

ILLEGAL FISHING AND FORCED LABOR PREVENTION ACT

Sec. 1. Short Title.

Sec. 2. Definitions.

Title I: Combating Human Trafficking through Seafood Import Monitoring

Section 101. Definitions.

Section 102. Expansion of Seafood Import Monitoring Program to all species. Directs the Secretary of Commerce to expand the Seafood Import Monitoring Program to apply to all fish and fish products within 2 years.

Section 103. Automated Commercial Environment. Directs the Secretary to develop a strategy to improve the quality and verifiability of data entry fields for certain elements in the Automated Commercial Environment system through which importers submit data used by the Seafood Import Monitoring Program.

Section 104. Additional data requirements for Seafood Import Monitoring Program data collection. Adds new import data requirements, including more accurate location of catch, chain of custody records, and the vessel beneficial owner, as well as requires that import data be submitted at least 72 hours prior to entry into the U.S. Directs a regulatory process to establish additional key data elements for SIMP that collect information about labor conditions for imported fish and fish products, and requires additional oversight for international fisheries trade permits.

Section 105. Efforts to improve detection of at-risk seafood imports. Directs development of artificial intelligence and machine learning technologies to detect imports at risk of being associated with IUU fishing and labor violations.

Section 106. Import audits. Directs development of a comprehensive data audit procedure and requires prioritization for audit imports from countries identified by other Federal agencies as having human trafficking, forced labor, and child labor in any part of the seafood supply chain.

Section 107. Interagency coordination. Directs NOAA coordinate with other agencies to ensure that new data elements required by this title can be submitted through the Automated Commercial Environment to U.S. Customs and Border Protection.

Section 108. Availability of fisheries information. Provides access to fisheries data by federal agencies responsible for screening imported seafood, agencies responsible for traceability verification and enforcement, and for verifying catch documentation and legality under the condition it does not damage value of catch or business. This would still preserve confidentiality of personally identifiable information.

Section 109. Report on seafood import monitoring. Requires an annual report on Seafood Import Monitoring Program implementation and trends.

Section 110. Authorization of appropriations. Authorizes \$20 million per year through FY2025 for U.S. Customs and Border Protection to carry out enforcement of section 307 of the Tariff Act of 1930.

Title II: Seafood Traceability and Labeling

Section 201. Federal activities on seafood safety and fraud. Directs NOAA to use the National Sea Grant College Program to provide outreach to states, local health agencies, consumers, and the seafood industry on seafood safety and fraud. This section also directs the Departments of Commerce and Health and Human Services to coordinate with the Department of Homeland Security to ensure that inspections and tests for seafood safety also collect information for seafood fraud prevention.

Section 202. Seafood labeling and identification. Establishes seafood traceability requirements so that information accompanies seafood through processing and distribution, including whether the fish was wild or farm-raised, the date and location of catch, the method of harvest and type of fishing gear used, and evidence of authorization to fish. This section also establishes similar labeling requirements that accompany seafood products to the point of final sale to consumers.

Section 203. Federal enforcement. Directs the Secretary of Commerce, in consultation with the Secretary of Health and Human Services, to publish online a list of foreign exporters whose seafood is imported to the United States and any information on their violations of U.S. law relating to seafood fraud. This section also directs the Secretary to increase the number of seafood shipments inspected for seafood fraud and to coordinate with other Federal agencies on seafood fraud enforcement.

Section 204. State enforcement. Allows States to bring civil actions against persons it believes have engaged in seafood fraud.

Section 205. Effect on state law. Provides that this title does not preempt the authority of States to establish and enforce antitrafficking laws or requirements for improving seafood safety and preventing seafood fraud.

Title III: Strengthening International Fisheries Management to Combat Human Trafficking

Section 301. Denial of port privileges. Expands the authority of the Secretary of Homeland Security to withhold or revoke U.S. port privileges for fishing vessels of a nation that has been identified for IUU fishing in two consecutive biennial reports, in addition to the existing authority to revoke such privileges for fishing vessels of nations that have received a negative certification.

Section 302. Identification and certification criteria. Expands IUU identification criteria to include data from non-governmental stakeholder groups, the public, and the Seafood Import Monitoring Program. This section adds new identification criteria, including how much a country subsidizes increased capacity and overfishing, and identification by other Federal agencies as having human trafficking, forced labor, or child labor in any part of its seafood supply chain. Also improves IUU certification criteria to require that a country's corrective actions lead to measurable improvements in the reduction of IUU fishing and addressing underlying failings or gaps in its corrective actions.

Section 303. Illegal, unreported, or unregulated fishing defined. Requires NOAA to use the definition of IUU fishing adopted by the Food and Agriculture Organization, which includes fishing conducted in violation of other national and international laws, as well as incorporate international recognized labor rights into IUU enforcement. The United States has already adopted the FAO's definition in the Port State Measures Agreement, but the High Seas Driftnet Fishing Moratorium Protection Act still gives deference to the Secretary of Commerce to define IUU fishing.

Section 304. Equivalent conservation measures. Applies amendments to identification and certification criteria for high seas fishing activities that result in bycatch of living marine resources similar to those amendments made for identification and certification for IUU fishing found in section 302 of this bill.

Section 305. Regulations. Directs the Secretary to promulgate regulations implementing this title within one year.

Title IV: Maritime SAFE Amendments

Section 401. Illegal, Unreported, or Unregulated Fishing Working Group responsibilities. Amends the Maritime SAFE Act, which was included in the National Defense Authorization Act for Fiscal Year 2020, to direct the IUU Interagency Working Group to develop a strategy for leveraging IUU enforcement across import control and assessment programs, including the Seafood Import Monitoring Program, the List of Goods Produced by Child Labor or Forced Labor, and the Trafficking in Persons Report. Directs the Interagency Working Group to assess areas for increased information sharing and collaboration between Working Group members and state-based agencies to investigate and prosecute IUU and seafood fraud.

Section 402. Strategic plan. Directs the IUU Interagency Working Group to identify information and resources to prevent IUU and fraudulently labeled seafood from entering U.S. commerce.

Section 403. Authority to hold fish products. Authorizes NOAA to place a hold on fisheries products to aid field inspections and enforcement efforts. Other partner government agencies can place holds but currently NOAA must request Customs and Border Protection to use its authority to do so.

Title V: Maritime Awareness

Section 501. Automatic identification system requirements. Includes a sense of Congress that automatic identification systems (AIS) are the best available tool to track spatiotemporal fishing effort in the U.S. Exclusive Economic Zone and high seas to manage shared use of the ocean, improve fisheries management, and deter and interdict IUU fishing and associated human trafficking, forced labor, and child labor. This section amends statutory requirements for equipment and operation of AIS to require that AIS be used in the U.S. exclusive economic zone (200 nautical miles from shore) and on the high seas (waters beyond the exclusive economic zone) rather than only in navigable waters (defined by Coast Guard regulations as internal waters and the territorial sea or 12 nautical miles from shore); also requires use of AIS by fishing vessels, fish processing vessels, and fish tender vessels greater than 50 feet in length overall. It maintains existing Coast Guard policies on availability of AIS data and authorizes \$5 million for AIS for vessels more than 50 ft in length that do not already have these systems.

