”;

5 (3) in paragraph (4)—

6 (A) in subparagraph (A), by striking “, tak-
7 ing into account different conditions”;

8 (B) in subparagraph (B), by striking the
9 period at the end and inserting “; and”; and

10 (C) by adding at the end the following:

11 “(C) ensures that any such fish or fish
12 products authorized for entry under this section
13 are imported consistent with the reporting and
14 the recordkeeping requirements of the Seafood
15 Import Monitoring Program established by part
16 300.324(b) of title 50, Code of Federal Regula-
17 tions (or any successor regulations).”; and

18 (4) in paragraph (5), by striking “(except to the
19 extent that such provisions apply to sport fishing
20 equipment or fish or fish products not caught by the
21 vessels engaged in illegal, unreported, or unregulated
22 fishing)”.

1 **SEC. 305. REGULATIONS.**

2 *Not later than 1 year after the date of enactment of*
3 *this Act, the Secretary shall promulgate regulations imple-*
4 *menting this title.*

5 **TITLE IV—MARITIME SAFE**
6 **AMENDMENTS**

7 **SEC. 401. ILLEGAL, UNREPORTED, OR UNREGULATED FISH-**
8 **ING WORKING GROUP RESPONSIBILITIES.**

9 *Section 3551(c) of the Maritime SAFE Act (Public*
10 *Law 116–92) is amended—*

11 *(1) in paragraph (12), by striking “and” at the*
12 *end;*

13 *(2) in paragraph (13), by striking the period at*
14 *the end and inserting a semicolon; and*

15 *(3) by adding at the end:*

16 *“(14) developing a strategy for leveraging en-*
17 *forcement capacity against illegal, unreported, or un-*
18 *regulated fishing and increasing enforcement and*
19 *other actions across relevant import control and as-*
20 *essment programs including—*

21 *“(A) the Seafood Import Monitoring Pro-*
22 *gram described in part 300.324(b) of title 50,*
23 *Code of Federal Regulations (or any successor*
24 *regulation);*

25 *“(B) the List of Goods Produced by Child*
26 *Labor or Forced Labor produced pursuant to sec-*

1 *tion 105 of the Trafficking Victims Protection*
2 *Reauthorization Act of 2005 (22 U.S.C. 7112);*

3 *“(C) the List of Nations with vessels en-*
4 *gaged in illegal, unreported, or unregulated fish-*
5 *ing pursuant to section 607 of the High Seas*
6 *Driftnet Fishing Moratorium Protection Act (16*
7 *U.S.C. 1826h);*

8 *“(D) the Trafficking in Persons Report re-*
9 *quired by section 110 of the Trafficking Victims*
10 *Protection Act of 2000 (22 U.S.C. 7107);*

11 *“(E) U.S. Customs and Border Protection’s*
12 *Forced Labor Division and enforcement activi-*
13 *ties and regulations authorized under Section*
14 *307 of the Tariff Act of 1930 (19 U.S.C. 1307);*
15 *and*

16 *“(F) other relevant programs of Working*
17 *Group member agencies; and*

18 *“(15) assessing areas for increased information*
19 *sharing and collaboration among Federal Working*
20 *Group member agencies and State-based enforcement,*
21 *wildlife, and fisheries management agencies to iden-*
22 *tify, interdict, investigate, and prosecute illegal, unre-*
23 *ported, or unregulated fishing and fraudulent seafood*
24 *imports into the United States that were a product*
25 *of such fishing, including through implementation of*

1 *the Seafood Import Monitoring Program. The Federal*
2 *Working Group shall emphasize developing, updating,*
3 *and employing risk screens to analyze harvest,*
4 *traceability, and verification and certification infor-*
5 *mation in real time as a key pathway to trigger*
6 *product audits and enforcement actions.”.*

7 **SEC. 402. STRATEGIC PLAN.**

8 *Section 3552 of the Maritime SAFE Act (Public Law*
9 *116–92) is amended by adding at the end:*

10 “(c) *STRATEGIES TO OPTIMIZE DATA COLLECTION,*
11 *SHARING, AND ANALYSIS.—*

12 “(1) *IN GENERAL.—The strategic plan submitted*
13 *under subsection (a) shall identify information and*
14 *resources to prevent illegal, unreported, or unregu-*
15 *lated fishing or fraudulently labeled or otherwise mis-*
16 *represented seafood from entering United States com-*
17 *merce. The report shall include a timeline for imple-*
18 *mentation of recommendations with respect to each of*
19 *the following:*

20 “(A) *Identification of relevant data streams*
21 *collected by Working Group members.*

22 “(B) *Identification of legal, jurisdictional,*
23 *or other barriers to the sharing of such data.*

24 “(C) *Strategies for integrating data streams*
25 *through the International Trade Data System*

1 *Automated Commercial Environment or other*
2 *relevant digital platforms.*

3 “(D) *Recommendations for enhancing the*
4 *automated risk targeting and effectiveness of risk*
5 *analysis and detection of illegal, unauthorized,*
6 *or unreported fishing and fraudulent seafood*
7 *through the Seafood Import Monitoring Pro-*
8 *gram.*

9 “(E) *Recommendations for improving the*
10 *utility and effectiveness of the Commercial Tar-*
11 *geting and Analysis Center in detecting illegal,*
12 *unauthorized, or unreported fishing and fraudu-*
13 *lent products through adoption of these strategies*
14 *or other enhancements.*

15 “(F) *Recommendations for joint enforce-*
16 *ment protocols, collaboration, and information*
17 *sharing between Federal agencies and States.*

18 “(G) *Recommendations for sharing and de-*
19 *veloping forensic resources between Federal agen-*
20 *cies and States.*

21 “(H) *Recommendations for enhancing ca-*
22 *capacity for U.S. Customs and Border Protection*
23 *and National Oceanic and Atmospheric Admin-*
24 *istration to conduct field investigations and to*

1 *coordinate enforcement efforts with State enforce-*
2 *ment officials.*

3 “(I) *An implementation strategy, with mile-*
4 *stones and deadlines and specific budgetary re-*
5 *quirements, for implementing recommendations*
6 *described in the report.*

7 “(2) *PROGRESS REPORT.—Not later than 2 years*
8 *after submission of the 5-year integrated strategic*
9 *plan, the Working Group shall submit a report to the*
10 *Committee on Commerce, Science, and Transpor-*
11 *tation of the Senate, the Committee on Foreign Rela-*
12 *tions of the Senate, the Committee on Appropriations*
13 *of the Senate, the Committee on Transportation and*
14 *Infrastructure of the House of Representatives, the*
15 *Committee on Natural Resources of the House of Rep-*
16 *resentatives, the Committee on Foreign Affairs of the*
17 *House of Representatives, and the Committee on Ap-*
18 *propriations of the House of Representatives on*
19 *progress in implementing the recommendations de-*
20 *scribed in this subsection.”.*

21 **SEC. 403. AUTHORITY TO HOLD FISH PRODUCTS.**

22 *Section 311(b)(1) of the Magnuson-Stevens Fishery*
23 *Conservation and Management Act (16 U.S.C. 1861(b)) is*
24 *amended—*

1 (1) *in subparagraph (B), striking “; and” and*
2 *inserting a semicolon;*

3 (2) *in subparagraph (C), striking the period and*
4 *inserting “; and”; and*

5 (3) *by adding at the end the following a new*
6 *subparagraph:*

7 “(D) *detain, for a period of up to 14 days, any*
8 *shipment of fish or fish product imported into, landed*
9 *on, introduced into, exported from, or transported*
10 *within the jurisdiction of the United States, or, if*
11 *such fish or fish product is deemed to be perishable,*
12 *sell and retain the proceeds therefrom for a period of*
13 *up to 21 days.”.*

14 **TITLE V—MARITIME AWARENESS**

15 **SEC. 501. AUTOMATIC IDENTIFICATION SYSTEM REQUIRE-** 16 **MENTS.**

17 (a) *REQUIREMENT FOR FISHING VESSELS TO HAVE*
18 *AUTOMATIC IDENTIFICATION SYSTEMS.—Section*
19 *70114(a)(1) of title 46, United States Code, is amended—*

20 (1) *by striking “, while operating on the navi-*
21 *gable waters of the United States,”*

22 (2) *by redesignating subparagraphs (A) through*
23 *(D) as clauses (i) through (iv);*

24 (3) *by inserting before clauses (i) through (iv), as*
25 *redesignated by paragraph (2), the following:*

1 “(A) While operating on the navigable waters of
2 the United States:”; and

3 (4) by adding at the end the following:

4 “(B) A vessel of the United States that is more
5 than 65 feet overall in length, while engaged in fish-
6 ing, fish processing, or fish tendering operations on
7 the navigable waters of the United States or in the
8 United States exclusive economic zone.”.

9 (b) *AUTHORIZATION OF APPROPRIATIONS.*—There is
10 authorized to be appropriated to the Secretary of Commerce
11 for fiscal year 2022, \$5,000,000, to remain available until
12 expended, to purchase automatic identification systems for
13 fishing vessels, fish processing vessels, fish tender vessels
14 more than 50 feet in length, as described under this title
15 and the amendments made by this title.

Union Calendar No. 493

117TH CONGRESS
2^D SESSION

H. R. 3075

[Report No. 117-674, Part I]

A BILL

To address seafood slavery and combat illegal, unreported, or unregulated fishing, and for other purposes.

DECEMBER 30, 2022

Reported from the Committee on Natural Resources with
an amendment

DECEMBER 30, 2022

Committees on Ways and Means, Transportation and Infrastructure, Agriculture, and Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed