

AMENDMENT TO RULES COMMITTEE PRINT

119–33

OFFERED BY MR. BEGICH OF ALASKA

At the end of title XVII, insert the following:

1 **Subtitle C—Fighting Foreign**
2 **Illegal Seafood Harvests**

3 **SEC. 17___ . STATEMENT OF POLICY.**

4 It is the policy of the United States to partner, con-
5 sult, and coordinate with foreign governments (at the na-
6 tional and subnational levels), civil society, international
7 organizations, international financial institutions, sub-
8 national coastal communities, commercial and recreational
9 fishing industry leaders, communities that engage in
10 artisanal or subsistence fishing, fishers, and the private
11 sector, in a concerted effort—

12 (1) to continue the broad effort across the Fed-
13 eral Government to counter IUU fishing, including
14 any potential links to forced labor, human traf-
15 ficking, and other threats to maritime security, as
16 outlined in sections 3533 and 3534 of the Maritime
17 SAFE Act (16 U.S.C. 8002 and 8003); and

18 (2) to, additionally—

1 (A) prioritize efforts to prevent IUU fish-
2 ing at its sources; and

3 (B) support continued implementation of
4 the Central Arctic Ocean Fisheries agreement,
5 as well as joint research and follow-on actions
6 that ensure sustainability of fish stocks in Arc-
7 tic international waters.

8 **SEC. 17____. ESTABLISHMENT OF AN IUU VESSEL LIST.**

9 (a) IN GENERAL.—Section 608 of the High Seas
10 Driftnet Fishing Moratorium Protection Act (16 U.S.C.
11 1826i) is amended—

12 (1) by redesignating subsection (d) as sub-
13 section (j); and

14 (2) by striking subsection (e) and inserting the
15 following:

16 “(c) IUU VESSEL LIST.—

17 “(1) IN GENERAL.—The Secretary, in coordina-
18 tion with the Secretary of State, Commissioner of
19 U.S. Customs and Border Protection, Secretary of
20 the Treasury, and Secretary of Labor, shall develop,
21 maintain, and make public a list (referred to in this
22 section as the ‘IUU vessel list’) of foreign vessels,
23 foreign fleets, and beneficial owners of foreign ves-
24 sels or foreign fleets engaged in—

25 “(A) IUU fishing;

1 “(B) fishing-related activities in support of
2 IUU fishing; or

3 “(C) fishing that involves the use of forced
4 labor.

5 “(2) INCLUSION ON LIST.—The IUU vessel list
6 shall include any foreign vessel, foreign fleet, or ben-
7 eficial owner of a foreign vessel or foreign fleet for
8 which the Secretary determines there is clear and
9 convincing evidence to believe that the foreign vessel
10 or foreign fleet is any of the following (even if the
11 Secretary has only partial information regarding the
12 foreign vessel):

13 “(A) A foreign vessel listed on an IUU ves-
14 sel list of an international or regional fisheries
15 management organization.

16 “(B) A foreign vessel taking part in fishing
17 that undermines the effectiveness of the con-
18 servation and management measures of an
19 international or regional fisheries management
20 organization, unless such international or re-
21 gional fisheries management organization or the
22 flag state has eliminated the undermining by
23 such foreign vessel of such conservation and
24 management measures and such international
25 or regional fisheries management organization

1 does not include such foreign vessel on the IUU
2 vessel list of such international or regional fish-
3 eries management organization, including a for-
4 eign vessel—

5 “(i) exceeding applicable international
6 or regional fisheries management organiza-
7 tion catch limits; or

8 “(ii) that is operating inconsistent
9 with relevant catch allocation arrange-
10 ments of the international or regional fish-
11 eries management organization, even if op-
12 erating under the authority of a foreign
13 country that is not a member of the inter-
14 national or regional fisheries management
15 organization.

16 “(C) A foreign vessel, either on the high
17 seas or in the exclusive economic zone of an-
18 other country, identified by United States au-
19 thorities to an international or regional fisheries
20 management organization as conducting IUU
21 fishing when the United States has reason to
22 believe the foreign country to which the foreign
23 vessel is registered or documented is not ad-
24 dressing the allegation.

1 “(D) A foreign vessel, foreign fleet, or ben-
2 eficial owner of a foreign vessel or foreign fleet
3 on the high seas identified by United States au-
4 thorities to be conducting IUU fishing or fish-
5 ing that involves the use of forced labor, includ-
6 ing individuals and entities subject to a with-
7 hold release order or a finding issued by U.S.
8 Customs and Border Protection pursuant to
9 section 307 of the Tariff Act of 1930 (19
10 U.S.C. 1307) or any other U.S. Customs and
11 Border Protection enforcement action, sanctions
12 imposed by the Department of the Treasury
13 under the Global Magnitsky Human Rights Ac-
14 countability Act (22 U.S.C. 10101 et seq.), or
15 any other United States Government forced
16 labor prevention or enforcement action that has
17 not been subsequently revoked.

18 “(E) A foreign vessel that provides services
19 (excluding emergency or enforcement services)
20 to a foreign vessel that is on the IUU vessel
21 list, including transshipment, resupply, refuel-
22 ing, or pilotage.

23 “(F) A foreign vessel that is a fishing ves-
24 sel engaged in commercial fishing within the ex-
25 clusive economic zone of the United States

1 without a permit issued under title II of the
2 Magnuson-Stevens Fishery Conservation and
3 Management Act (16 U.S.C. 1821 et seq.).

4 “(G) A foreign vessel identified by the
5 United States as having the same beneficial
6 owner as a foreign vessel on the IUU vessel list
7 at the time of the infraction.

8 “(H) A foreign vessel or beneficial owner
9 of a foreign vessel subject to economic sanctions
10 administered by the Department of the Treas-
11 ury Office of Foreign Assets Control for
12 transnational criminal activity associated with
13 IUU fishing under Executive Order 13581 (76
14 Fed. Reg. 44757, 84 Fed. Reg. 10255; relating
15 to blocking property of transnational criminal
16 organizations), or any other applicable economic
17 sanctions program, including sanctions imposed
18 by the Department of the Treasury under the
19 Global Magnitsky Human Rights Accountability
20 Act (22 U.S.C. 10101 et seq.).

21 “(3) NOMINATIONS TO BE PUT ON IUU VESSEL
22 LIST.—The Secretary may receive nominations for
23 putting a foreign vessel on the IUU vessel list
24 from—

1 “(A) the head of an executive branch agen-
2 cy that is a member of the Interagency Work-
3 ing Group on IUU Fishing established under
4 section 3551 of the Maritime SAFE Act (16
5 U.S.C. 8031);

6 “(B) a country that is a member of the
7 Combined Maritime Forces; or

8 “(C) civil organizations that have data-
9 sharing agreements with a member of the Inter-
10 agency Working Group on IUU Fishing.

11 “(4) NOTIFICATION TO FOREIGN VESSEL
12 OWNER.—The Secretary may put a foreign vessel on
13 the IUU vessel list only after notification to the ben-
14 eficial owner of the foreign vessel, if known, and, if
15 unknown, the flag state of the foreign vessel and a
16 review of any information that the beneficial owner
17 or flag state provides within 90 days of the notifica-
18 tion.

19 “(5) PUBLIC INFORMATION.—The Secretary
20 shall publish in the Federal Register and make
21 available on a publicly available website the fol-
22 lowing:

23 “(A) The process established under sub-
24 section (g) for adding foreign vessels to, and re-

1 moving foreign vessels from, the IUU vessel
2 list.

3 “(B) The IUU vessel list on an annual
4 basis, which shall be updated any time a foreign
5 vessel is added to or removed from the IUU
6 vessel list, and include the following information
7 (as much as is available and confirmed) for
8 each foreign vessel on the IUU vessel list:

9 “(i) The name of the foreign vessel
10 and previous names of the foreign vessel.

11 “(ii) The International Maritime Or-
12 ganization number of the foreign vessel, if
13 available, and any other Unique Vessel
14 Identifier (such as the flag state permit
15 number or authorized vessel number issued
16 by an international or regional fisheries
17 management organization).

18 “(iii) The maritime mobile service
19 identity number and call sign of the for-
20 eign vessel.

21 “(iv) The business or corporate ad-
22 dress of each beneficial owner of the for-
23 eign vessel.

24 “(v) The country where the foreign
25 vessel is registered or documented, and

1 where it was previously registered, if
2 known.

3 “(vi) The date of inclusion on the
4 IUU vessel list of the foreign vessel.

5 “(vii) Any other identifying informa-
6 tion on the foreign vessel, as determined
7 appropriate by the Secretary.

8 “(viii) The basis for the inclusion by
9 the Secretary of the foreign vessel on the
10 IUU vessel list under paragraph (2).

11 “(d) CONSEQUENCES OF BEING ON IUU VESSEL
12 LIST.—

13 “(1) IN GENERAL.—Except for the purposes of
14 inspection and enforcement or in case of force
15 majeure, a foreign vessel on the IUU vessel list is
16 prohibited from—

17 “(A) accessing United States ports and
18 using port services;

19 “(B) traveling through the United States
20 territorial sea, unless it is conducting innocent
21 passage; and

22 “(C) delivering or receiving supplies or
23 services, or transshipment, within waters sub-
24 ject to the jurisdiction of the United States, un-

1 less such prohibition would be inconsistent with
2 customary international law.

3 “(2) SERVICING PROHIBITED.—No vessel of the
4 United States may service a foreign vessel that is on
5 the IUU vessel list, except in an emergency involving
6 life and safety or to facilitate enforcement.

7 “(3) IMPORTS PROHIBITED.—The import of
8 seafood caught, processed, or transported by foreign
9 vessels on the IUU vessel list is prohibited and shall
10 be subject to the enforcement provisions of section
11 606.

12 “(4) FISHING TREATIES AND AGREEMENTS.—It
13 should be a priority for United States delegations
14 to—

15 “(A) advocate for the incorporation of arti-
16 cles in international or regional fisheries man-
17 agement organizations providing identical or
18 similar safeguards described in this section in
19 new and updated bilateral or multilateral fish-
20 ing treaties; and

21 “(B) encourage parties to international
22 and regional fisheries management organiza-
23 tions that the United States is party to, or
24 holds observer status, to take similar measures
25 described in this section.

1 “(e) ENFORCEMENT OF IUU VESSEL LIST.—

2 “(1) IN GENERAL.—Except as provided in para-
3 graph (2), a foreign vessel on the IUU vessel list
4 and the cargo of such foreign vessel shall be subject
5 to seizure and forfeiture to the United States in the
6 same manner as vessels and cargo subject to for-
7 feiture under section 310 of the Magnuson-Stevens
8 Fishery Conservation and Management Act (16
9 U.S.C. 1860) for violation of that Act (16 U.S.C.
10 1801 et seq.).

11 “(2) EXCEPTION.—The cargo of seafood of a
12 foreign vessel on the IUU vessel list shall not be
13 subject to seizure and forfeiture to the United States
14 under paragraph (1) if the cargo of seafood is in the
15 possession of an importer who has paid for the cargo
16 of seafood and did not know, or did not have any
17 reason to know, that the seafood was the cargo of
18 a foreign vessel on the IUU vessel list.

19 “(f) PERMANENCY OF IUU VESSEL LIST.—

20 “(1) IN GENERAL.—Except as provided in para-
21 graphs (2) through (4), a foreign vessel, foreign
22 fleet, or beneficial owner of a foreign vessel or for-
23 eign fleet that is put on the IUU vessel list shall re-
24 main on the IUU vessel list.

1 “(2) REVOCATION OF WITHHOLD RELEASE
2 ORDER.—The Secretary shall remove a foreign ves-
3 sel or foreign fleet from the IUU vessel list if the
4 foreign vessel was added to the IUU vessel list be-
5 cause it was found by U.S. Customs and Border
6 Protection to have had a withhold release order or
7 a finding issued pursuant to section 307 of the Tar-
8 iff Act of 1930 (19 U.S.C. 1307) and the withhold
9 release order was subsequently revoked.

10 “(3) APPLICATION BY BENEFICIAL OWNER OR
11 FLAG STATE FOR REMOVAL.—

12 “(A) IN GENERAL.—In consultation with
13 the Secretary of State and Commissioner of
14 U.S. Customs and Border Protection, the Sec-
15 retary may remove a foreign vessel, foreign
16 fleet, or beneficial owner of a foreign vessel or
17 foreign fleet from the IUU vessel list if the ben-
18 efiticial owner of the foreign vessel or flag state
19 submits an application for removal to the Sec-
20 retary that meets the standards that the Sec-
21 retary has set out for removal.

22 “(B) STANDARDS.—

23 “(i) IN GENERAL.—The Secretary
24 shall include in the standards set out for
25 removal a determination that the foreign

1 vessel or beneficial owner of the foreign
2 vessel has not engaged in IUU fishing or
3 fishing that involves the use of forced labor
4 during the 5-year period preceding the
5 date of the application for removal.

6 “(ii) DETERMINATION.—The Sec-
7 retary, in consultation with the Secretary
8 of State and Commissioner of U.S. Cus-
9 toms and Border Protection, shall deter-
10 mine whether each application for removal
11 demonstrates that sufficient corrective ac-
12 tion has been taken to remediate the viola-
13 tions and infractions that led to the inclu-
14 sion on the IUU vessel list.

15 “(C) CONSIDERATION OF RELEVANT IN-
16 FORMATION.—In considering an application for
17 removal, the Secretary shall consider relevant
18 information from all sources.

19 “(4) REMOVAL DUE TO INTERNATIONAL OR RE-
20 GIONAL FISHERIES MANAGEMENT ORGANIZATION AC-
21 TION.—The Secretary may remove a foreign vessel
22 from the IUU vessel list if the foreign vessel was put
23 on the list because it was a foreign vessel listed on
24 an IUU vessel list of an international or regional
25 fisheries management organization, pursuant to sub-

1 section (c)(2)(A), and the international or regional
2 fisheries management organization removed the for-
3 eign vessel from the IUU vessel list of the inter-
4 national or regional fisheries management organiza-
5 tion.

6 “(g) REGULATIONS AND PROCESS.—

7 “(1) IN GENERAL.—Not later than 1 year after
8 the date of the enactment of this subsection, the
9 Secretary shall issue regulations to set a process for
10 establishing, maintaining, implementing, and pub-
11 lishing the IUU vessel list, including ensuring due
12 process.

13 “(2) ADDITION; REMOVAL.—The Secretary may
14 add or remove a foreign vessel, foreign fleet, or ben-
15 efiticial owner of a foreign vessel or foreign fleet from
16 the IUU vessel list on the date the foreign vessel be-
17 comes eligible for such addition or removal.

18 “(h) DEFINITIONS.—In this section:

19 “(1) ADMINISTRATOR.—Unless otherwise pro-
20 vided, the term ‘Administrator’ means the Adminis-
21 trator of the National Oceanic and Atmospheric Ad-
22 ministration or the designee of the Administrator.

23 “(2) BENEFICIAL OWNER.—The term ‘bene-
24 ficial owner’ means, with respect to a vessel, a per-
25 son that, directly or indirectly, through any contract,

1 arrangement, understanding, relationship, or other-
2 wise—

3 “(A) exercises substantial control over the
4 vessel; or

5 “(B) owns not less than 50 percent of the
6 ownership interests in the vessel.

7 “(3) FISH.—The term ‘fish’ means finfish, mol-
8 lusks, crustaceans, and all other forms of marine
9 animal and plant life other than marine mammals
10 and birds.

11 “(4) FORCED LABOR.—The term ‘forced labor’
12 has the meaning given that term in section 307 of
13 the Tariff Act of 1930 (19 U.S.C. 1307).

14 “(5) FOREIGN FLEET.—The term ‘foreign fleet’
15 means all reportable foreign vessels operated by a
16 single beneficial owner in areas outside the jurisdic-
17 tion of the United States.

18 “(6) FOREIGN VESSEL.—The term ‘foreign ves-
19 sel’ has the meaning given the term in section 110
20 of title 46, United States Code.

21 “(7) INTERNATIONAL FISHERY MANAGEMENT
22 ORGANIZATION.—The term ‘international fishery
23 management organization’ means an international
24 organization established by any bilateral or multilat-

1 eral treaty, convention, or agreement for the con-
2 servation and management of fish.

3 “(8) IUU FISHING.—The term ‘IUU fishing’
4 has the meaning given the term in section 3532 of
5 the Maritime SAFE Act (16 U.S.C. 8001).

6 “(9) SEAFOOD.—The term ‘seafood’ means
7 fish, processed fish, fish meal, and shellfish prod-
8 ucts.

9 “(i) SUNSET.—Subsections (c) through (h) shall ter-
10minate on September 30, 2033.”.

11 (b) AMENDMENT OF DEFINITION OF IUU FISH-
12ING.—Section 609(e)(2) of the High Seas Driftnet Fish-
13ing Moratorium Protection Act (16 U.S.C. 1826j(e)(2))
14is amended to read as follows:

15 “(2) SECRETARY TO AMEND DEFINITION OF IL-
16LEGAL, UNREPORTED, OR UNREGULATED FISH-
17ING.—Not later than 90 days after the date of the
18enactment of the National Defense Authorization
19Act for Fiscal Year 2027, the Secretary shall amend
20the definition of the term ‘illegal, unreported, or un-
21regulated (IUU) fishing’ contained in part 300.201
22of title 50, Code of Federal Regulations (as in effect
23on the date of the enactment of that Act), to be con-
24sistent with section 3532 of the Maritime SAFE Act
25(16 U.S.C. 8001).”.

1 **SEC. 17____. IMPOSITION OF SANCTIONS.**

2 (a) AUTHORIZATION FOR SANCTIONS.—The Sec-
3 retary of the Treasury may impose the measures described
4 in subsection (b) with respect to—

5 (1) any foreign person or foreign vessel, regard-
6 less of ownership, that the Secretary of the Treasury
7 determines has participated in—

8 (A) the sale, supply, purchase, or transfer
9 (including transportation) of a fish species that
10 is an endangered species, as defined in section
11 3 of the Endangered Species Act of 1973 (16
12 U.S.C. 1532), directly or indirectly; or

13 (B) IUU fishing;

14 (2) a leader or official of an entity that has en-
15 gaged in, or whose members have engaged in, any
16 of the activities described in paragraph (1);

17 (3) an entity determined to have owned, oper-
18 ated, chartered, or controlled a vessel whose per-
19 sonnel are engaged in the activities described in
20 paragraph (1) at a time period relating to the activi-
21 ties;

22 (4) an entity that commits any action described
23 in section 608(c) of the High Seas Driftnet Fishing
24 Moratorium Protection Act (16 U.S.C. 1826i) as a
25 basis to be put on the IUU vessel list under such
26 section; and

1 (5) an entity that has materially assisted, spon-
2 sored, or provided financial, material, or techno-
3 logical support for, or goods or services in support
4 of, a foreign person or foreign vessel described in
5 paragraph (1).

6 (b) SANCTIONS DESCRIBED.—The sanctions to be
7 imposed under subsection (a) are the following:

8 (1) BLOCKING OF PROPERTY.—Notwith-
9 standing section 202 of the International Emergency
10 Economic Powers Act (50 U.S.C. 1701), the exercise
11 of all powers granted to the President by the Inter-
12 national Emergency Economic Powers Act (50
13 U.S.C. 1701 et seq.) to the extent necessary to block
14 and prohibit all transactions in all property and in-
15 terests in property of a foreign person or entity de-
16 scribed in subsection (a) including, to the extent ap-
17 propriate, the vessel of which the person is the bene-
18 ficial owner, if such property and interests in prop-
19 erty are in the United States, come within the
20 United States, or are or come within the possession
21 or control of a United States person.

22 (2) INELIGIBILITY FOR VISAS, ADMISSION, OR
23 PAROLE.—

24 (A) VISAS, ADMISSION, OR PAROLE.—A
25 foreign person described in subsection (a) is—

1 (i) inadmissible to the United States;

2 (ii) ineligible to receive a visa or other

3 documentation to enter the United States;

4 and

5 (iii) otherwise ineligible to be admitted

6 or paroled into the United States or to re-

7 ceive any other benefit under the Immigra-

8 tion and Nationality Act (8 U.S.C. 1101 et

9 seq.).

10 (B) CURRENT VISAS REVOKED.—

11 (i) IN GENERAL.—The visa or other

12 entry documentation of a foreign person

13 described in subsection (a) shall be re-

14 voked, regardless of when such visa or

15 other entry documentation is or was

16 issued.

17 (ii) IMMEDIATE EFFECT.—A revoca-

18 tion under clause (i) shall, in accordance

19 with section 221(i) of the Immigration and

20 Nationality Act (8 U.S.C. 1201(i))—

21 (I) take effect; and

22 (II) cancel any other valid visa or

23 entry documentation that is in the

24 person's possession.

25 (c) IMPLEMENTATION; PENALTIES.—

1 (1) IMPLEMENTATION.—The President may ex-
2 ercise all authorities provided under sections 203
3 and 205 of the International Emergency Economic
4 Powers Act (50 U.S.C. 1702 and 1704) to carry out
5 this section.

6 (2) PENALTIES.—A person that violates, at-
7 tempts to violate, conspires to violate, or causes a
8 violation of this section or any regulation, license, or
9 order issued to carry out this section shall be subject
10 to the penalties set forth in subsections (b) and (c)
11 of section 206 of the International Emergency Eco-
12 nomic Powers Act (50 U.S.C. 1705) to the same ex-
13 tent as a person that commits an unlawful act de-
14 scribed in subsection (a) of that section.

15 (d) NATIONAL INTEREST WAIVER.—The President
16 may waive the imposition of sanctions under this section
17 with respect to a foreign person or entity.

18 (e) EXCEPTIONS.—

19 (1) EXCEPTIONS FOR AUTHORIZED INTEL-
20 LIGENCE AND LAW ENFORCEMENT ACTIVITIES.—
21 This section shall not apply with respect to activities
22 subject to the reporting requirements under title V
23 of the National Security Act of 1947 (50 U.S.C.
24 3091 et seq.) or any authorized intelligence, law en-

1 enforcement, or national security activities of the
2 United States.

3 (2) EXCEPTION TO COMPLY WITH INTER-
4 NATIONAL AGREEMENTS.—Sanctions under sub-
5 section (b)(2) shall not apply with respect to the ad-
6 mission of an alien to the United States if such ad-
7 mission is necessary to comply with the obligations
8 of the United States under the Agreement regarding
9 the Headquarters of the United Nations, signed at
10 Lake Success June 26, 1947, and entered into force
11 November 21, 1947, between the United Nations
12 and the United States, or the Convention on Con-
13 sular Relations, done at Vienna April 24, 1963, and
14 entered into force March 19, 1967, or other inter-
15 national obligations.

16 (3) EXCEPTION FOR SAFETY OF VESSELS AND
17 CREW.—Sanctions under this section shall not apply
18 with respect to a person or entity providing provi-
19 sions to a vessel identified under section 608(c) of
20 the High Seas Driftnet Fishing Moratorium Protec-
21 tion Act (16 U.S.C. 1826i) if such provisions are in-
22 tended for the safety and care of the crew aboard
23 the vessel, or the maintenance of the vessel to avoid
24 any environmental or other significant damage.

1 (4) HUMANITARIAN EXCEPTION.—The Presi-
2 dent may not impose sanctions under this section
3 with respect to any person or entity for conducting
4 or facilitating a transaction for the sale of agricul-
5 tural commodities, food, medicine, or medical devices
6 or for the provision of humanitarian assistance.

7 (f) RULEMAKING.—

8 (1) IN GENERAL.—The President is authorized
9 to promulgate such rules and regulations as may be
10 necessary to carry out the provisions of this section
11 (which may include regulatory exceptions), including
12 under section 205 of the International Emergency
13 Economic Powers Act (50 U.S.C. 1704).

14 (2) RULE OF CONSTRUCTION.—Nothing in this
15 section, or in any amendment made by this section,
16 may be construed to limit the authority of the Presi-
17 dent pursuant to the International Emergency Eco-
18 nomic Powers Act (50 U.S.C. 1701 et seq.).

19 (g) DEFINITIONS.—In this section:

20 (1) The terms “admission”, “admitted”,
21 “alien”, and “lawfully admitted for permanent resi-
22 dence” have the meanings given those terms in sec-
23 tion 101 of the Immigration and Nationality Act (8
24 U.S.C. 1101).

1 (2) The term “foreign person” means an indi-
2 vidual or entity that is not a United States person.

3 (3) The term “United States person” means—

4 (A) a United States citizen or an alien law-
5 fully admitted for permanent residence to the
6 United States;

7 (B) an entity organized under the laws of
8 the United States or any jurisdiction within the
9 United States, including a foreign branch of
10 such an entity; or

11 (C) any person in the United States.

12 **SEC. 17 ____ . AGREEMENTS.**

13 (a) **PRESIDENTIAL NEGOTIATION.**—In negotiating
14 any relevant agreement with a foreign nation or nations
15 after the date of enactment of this subtitle, the President
16 is encouraged to consider the impacts on or to IUU fishing
17 and fishing that involves the use of forced labor and strive
18 to ensure that the agreement strengthens efforts to com-
19 bat IUU fishing and fishing that involves the use of forced
20 labor.

21 (b) **FEDERAL GOVERNMENT ENCOURAGEMENT.**—
22 The Federal Government should encourage other nations
23 to ratify treaties and agreements that address IUU fishing
24 to which the United States is a party, including the UN
25 Fish Stocks Agreement, the High Seas Fishing Compli-

1 ance Agreement, the Port State Measures Agreement, and
2 other applicable agreements, and pursue bilateral and
3 multilateral initiatives to raise international ambition to
4 combat IUU fishing, including in the G7 and G20, the
5 United Nations, the International Labor Organization
6 (ILO), and the International Maritime Organization
7 (IMO), and through voluntary multilateral efforts. The bi-
8 lateral and multilateral initiatives should address under-
9 lying drivers of IUU fishing and fishing that involves the
10 use of forced labor, such as the practice of transshipment,
11 flags of convenience vessels, and government subsidies of
12 the distant water fishing industry.

13 (c) **TRANSPARENCY FOR NON-BINDING INSTRU-**
14 **MENTS CONCLUDED UNDER THIS SECTION.**—Any memo-
15 randum of understanding or other non-binding instrument
16 to further the objectives of this section shall be considered
17 a qualifying non-binding instrument for purposes of sec-
18 tion 112b of title 1, United States Code.

19 **SEC. 17__ . ENFORCEMENT PROVISIONS.**

20 (a) **INCREASE BOARDING OF VESSELS SUSPECTED**
21 **OF IUU FISHING.**—The Commandant of the Coast Guard
22 shall strive, in accordance with the UN Fish Stocks Agree-
23 ment, to increase, from year to year, its observation of
24 vessels on the high seas that are suspected of IUU fishing
25 and related harmful practices, and is encouraged to con-

1 sider boarding these vessels to the greatest extent prac-
2 ticable.

3 (b) FOLLOW UP.—The Administrator shall, in con-
4 sultation with the Commandant of the Coast Guard and
5 the Secretary of State, coordinate regularly with regional
6 fisheries management organizations to determine what
7 corrective measures each country has taken after vessels
8 that are registered or documented by the country have
9 been boarded for suspected IUU fishing.

10 (c) REPORT.—Not later than 3 years after the date
11 of enactment of this subtitle and in accordance with infor-
12 mation management rules of the relevant regional fisheries
13 management organizations, the Commandant of the Coast
14 Guard shall submit a report to Congress on—

15 (1) the total number of bilateral agreements
16 utilized or enacted during Coast Guard counter-IUU
17 patrols and future patrol plans for operations with
18 partner nations where bilateral agreements are re-
19 quired to effectively execute the counter-IUU mis-
20 sion and any changes to IUU provisions in bilateral
21 agreements;

22 (2) incidents of IUU fishing observed while con-
23 ducting High Seas Boarding and Inspections
24 (HSBI), how the conduct is tracked after referral to
25 the respective country where the vessel is registered

1 or documented, and what actions are taken to docu-
2 ment or otherwise act on the enforcement, or lack
3 thereof, taken by the country;

4 (3) the country where the vessel is registered or
5 documented, the country where the vessel was pre-
6 viously registered and documented if known, and
7 status of a vessel interdicted or observed to be en-
8 gaged in IUU fishing on the high seas by the Coast
9 Guard;

10 (4) incident details on vessels observed to be en-
11 gaged in IUU fishing on the high seas, boarding re-
12 fusals, and what action was taken; and

13 (5) any other potential enforcement actions that
14 could decrease IUU fishing on the high seas.

15 **SEC. 17 ____. IMPROVED MANAGEMENT AT INTERNATIONAL**
16 **AND REGIONAL FISHERIES MANAGEMENT**
17 **ORGANIZATIONS.**

18 (a) INTERAGENCY WORKING GROUP ON IUU FISH-
19 ING.—Section 3551(e) of the Maritime SAFE Act (16
20 U.S.C. 8031(c)) is amended—

21 (1) in paragraph (13), by striking “and” at the
22 end;

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

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

1 “(15) developing a strategy for leveraging en-
2 forcement capacity against IUU fishing, particularly
3 focusing on nations identified under section 609(a)
4 of the High Seas Driftnet Fishing Moratorium Pro-
5 tection Act (16 U.S.C. 1826j(a)); and

6 “(16) developing a strategy for leveraging en-
7 forcement capacity against associated abuses, such
8 as fishing that involves the use of forced labor and
9 other illegal labor practices, and increasing enforce-
10 ment and other actions across relevant import con-
11 trol and assessment programs, using as resources—

12 “(A) the List of Goods Produced by Child
13 Labor or Forced Labor produced pursuant to
14 section 105 of the Trafficking Victims Protec-
15 tion Reauthorization Act of 2005 (22 U.S.C.
16 7112);

17 “(B) the Trafficking in Persons Report re-
18 quired under section 110 of the Trafficking Vic-
19 tims Protection Act of 2000 (22 U.S.C. 7107);

20 “(C) the Forced Labor Division and en-
21 forcement activities and regulations authorized
22 under section 307 of the Tariff Act of 1930 (19
23 U.S.C. 1307) of U.S. Customs and Border Pro-
24 tection; and

1 “(D) reports submitted under the Uyghur
2 Human Rights Policy Act of 2020 (22 U.S.C.
3 6901 note).”.

4 (b) SECRETARY OF STATE IDENTIFICATION.—The
5 Secretary of State, in coordination with the Commandant
6 of the Coast Guard and the Administrator, shall—

7 (1) identify international and regional fisheries
8 management organizations that the United States is
9 party to that do not have a high seas boarding and
10 inspection program; and

11 (2) identify obstacles, needed authorities, or ex-
12 isting efforts to increase implementation of these
13 programs, and take action as appropriate.

14 **SEC. 17___ . STRATEGIES TO OPTIMIZE DATA COLLECTION,**
15 **SHARING, AND ANALYSIS.**

16 Section 3552 of the Maritime SAFE Act (16 U.S.C.
17 8032) is amended by adding at the end the following:

18 “(c) STRATEGIES TO OPTIMIZE DATA COLLECTION,
19 SHARING, AND ANALYSIS.—Not later than 3 years after
20 the date of the enactment of this subsection, the Working
21 Group shall identify information and resources to prevent
22 seafood from IUU fishing and fishing that involves the
23 use of forced labor from entering United States commerce
24 without increasing burden or trade barriers on seafood not

1 produced from IUU fishing or fishing that involves the
2 use of forced labor. The report shall include the following:

3 “(1) Identification of relevant data streams col-
4 lected by Working Group members.

5 “(2) Identification of legal, jurisdictional, or
6 other barriers to the sharing of such data.

7 “(3) In consultation with the Secretary of the
8 Department in which the Coast Guard is operating,
9 recommendations for joint enforcement protocols,
10 collaboration, and information sharing between Fed-
11 eral agencies and States.

12 “(4) Recommendations for sharing and devel-
13 oping forensic resources between Federal agencies
14 and States.

15 “(5) Recommendations for enhancing capacity
16 for U.S. Customs and Border Protection and the
17 National Oceanic and Atmospheric Administration
18 to conduct more effective field investigations and en-
19 forcement efforts with United States State enforce-
20 ment officials.

21 “(6) Recommendations for improving data col-
22 lection and automated risk-targeting of seafood im-
23 ports within the International Trade Data System
24 and Automated Commercial Environment of the
25 United States.

1 “(7) Recommendations for the dissemination of
2 analysis and information on IUU fishing and fishing
3 that involves the use of forced labor to those govern-
4 mental and non-governmental entities that could use
5 it for action and awareness, with the aim to estab-
6 lish an IUU fishing information sharing center.

7 “(8) Recommendations for an implementation
8 strategy, including measures for ensuring that trade
9 in seafood not linked to IUU fishing and forced
10 labor is not impeded.

11 “(9) An analysis of the IUU fishing policies
12 and regulatory regimes of other countries in order to
13 develop policy and regulatory alternatives for United
14 States consideration.”.

15 **SEC. 17 ___. INVESTMENT AND TECHNICAL ASSISTANCE IN**
16 **THE FISHERIES SECTOR.**

17 (a) IN GENERAL.—The Secretary of State and Sec-
18 retary of Commerce, in consultation with the heads of rel-
19 evant agencies, the Millennium Challenge Corporation,
20 and multilateral institutions such as the World Bank, are
21 encouraged to increase support to programs that provide
22 technical assistance, institutional capacity, and investment
23 to the fisheries sectors of nations for sustainable fisheries
24 management and combating IUU fishing and forced labor.
25 The focus of such support is encouraged to be on priority

1 regions and priority flag states and administrations identi-
2 fied under section 3552(b) of the Maritime SAFE Act (16
3 U.S.C. 8032(b)).

4 (b) ANALYSIS OF UNITED STATES CAPACITY-BUILD-
5 ING EXPERTISE AND RESOURCES.—In order to maximize
6 efforts on preventing IUU fishing at its sources, the Inter-
7 agency Working Group on IUU fishing established under
8 section 3551 of the Maritime SAFE Act (16 U.S.C. 8031)
9 shall analyze United States capacity-building expertise
10 and resources to provide support to fisheries sectors of na-
11 tions. This analysis may include an assessment of poten-
12 tial avenues for in-country public-private collaboration and
13 multilateral collaboration on developing local fisheries
14 science, fisheries management, maritime enforcement, and
15 maritime judicial capabilities.

16 **SEC. 17___. PREVENTING IMPORTATION OF SEAFOOD AND**
17 **SEAFOOD PRODUCTS FROM FOREIGN VES-**
18 **SELS USING FORCED LABOR.**

19 The Commissioner of U.S. Customs and Border Pro-
20 tection, in coordination with the Secretary, shall—

21 (1) develop a strategy for utilizing relevant
22 Federal Government data to identify imports of sea-
23 food harvested on foreign vessels using forced labor;
24 and

1 (2) publish information regarding the strategy
2 developed under paragraph (1) on the website of
3 U.S. Customs and Border Protection.

4 **SEC. 17___ . REPORTS.**

5 (a) **IMPACT OF NEW TECHNOLOGY.**—Not later than
6 1 year after the date of the enactment of this subtitle,
7 the Secretary of Homeland Security, with support from
8 the Administrator and the Working Group established
9 under section 3551 of the Maritime SAFE Act (16 U.S.C.
10 8031), shall conduct a study to assess the impact of new
11 technology (such as remote observing, the use of drones,
12 development of risk assessment tools and data-sharing
13 software, immediate containerization of fish on fishing
14 vessels, satellite Wi-Fi technology on fishing vessels, and
15 other technology-enhanced new fishing practices) on IUU
16 fishing and associated crimes (such as trafficking and
17 fishing involving the use of forced labor) and propose ways
18 to integrate these technologies into global fisheries en-
19 forcement and management.

20 (b) **INFLUENCE OF RUSSIAN AND CHINESE FISHING**
21 **INDUSTRIES ON EACH OTHER AND ON UNITED STATES**
22 **SEAFOOD AND FISHING INDUSTRY.**—Not later than 2
23 years after the date of the enactment of this subtitle, the
24 Secretary of State, with support from the Secretary of

1 Commerce and the Office of the United States Trade Rep-
2 resentative, shall—

3 (1) conduct a study on the collaboration be-
4 tween the Russian and Chinese fishing industries
5 and on the role of seafood reprocessing in China (in-
6 cluding that of raw materials originating in Russia)
7 in global seafood markets and its impact on United
8 States seafood importers, processors, and con-
9 sumers; and

10 (2) complete a report on the study that includes
11 classified and unclassified portions, as the Secretary
12 of State determines necessary.

13 (c) STUDY ON IUU FISHING AND FISHING INVOLV-
14 ING USE OF FORCED LABOR.—Section 3551 of the Mari-
15 time SAFE Act (16 U.S.C. 8031) is amended by adding
16 at the end the following:

17 “(d) IMPACTS OF IUU FISHING AND FISHING IN-
18 VOLVING USE OF FORCED LABOR.—The Administrator,
19 in consultation with relevant members of the Working
20 Group, shall seek to enter into an arrangement with the
21 National Academies of Sciences, Engineering, and Medi-
22 cine under which the National Academies will undertake
23 a multifaceted study that includes the following:

1 “(1) An analysis that quantifies the occurrence
2 and extent of IUU fishing and fishing involving the
3 use of forced labor among all flag states.

4 “(2) An evaluation of the costs to the United
5 States economy of IUU fishing and fishing involving
6 the use of forced labor.

7 “(3) An assessment of the costs to the global
8 economy of IUU fishing and fishing involving the
9 use of forced labor.

10 “(4) An assessment of the effectiveness of re-
11 sponse strategies to counter IUU fishing, including
12 both domestic programs and foreign capacity-build-
13 ing and partnering programs.”.

14 (d) REPORT.—Not later than 2 years after the date
15 of the enactment of this subtitle, the Administrator shall
16 submit to Congress a report on the study conducted under
17 subsection (d) of section 3551 of the Maritime SAFE Act
18 (16 U.S.C. 8031(d)) that includes—

19 (1) the findings of the National Academies of
20 Sciences, Engineering, and Medicine; and

21 (2) recommendations on knowledge gaps that
22 warrant further scientific inquiry.

23 **SEC. 17___ . DEFINITIONS.**

24 In this subtitle:

1 (1) Unless otherwise provided, the term “Ad-
2 ministrator” means the Administrator of the Na-
3 tional Oceanic and Atmospheric Administration or
4 the designee of the Administrator.

5 (2) The term “beneficial owner” means, with
6 respect to a vessel, a person that, directly or indi-
7 rectly, through any contract, arrangement, under-
8 standing, relationship, or otherwise—

9 (A) exercises substantial control over the
10 vessel; or

11 (B) owns not less than 50 percent of the
12 ownership interests in the vessel.

13 (3) The term “fish” means finfish, mollusks,
14 crustaceans, and all other forms of marine animal
15 and plant life other than marine mammals and
16 birds.

17 (4) The term “forced labor” has the meaning
18 given that term in section 307 of the Tariff Act of
19 1930 (19 U.S.C. 1307).

20 (5) The term “IUU fishing” has the meaning
21 given the term in section 3532 of the Maritime
22 SAFE Act (16 U.S.C. 8001).

23 (6) The term “regional fisheries management
24 organization” has the meaning given the term in

1 section 303 of the Port State Measures Agreement
2 Act of 2015 (16 U.S.C. 7402).

3 (7) The term “seafood” means fish, processed
4 fish, fish meal, and shellfish products.

5 (8) Unless otherwise provided, the term “Sec-
6 retary” means the Secretary of Commerce, acting
7 through the Administrator.

