

(8) to assess financial flows and the use of financial institutions to launder profits related to IUU fishing;

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

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

(e) Capacity building for information sharing

The officials referred to in subsection (a) shall evaluate opportunities to provide assistance, as appropriate, to key countries in priority regions and priority flag states in the form of training, equipment, and systems development to build capacity for information sharing related to maritime enforcement and port security.

(f) Coordination with other relevant agencies

The Secretary of State shall coordinate, as appropriate, with the Secretary of Commerce, the Commandant of the Coast Guard when the Coast Guard is not operating as a service in the Department of the Navy, and with other relevant Federal agencies in accordance with this section.

(Pub. L. 116–92, div. C, title XXXV, § 3543, Dec. 20, 2019, 133 Stat. 2002; Pub. L. 117–263, div. K, title CXIII, § 11339(b), Dec. 23, 2022, 136 Stat. 4105.)

Editorial Notes

AMENDMENTS

2022—Subsec. (d). Pub. L. 117–263, § 11339(b)(1), struck out “as appropriate,” after “such countries,” in introductory provisions.

Subsec. (d)(3). Pub. L. 117–263, § 11339(b)(2), substituted “for all priority regions identified by the Working Group” for “as appropriate”.

§ 8014. Expansion of existing mechanisms to combat IUU fishing

(a) Mechanisms to combat IUU fishing

The Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Department in which the Coast Guard is operating when it is not operating as a service in the Department of the Navy, the Secretary of Defense, the Secretary of Commerce, the Attorney General, and the heads of other appropriate Federal agencies shall assess opportunities to combat IUU fishing by expanding, as appropriate, the use of the following mechanisms:

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

(2) Entering into shiprider agreements that include counter-IUU fishing with priority flag states and countries in priority regions with which the United States does not already have such an agreement.

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

(4) Including counter-IUU fishing exercises in the annual at-sea exercises conducted by

the Department of Defense, in coordination with the United States Coast Guard.

(5) Creating partnerships similar to the Oceania Maritime Security Initiative and the Africa Maritime Law Enforcement Partnership in other priority regions.

(b) Information sharing

The Director of National Intelligence, in conjunction with other agencies, as appropriate, shall develop an enterprise approach to appropriately share information and data within the United States Government or with other countries or nongovernmental organizations, or the private sector, as appropriate, on IUU fishing and other connected transnational organized illegal activity occurring in priority regions and elsewhere, including big data analytics and machine learning.

(Pub. L. 116–92, div. C, title XXXV, § 3544, Dec. 20, 2019, 133 Stat. 2003.)

§ 8015. Improvement of transparency and traceability programs

The Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Department in which the Coast Guard is operating when it is not operating as a service in the Department of the Navy, the Secretary of Commerce, and the heads of other Federal agencies, if merited, shall work, as appropriate, with priority flag states and key countries in priority regions—

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

(2) to improve the capacity of seafood industries within such countries through information sharing and training to meet the requirements of transparency and traceability standards for seafood and seafood product imports, including catch documentation and trade tracking programs adopted by relevant regional fisheries management organizations; and

(3) to improve the capacities of government, industry, and civil society groups to develop and implement comprehensive traceability systems that—

(A) deter IUU fishing;

(B) strengthen fisheries management; and

(C) enhance maritime domain awareness.

(Pub. L. 116–92, div. C, title XXXV, § 3545, Dec. 20, 2019, 133 Stat. 2004.)

§ 8016. Technology programs

The Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Department in which the Coast Guard is operating when it is not operating as a service in the Department of the Navy, the Secretary of Defense, the Secretary of Commerce, and the heads of other Federal agencies, if merited, shall pursue programs, as appropriate, to expand the role of technology for combating IUU fishing, including by—

(1) promoting the use of technology to combat IUU fishing;

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

(3) engaging with priority flag states to encourage the mandated use of vessel tracking technologies, including vessel monitoring systems, AIS, or other vessel movement monitoring technologies on fishing vessels and transshipment vessels at all times, as appropriate, while at sea as a means to identify IUU fishing activities and the shipment of illegally caught fish products; and

(4) building partnerships with the private sector, including universities, nonprofit research organizations, the seafood industry, and the technology, transportation and logistics sectors, to leverage new and existing technologies and data analytics to address IUU fishing.

(Pub. L. 116–92, div. C, title XXXV, § 3546, Dec. 20, 2019, 133 Stat. 2004.)

§ 8017. Savings clause

No provision of section 8001 of this title or of this subchapter shall impose, or be interpreted to impose, any duty, responsibility, requirement, or obligation on the Department of Defense, the Department of the Navy, the United States Coast Guard when operating as a service in the Department of Homeland Security, or any official or component of either.

(Pub. L. 116–92, div. C, title XXXV, § 3547, Dec. 20, 2019, 133 Stat. 2005.)

§ 8018. Capacity building in foreign fisheries

The Secretary, in consultation with the heads of other Federal agencies, as appropriate, shall develop and carry out with partner governments and civil society—

(1) multi-year international environmental cooperation agreements and projects; and

(2) multi-year capacity-building projects for implementing measures to address illegal, unreported, or unregulated fishing, fraud, forced labor, bycatch, and other conservation measures.

(Pub. L. 117–263, div. K, title CXIII, § 11339(a), Dec. 23, 2022, 136 Stat. 4105.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Don Young Coast Guard Authorization Act of 2022 and also as part of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, and not as part of the Maritime Security and Fisheries Enforcement Act or the Maritime SAFE Act which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of terms used in this section, see section 11329 of div. K of Pub. L. 117–263, set out as a note under section 1885a of this title.

SUBCHAPTER II—ESTABLISHMENT OF INTERAGENCY WORKING GROUP ON IUU FISHING

§ 8031. Interagency Working Group on IUU fishing

(a) In general

There is established a collaborative interagency working group on maritime security and

IUU fishing (referred to in this chapter as the “Working Group”).

(b) Members

The members of the Working Group shall be composed of—

(1) 1 chair, who shall rotate between the Secretary of the Department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, the Secretary of State, and the National Oceanographic and Atmospheric Administration, acting through the Administrator, on a 3-year term;

(2) 2 deputy chairs, who shall be appointed by their respective agency heads and shall be from a different Department than that of the chair, from—

(A) the Coast Guard;

(B) the Department of State; and

(C) the National Oceanic and Atmospheric Administration;

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

(A) the Department of Defense;

(B) the United States Navy;

(C) the United States Agency for International Development;

(D) the United States Fish and Wildlife Service;

(E) the Department of Justice;

(F) the Department of the Treasury;

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

(H) U.S. Immigration and Customs Enforcement;

(I) the Federal Trade Commission;

(J) the Department of Agriculture;

(K) the Food and Drug Administration; and

(L) the Department of Labor;

(4) 1 or more members from the intelligence community (as defined in section 3003 of title 50), who shall be appointed by the Director of National Intelligence; and

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

(A) the National Security Council;

(B) the Council on Environmental Quality;

(C) the Office of Management and Budget;

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

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

(c) Responsibilities

The Working Group shall ensure an integrated, Federal Government-wide response to IUU fishing globally, including by—

(1) improving the coordination of Federal agencies to identify, interdict, investigate, prosecute, and dismantle IUU fishing operations and organizations perpetrating and knowingly benefitting from IUU fishing;

(2) assessing areas for increased interagency information sharing on matters related to IUU fishing and related crimes;

(3) establishing standards for information sharing related to maritime enforcement;

(4) maximizing the utility of the import data collected by the members of the Working Group by harmonizing data standards and entry fields;