

115TH CONGRESS
2D SESSION

S. 3400

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

AUGUST 28, 2018

Mr. COONS (for himself and Mr. WICKER) 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 TITLES; TABLE OF CONTENTS.**

4 (a) SHORT TITLES.—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 titles; 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—AUTHORIZATION OF APPROPRIATIONS

- Sec. 301. 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) COMMON ENTERPRISE SOLUTION.—The
8 term “common enterprise solution” means any sys-
9 tem of software, hardware, or both that is used to
10 manage and share technology, information, or capa-
11 bilities throughout an organization or among a
12 group of organizations.

1 (3) EXCLUSIVE ECONOMIC ZONE.—

2 (A) IN GENERAL.—Unless otherwise speci-
3 fied by the President as being in the public in-
4 terest in a writing published in the Federal
5 Register, the term “exclusive economic zone”
6 means—

7 (i) the area within a zone established
8 by a maritime boundary that has been es-
9 tablished by a treaty in force or a treaty
10 that is being provisionally applied by the
11 United States; or

12 (ii) in the absence of a treaty de-
13 scribed in clause (i)—

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

18 (II) if the distance between the
19 United States and another country is
20 less than 400 nautical miles, a zone,
21 the outer boundary of which is rep-
22 resented by a line equidistant between
23 the United States and the other coun-
24 try.

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

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

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

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

21 (iv) in the case of the Commonwealth
22 of the Northern Mariana Islands—

23 (I) the coastline of the Common-
24 wealth of the Northern Mariana Is-
25 lands, until the Commonwealth of the

1 Northern Mariana Islands is granted
2 authority by the United States to reg-
3 ulate all fishing to a line seaward of
4 its coastline; and

5 (II) upon the United States
6 grant of the authority described in
7 subclause (I), the line established by
8 such grant of authority; or

9 (v) for any possession of the United
10 States not referred to in clause (ii), (iii), or
11 (iv), the coastline of such possession.

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

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

21 (5) GLOBAL RECORD OF FISHING VESSELS, RE-
22 FRIGERATED TRANSPORT VESSELS, AND SUPPLY
23 VESSELS.—The term “global record of fishing ves-
24 sels, refrigerated transport vessels, and supply ves-
25 sels” means the Food and Agriculture Organization

1 of the United Nations’ initiative to rapidly make
2 available certified data from state authorities about
3 vessels and vessel related activities.

4 (6) IUU FISHING.—The term “IUU fishing”—

5 (A) means illegal fishing, unreported fish-
6 ing, or unregulated fishing (as such terms are
7 defined in paragraph 3 of the International
8 Plan of Action to Prevent, Deter, and Eliminate
9 Illegal, Unreported and Unregulated Fishing,
10 adopted at the 24th Session of the Committee
11 on Fisheries in Rome on March 2, 2001); and

12 (B) includes fishing activities conducted in
13 contravention of applicable laws and regulations
14 related to labor conditions.

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) the flagged vessels of which actively
5 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 IMPORT MONITORING PROGRAM;
13 SIMP.—The terms “Seafood Import Monitoring Pro-
14 gram” and “SIMP” mean the seafood traceability
15 program implemented by the National Oceanic and
16 Atmospheric Administration that requires, with re-
17 spect to fish species and fish 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” refers to 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) The National Security Strategy calls for a
25 whole-of-government approach, including diplomacy,

1 development, defense, and intelligence capabilities, to
2 counter overseas threats to the United States home-
3 land and United States interests.

4 (2) The Office of the Director of National Intel-
5 ligence identified IUU fishing as a threat to the na-
6 tional security of the United States and a challenge
7 to peace and stability in regions of importance to the
8 United States in its report titled, “Global Implica-
9 tions of Illegal, Unreported, and Unregulated (IUU)
10 Fishing”.

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

17 (4) It is estimated that IUU fishing is valued
18 at tens of billions of dollars annually in unlawful or
19 undocumented revenue and may sometimes be linked
20 to transnational organized illegal activities, including
21 weapons, drug, and human trafficking.

22 (5) Networks supporting illegal fishing may also
23 be involved in other transnational organized illegal
24 activities, involving issues such as human rights

1 abuses, forced labor, tax evasion, and weapons and
2 drug trafficking.

3 (6) Competition over seafood resources can be
4 a driver of heightened tensions, conflict, and
5 geostrategic instability in regions of importance to
6 the United States.

7 (7) Participants in the fishing industry that are
8 engaged in IUU fishing have been implicated in the
9 smuggling and sale of weapons in regions that are
10 critical to the security interests of the United States,
11 including in the Gulf of Aden and the Mediterranean
12 Sea.

13 (8) Some legitimately flagged fishing vessels
14 and stateless fishing vessels that engage in IUU
15 fishing have also been implicated in claims of poor
16 working conditions, labor abuses, and human rights
17 abuses.

18 (9) IUU fishing accounts for a significant per-
19 centage of the global reported catch, which—

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

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

1 (10) Perpetrators of IUU fishing typically have
2 lower operating costs than those fishing legally, since
3 persons involved in IUU fishing can—

4 (A) evade the costs of licenses and regula-
5 tions;

6 (B) violate safety and labor standards;

7 (C) avoid monitoring, control, and surveil-
8 lance requirements; and

9 (D) minimize or evade the costs of flagging
10 and registering their fishing vessels.

11 (11) The profits from IUU fishing can some-
12 times sustain illicit networks, ranging from smug-
13 gling rings to multinational syndicates, whose oper-
14 ations undermine the rule of law.

15 (12) Fish provides more than 3,200,000,000
16 people with almost 20 percent of their average per
17 capita intake of animal protein. In some of the re-
18 gions hardest hit by IUU fishing, such as West Afri-
19 ca, fish accounts for up to 30 percent of average per
20 capita animal protein intake, and in some coastal re-
21 gions and island countries, fish accounts for 70 per-
22 cent of the protein intake of the region's or island's
23 population.

24 (13) Marine fisheries employ millions of people
25 worldwide, the livelihoods of which can be negatively

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

3 (14) If fisheries collapse—

4 (A) populations that rely on fishing may
5 become economically destabilized, which could
6 lead to a rise in criminal activities that risk
7 United States national security; and

8 (B) fishermen in such situations may also
9 be more susceptible to exploitation by criminal
10 organizations.

11 (15) IUU fishing vessels play a significant role
12 in other forms of trafficking, particularly drug traf-
13 ficking. The United Nations Office on Drugs and
14 Crime and the Department of Justice have docu-
15 mented numerous cases of illicit fishing ships in-
16 volved in trafficking cocaine, heroin, and cannabis
17 from South America to the United States.

18 (16) A significant number of fishing ships that
19 operate without AIS are engaged in IUU fishing or
20 other illicit activities.

21 (17) Since more than 90 percent of world trade
22 is carried by sea, increased maritime domain aware-
23 ness related to illegal fishing and the illegal trans-
24 shipment of seafood helps safeguard open and safe
25 shipping lanes.

1 (18) Transshipment vessels are known to off-
2 load catch from fishing vessels far from port, which
3 can—

4 (A) obscure the actual source of the catch;
5 and

6 (B) provide a pathway for illegally caught
7 fish to enter into the seafood supply chain.

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

12 (20) In the United States and around the
13 world, seafood fraud undermines the economic viabil-
14 ity of fisheries and deceives consumers about their
15 purchasing choices.

16 (21) According to the National Oceanic and At-
17 mospheric Administration, the fishery imports of the
18 United States represent a sizable portion of world
19 imports of fish and fishery products. The United
20 States can play a pivotal role in bringing greater se-
21 curity and transparency to the global fisheries indus-
22 try by enhancing monitoring, enforcement, and pros-
23 ecution through sustained diplomatic engagement.

24 (22) As of July 2018, the Port State Measures
25 Agreement had been ratified by 55 parties, including

1 the United States, with more countries signing on
2 regularly.

3 (23) The United States Government, our inter-
4 national partners, nongovernmental organizations,
5 and the private sector have created a Global Mari-
6 time Community of Interest, which continues to de-
7 velop a range of technologies and approaches to sup-
8 port surveillance, enforcement, and prosecution of
9 persons engaging in IUU fishing.

10 **SEC. 4. PURPOSES.**

11 The purposes of this Act are—

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

15 (2) to prevent IUU fishing and the illegal trade
16 of seafood and seafood products;

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

20 (4) to disrupt transnational organized criminal
21 groups involved in IUU fishing, including the laun-
22 dering of their profits;

23 (5) to prevent IUU fishing from being used as
24 a source of financing for transnational organized

1 groups that undermine United States and global se-
2 curity interests;

3 (6) to support coordination and collaboration to
4 counter IUU fishing and seafood fraud with govern-
5 ments and nongovernmental organizations within
6 priority regions;

7 (7) to assist countries in priority regions and
8 priority flag states in the implementation of stronger
9 measures to counter IUU fishing, including the Port
10 State Measures Agreement;

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

13 (A) a deterrent to IUU fishing and seafood
14 fraud;

15 (B) a tool for strengthening fisheries man-
16 agement and food security; and

17 (C) an approach to enhancing the imple-
18 mentation of the Seafood Import Monitoring
19 Program;

20 (9) to promote the use of trade agreements to
21 counter IUU fishing;

22 (10) to improve global enforcement operations
23 against IUU fishing through a whole-of-government
24 approach by the United States; and

1 (11) to raise domestic awareness on the local
2 and global impacts of IUU fishing, including—

3 (A) its ties to transnational organized ille-
4 gal activity; and

5 (B) its effects on the mislabeling of sea-
6 food products.

7 **SEC. 5. STATEMENT OF POLICY.**

8 It is the policy of the United States—

9 (1) to take immediate action to curtail the glob-
10 al trade in seafood and seafood products derived
11 from IUU fishing, including its links to forced labor
12 and transnational organized illegal activity;

13 (2) to ensure that countering IUU fishing is in-
14 corporated into the existing missions of the agencies
15 involved in the working group established under sec-
16 tion 201;

17 (3) to develop holistic diplomatic, military, de-
18 velopment, and economic tools to counter IUU fish-
19 ing;

20 (4) to provide technical and other forms of as-
21 sistance to countries in priority regions and priority
22 flag states to combat IUU fishing and seafood fraud,
23 including assistance—

24 (A) to increase local, national, and regional
25 level capacities to counter IUU fishing through

1 the engagement of law enforcement and secu-
2 rity forces;

3 (B) to enhance port capacity and security,
4 including through support to implement the
5 Port State Measures Agreement;

6 (C) to combat corruption and increase
7 transparency and traceability in fisheries man-
8 agement and trade;

9 (D) to enhance information sharing within
10 and across governments and multilateral orga-
11 nizations through the development and use of
12 agreed standards for information sharing; and

13 (E) to support effective, science-based fish-
14 eries management regimes that promote legal
15 and safe fisheries and act as a deterrent to
16 IUU fishing;

17 (5) to promote global maritime security through
18 improved capacity and technological assistance to
19 support improved maritime domain awareness;

20 (6) to engage with priority flag states to en-
21 courage the use of vessel tracking systems, including
22 vessel monitoring systems and AIS, at all times, as
23 appropriate, on fishing vessels;

24 (7) to engage with multilateral organizations
25 working on fisheries issues, including Regional Fish-

1 eries Management Organizations and the Food and
2 Agriculture Organization of the United Nations, to
3 combat and deter IUU fishing;

4 (8) to advance the use of common enterprise so-
5 lutions and information sharing across governments
6 and multilateral organizations through the develop-
7 ment and use of an agreed standard for information
8 sharing;

9 (9) to continue to use existing and future trade
10 agreements to combat IUU fishing and seafood
11 fraud, including through enhanced cooperation with
12 trading partners of the United States and commit-
13 ments to effectively enforce environmental and labor
14 laws;

15 (10) to employ appropriate assets and resources
16 of the United States Government in a coordinated
17 manner to disrupt the illicit networks involved in
18 IUU fishing;

19 (11) to continue the development of the Safe
20 Ocean Network, which is an international effort of
21 governments, industry, academia, and civil society to
22 strengthen the capacity to combat illegal fishing, in-
23 cluding detection, enforcement, and prosecution;

24 (12) to continue to declassify and make avail-
25 able, as appropriate and practicable, technologies de-

1 developed by the United States Government that can
2 be used by private companies, nongovernmental or-
3 ganizations, other governments, and other entities to
4 help counter IUU fishing;

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

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

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

16 (A) a deterrent to IUU fishing and seafood
17 fraud; and

18 (B) an approach for strengthening fish-
19 eries management and food security; and

20 (16) to educate the American public on the
21 local and global impacts of IUU fishing.

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, as appropriate, to en-
12 hance regional responses to IUU fishing and related
13 transnational organized illegal activities.

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

16 Not later than 210 days after the date of the enact-
17 ment of this Act, each chief of mission (as defined in sec-
18 tion 102 of the Foreign Service Act of 1980 (22 U.S.C.
19 3902)) to a relevant country in a priority region or to a
20 priority flag state shall, if the Secretary of State deter-
21 mines such 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, and rep-
5 resentatives of local fishermen in the region;
6 and

7 (B) experts on IUU fishing, law enforce-
8 ment, criminal justice, transnational organized
9 illegal activity, defense, intelligence, and inter-
10 national development operating in or with
11 knowledge of the region; and

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

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

19 (a) IN GENERAL.—The Secretary of State, in collabo-
20 ration with the heads of other relevant Federal agencies,
21 if merited, shall provide assistance, as appropriate, in ac-
22 cordance with this section.

23 (b) LAW ENFORCEMENT TRAINING AND COORDINA-
24 TION ACTIVITIES.—The officials referred to in subsection
25 (a) shall provide assistance, as appropriate, to countries

1 in priority regions and priority flag states to improve the
2 effectiveness of IUU fishing enforcement, with clear and
3 measurable targets and indicators of success, including—

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

9 (2) by expanding existing IUU fishing enforce-
10 ment training;

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

13 (4) by supporting increased effectiveness and
14 transparency of the fisheries enforcement sectors of
15 the governments of such countries.

16 (c) PORT SECURITY ASSISTANCE.—The officials re-
17 ferred to in subsection (a) shall provide assistance, as ap-
18 propriate, to countries in priority regions and priority flag
19 states to implement programs related to port security and
20 capacity for the purposes of preventing IUU fishing prod-
21 ucts from entering the global seafood market, including
22 support for implementing the Port State Measures Agree-
23 ment.

24 (d) CAPACITY BUILDING FOR INVESTIGATIONS AND
25 PROSECUTIONS.—The officials referred to in subsection

1 (a), in collaboration with the governments of priority flag
2 states and key countries within priority regions, shall de-
3 sign and implement programs in such countries, as appro-
4 priate, to increase the capacity of IUU fishing enforce-
5 ment and customs and border security officers to improve
6 their ability—

7 (1) to conduct effective investigations, including
8 using law enforcement techniques such as under-
9 cover investigations and the development of informer
10 networks and actionable intelligence;

11 (2) to conduct vessel boardings and inspections
12 at sea and associated enforcement actions;

13 (3) to exercise existing shiprider agreements
14 and to enter into and implement new shiprider
15 agreements, as appropriate;

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

18 (5) to assess technology needs and promote the
19 use of technology to improve monitoring, enforce-
20 ment, and prosecution of IUU fishing;

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

23 (7) to conduct trainings on techniques, such as
24 collecting electronic evidence and using computer
25 forensics, for law enforcement personnel involved in

1 complex investigations related to international mat-
2 ters, financial issues, and government corruption
3 that include IUU fishing;

4 (8) to assess financial flows and the use of fi-
5 nancial institutions to launder profits related to IUU
6 fishing; and

7 (9) to conduct trainings on the legal mecha-
8 nisms that can be used to prosecute those identified
9 in the investigations as alleged perpetrators of IUU
10 fishing and other associated crimes such as traf-
11 ficking and forced labor.

12 (e) CAPACITY BUILDING FOR INFORMATION SHAR-
13 ING.—The officials referred to in subsection (a) shall pro-
14 vide assistance, as appropriate, to key countries in priority
15 regions and priority flag states in the form of training,
16 equipment, and systems development to build capacity for
17 information sharing related to maritime enforcement and
18 port security.

19 **SEC. 104. EXPANSION OF EXISTING MECHANISMS TO COM-**
20 **BAT IUU FISHING.**

21 The Secretary of State, the Administrator of the
22 United States Agency for International Development, the
23 Secretary of the Department in which the Coast Guard
24 is operating, the Secretary of Defense, the Secretary of
25 Commerce, and the heads of other appropriate Federal

1 agencies shall assess opportunities to expand, as appro-
2 priate, the use of the following mechanisms to combat
3 IUU fishing:

4 (1) Including counter-IUU fishing in existing
5 shiprider agreements in which the United States is
6 a party.

7 (2) Entering into shiprider agreements that in-
8 clude counter-IUU fishing with countries in priority
9 regions and priority flag states with which the
10 United States does not already have such an agree-
11 ment.

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

14 (4) Including counter-IUU fishing exercises in
15 the annual at-sea exercises conducted by the Depart-
16 ment of Defense, in coordination with the United
17 States Coast Guard.

18 (5) Including counter-IUU fishing in any docu-
19 ments pertaining to national security strategy, in-
20 cluding the National Security Strategy, the
21 Transnational Organized Crime Strategy, the Na-
22 tional Defense Strategy, and other appropriate docu-
23 ments referred to in section 303.

24 (6) Expanding the number of United States as-
25 sets and personnel that take part in the Oceania

1 Maritime Security Initiative (OMSI) and the Africa
2 Maritime Law Enforcement Partnership (AMLEP),
3 and seeking to expand the number of partner coun-
4 tries in these regions.

5 (7) Assessing opportunities to create partner-
6 ships similar to OMSI and AMLEP in other priority
7 regions.

8 **SEC. 105. IMPROVEMENT OF TRANSPARENCY AND**
9 **TRACEABILITY PROGRAMS.**

10 The Secretary of State, the Administrator of the
11 United States Agency for International Development, the
12 Secretary of the Department in which the Coast Guard
13 is operating, the Secretary of Commerce, and the heads
14 of other Federal agencies, if merited, shall work, as appro-
15 priate, with priority flag states and key countries in pri-
16 ority regions—

17 (1) to increase knowledge within such countries
18 about the United States transparency and
19 traceability standards for imports of seafood and
20 seafood products;

21 (2) to improve the capacity of seafood indus-
22 tries within such countries through information
23 sharing and training to meet the requirements of
24 SIMP or similar transparency and traceability
25 standards for seafood and seafood product imports,

1 including catch documentation and trade tracking
2 programs adopted by relevant regional fisheries
3 management organizations;

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

7 (A) deter IUU fishing;

8 (B) strengthen fisheries management; and

9 (C) enhance maritime domain awareness;

10 (4) to support the implementation of seafood
11 traceability standards in such countries to prevent
12 IUU fishing products from entering the global sea-
13 food market and assess capacity and training needs
14 in those countries;

15 (5) to utilize harvest and landing data that may
16 be collected in response to requirements of SIMP or
17 similar seafood transparency and traceability pro-
18 grams—

19 (A) to improve fisheries dependent data
20 systems; and

21 (B) to achieve sound management and con-
22 servation of fisheries resources; and

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

1 **SEC. 106. TECHNOLOGY PROGRAMS.**

2 The Secretary of State, the Administrator of the
3 United States Agency for International Development, the
4 Secretary of the Department in which the Coast Guard
5 is operating, the Secretary of Defense, the Secretary of
6 Commerce, and the heads of other Federal agencies, as
7 appropriate, shall pursue programs to expand the role of
8 technology for combating IUU fishing and seafood fraud,
9 including—

10 (1) by promoting the use of technology to com-
11 bat IUU fishing and seafood fraud;

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

15 (3) by engaging with priority flag states to en-
16 courage the mandated use of vessel monitoring sys-
17 tems or AIS on fishing vessels and transshipment
18 vessels at all times, as appropriate, while at sea as
19 a means to track IUU fishing activities and the
20 shipment of illegally caught fish products;

21 (4) by building partnerships with the private
22 sector, including universities, nonprofit research or-
23 ganizations, and the technology, transportation and
24 logistics sectors, to leverage new and existing tech-
25 nologies and data analytics to address IUU fishing
26 and seafood fraud;

1 (5) by promoting the shared costs of technology
2 or resources for multi-group and multi-purpose use;
3 and

4 (6) by supporting existing and new innovative
5 financing mechanisms for community- and regional-
6 based programs to combat IUU fishing.

7 **SEC. 107. INFORMATION SHARING.**

8 The Director of National Intelligence, in conjunction
9 with other agencies, as appropriate, shall develop an enter-
10 prise approach to appropriately share information and
11 data within the United States Government or with other
12 countries or nongovernmental organizations, as appro-
13 priate, on IUU fishing and other connected transnational
14 organized illegal activity occurring in priority regions and
15 elsewhere, including big data analytics and machine learn-
16 ing.

17 **TITLE II—ESTABLISHMENT OF**
18 **INTERAGENCY WORKING**
19 **GROUP ON IUU FISHING AND**
20 **SEAFOOD FRAUD**

21 **SEC. 201. INTERAGENCY WORKING GROUP ON IUU FISHING**
22 **AND SEAFOOD FRAUD.**

23 (a) IN GENERAL.—There is established a collabo-
24 rative interagency working group on maritime security,

1 IUU fishing, and seafood fraud (referred to in this title
2 as the “Working Group”).

3 (b) MEMBERS.—The members of the Working Group
4 shall be composed of—

5 (1) 3 co-chairs, of whom—

6 (A) 1 shall be appointed by the Secretary
7 of State;

8 (B) 1 shall be appointed by the Com-
9 mandant of the Coast Guard from the United
10 States Coast Guard; and

11 (C) 1 shall be appointed by the Secretary
12 of Commerce from the National Oceanic and
13 Atmospheric Administration;

14 (2) 12 members, who shall be appointed by
15 their respective agency heads, from—

16 (A) the Department of Defense;

17 (B) the United States Navy;

18 (C) the United States Agency for Inter-
19 national Development;

20 (D) the United States Fish and Wildlife
21 Service;

22 (E) the Department of Justice;

23 (F) the Department of the Treasury;

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

1 (H) U.S. Immigration and Customs En-
2 forcement;

3 (I) the Federal Trade Commission;

4 (J) the National Institute of Food and Ag-
5 riculture;

6 (K) the Food and Drug Administration;
7 and

8 (L) the Department of Labor;

9 (3) 1 or more members from the intelligence
10 community, who shall be appointed by the Director
11 of National Intelligence; and

12 (4) 5 members, who shall be appointed by the
13 President, from—

14 (A) the National Security Council;

15 (B) the Council on Environmental Quality;

16 (C) the Office of Management and Budget;

17 (D) the Office of Science and Technology
18 Policy; and

19 (E) the Office of the United States Trade
20 Representative.

21 (c) RESPONSIBILITIES.—The Working Group shall
22 ensure an integrated, Federal Government-wide response
23 to IUU fishing and seafood fraud globally, including—

1 (1) by continuing to implement the rec-
2 ommendations of the Presidential Task Force on
3 Combating IUU Fishing and Seafood Fraud;

4 (2) by reinforcing and improving the coordina-
5 tion of Federal agencies to identify, interdict, inves-
6 tigate, prosecute, and dismantle IUU fishing oper-
7 ations and organizations perpetrating and knowingly
8 benefiting from IUU fishing and seafood fraud in
9 the United States and abroad;

10 (3) by assessing areas for increased interagency
11 information sharing on matters related to IUU fish-
12 ing and related crimes;

13 (4) by establishing standards for information
14 sharing related to maritime enforcement;

15 (5) by developing a strategy to determine how
16 military assets and intelligence can contribute to en-
17 forcement strategies to combat IUU fishing;

18 (6) by increasing maritime domain awareness
19 relating to IUU fishing and related crimes and de-
20 veloping a strategy to leverage awareness for en-
21 hanced enforcement and prosecution actions against
22 IUU fishing;

23 (7) by supporting the implementation of the
24 Port State Measures Agreement in relevant coun-

1 tries and assessing the capacity and training needs
2 in such countries;

3 (8) by identifying opportunities to increase the
4 number of species covered through SIMP to eventu-
5 ally include all seafood species imported into the
6 United States;

7 (9) by outlining a strategy to coordinate, in-
8 crease, and use shiprider agreements between the
9 Department of Defense or the Coast Guard and rel-
10 evant countries;

11 (10) by enhancing cooperation with partner
12 governments to combat IUU fishing and seafood
13 fraud;

14 (11) by identifying opportunities for increased
15 information sharing between Federal agencies and
16 partner governments working to combat IUU fishing
17 and seafood fraud;

18 (12) by consulting and coordinating with the
19 seafood industry and nongovernmental stakeholders
20 that work to combat IUU fishing and seafood fraud;

21 (13) by updating and maintaining the National
22 Plan of Action of the United States of America to
23 Prevent, Deter, and Eliminate Illegal, Unregulated,
24 and Underreported Fishing in accordance with the
25 International Plan of Action to Prevent, Deter and

1 Eliminate Illegal, Unreported and Unregulated Fish-
2 ing, adopted at the 24th Session of the Committee
3 on Fisheries in Rome on March 2, 2001;

4 (14) by supporting the implementation of the
5 Global Record of Fishing Vessels, Refrigerated
6 Transport Vessels and Supply Vessels;

7 (15) by supporting the identification and certifi-
8 cation procedures to address IUU fishing in accord-
9 ance with the High Seas Driftnet Fishing Morato-
10 rium Protection Act (16 U.S.C. 1826d et seq.); and

11 (16) by developing a strategy for raising domes-
12 tic awareness of the issues related to IUU fishing
13 and seafood fraud, including publishing annual re-
14 ports summarizing nonsensitive information about
15 the Working Group's efforts to investigate, enforce,
16 and prosecute groups and individuals engaging in
17 IUU fishing and seafood fraud.

18 **SEC. 202. STRATEGIC PLAN.**

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

1 (b) IDENTIFICATION OF PRIORITY REGIONS AND
2 PRIORITY FLAG STATES.—

3 (1) IN GENERAL.—The strategic plan submitted
4 under subsection (a) shall identify priority regions
5 and priority flag states to be the focus of assistance
6 coordinated by the Working Group under section
7 201.

8 (2) PRIORITY REGION SELECTION CRITERIA.—
9 In selecting priority regions under paragraph (1),
10 the Working Group shall select regions that—

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

14 (B) lack the capacity to fully address the
15 issues described in subparagraph (A).

16 (3) PRIORITY FLAG STATES SELECTION CRI-
17 TERIA.—In selecting priority flag states under para-
18 graph (1), the Working Group shall select coun-
19 tries—

20 (A) the flagged vessels of which actively
21 engage in, knowingly profit from, or are
22 complicit in IUU fishing; and

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

1 **SEC. 203. REPORTS.**

2 (a) REPORTING.—

3 (1) IN GENERAL.—The Working Group shall
4 explore appropriate opportunities to incorporate in-
5 formation about IUU fishing, related crimes, and
6 other threats to maritime security in appropriate ex-
7 isting reports and strategies, and provide such infor-
8 mation as requested for such reports and strategies,
9 including—

10 (A) the National Security Strategy of the
11 United States;

12 (B) the Department of State and USAID
13 Quadrennial Diplomacy and Department Re-
14 view;

15 (C) the Department of State Trafficking in
16 Persons Report;

17 (D) the biennial report on international
18 compliance required under section 607 of the
19 High Seas Driftnet Fishing Moratorium Protec-
20 tion Act (16 U.S.C. 1826h);

21 (E) the National Fleet Plan of the Navy
22 and the Coast Guard;

23 (F) the Department of Defense Quadren-
24 nial Defense Review;

1 (G) the Worldwide Threat Assessment and
2 National Maritime Intelligence-Integration Of-
3 fice Annual Report;

4 (H) the United States Trade Representa-
5 tive Enforcement Priorities Report; and

6 (I) the Department of Homeland Security
7 and Customs and Border Protection Annual
8 Trade and Travel Report.

9 (2) CONTENTS.—The information incorporated
10 in reports submitted under paragraph (1) may in-
11 clude—

12 (A) a summary of global and regional
13 trends in IUU fishing and seafood fraud;

14 (B) an assessment of the extent of the con-
15 vergence between transnational organized illegal
16 activity and IUU fishing;

17 (C) an assessment of the topics, data
18 sources, and strategies that would benefit from
19 increased information sharing and recommenda-
20 tions regarding harmonization of data collection
21 and sharing;

22 (D) an assessment of assets, including
23 military assets and intelligence, which can be
24 used for either enforcement operations or strat-
25 egies to combat IUU fishing;

1 (E) summaries of the situational threats
2 with respect to IUU fishing in priority regions
3 and an assessment of the capacity of countries
4 within such regions to respond to those threats;

5 (F) an assessment of the progress of coun-
6 tries in priority regions in responding to those
7 threats as a result of assistance by the United
8 States pursuant to the strategic plan developed
9 under section 202, including—

10 (i) the identification of—

11 (I) relevant supply routes, ports
12 of call, methods of landing and enter-
13 ing illegally caught product into legal
14 supply chains, and financial institu-
15 tions used in each country by partici-
16 pants engaging in IUU fishing; and

17 (II) red flag indicators of IUU
18 fishing related to money laundering;

19 (ii) an assessment of the adherence of
20 countries in priority regions to inter-
21 national treaties related to IUU fishing, in-
22 cluding the Port State Measures Agree-
23 ment;

24 (iii) an assessment of the implementa-
25 tion by countries in priority regions of sea-

1 food traceability or capacity to apply
2 traceability to verify the legality of catch
3 and strengthen fisheries management;

4 (iv) an assessment of the capacity of
5 countries in priority regions to implement
6 shiprider agreements;

7 (v) an assessment of the capacity of
8 countries in priority regions to increase
9 maritime domain awareness; and

10 (vi) an assessment of the capacity of
11 governments of relevant countries in pri-
12 ority regions to sustain the programs for
13 which the United States has provided as-
14 sistance under this Act;

15 (G) an assessment of the capacity of pri-
16 ority flag states to police their fleet, prevent
17 their flagged vessels from engaging in IUU
18 fishing, and enforce applicable laws and regula-
19 tions; and

20 (H) an assessment of the extent of involve-
21 ment in IUU fishing of organizations des-
22 ignated as foreign terrorist organizations under
23 section 219 of the Immigration and Nationality
24 Act (8 U.S.C. 1189).

1 **SEC. 204. GULF OF MEXICO IUU FISHING SUBWORKING**
2 **GROUP.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date of the enactment of this Act, the Administrator of
5 the National Oceanic and Atmospheric Administration, in
6 coordination with the Coast Guard and the Department
7 of State, shall establish a subworking group to address
8 IUU fishing in the exclusive economic zone of the United
9 States in the Gulf of Mexico.

10 (b) FUNCTIONS.—The subworking group established
11 under subsection (a) shall identify—

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

18 (A) the surveillance, interdiction, and pros-
19 ecution of any foreign nationals engaged in
20 such fishing; and

21 (B) the application of the provisions of the
22 High Seas Driftnet Fishing Moratorium Protec-
23 tion Act (16 U.S.C. 1826d et seq.) to any rel-
24 evant nation, including the status of any past
25 or ongoing consultations and certification proce-
26 dures;

1 (2) actions and policies, in addition to the ac-
2 tions and policies described in paragraph (1), each
3 of the Federal agencies described in subsection (a)
4 can take, using existing resources, to combat IUU
5 fishing in the exclusive economic zone of the United
6 States in the Gulf of Mexico, including relevant rec-
7 ommendations of the Presidential Task Force on
8 Combating IUU Fishing and Seafood Fraud; and

9 (3) any additional authorities that could assist
10 each such agency in more effectively addressing such
11 IUU fishing.

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

18 (1) the findings identified pursuant to sub-
19 section (b); and

20 (2) a timeline for each of the Federal agencies
21 described in subsection (a) to implement each action
22 or policy identified pursuant to subsection (b)(2).

1 **TITLE III—AUTHORIZATION OF**
2 **APPROPRIATIONS**

3 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums
5 as may be necessary to carry out the activities required
6 under this Act.

○