

(5) developing a strategy to determine how military assets and intelligence can contribute to enforcement strategies to combat IUU fishing;

(6) increasing maritime domain awareness relating to IUU fishing and related crimes and developing a strategy to leverage awareness for enhanced enforcement and prosecution actions against IUU fishing;

(7) supporting the adoption and implementation of the Port State Measures Agreement in relevant countries and assessing the capacity and training needs in such countries;

(8) outlining a strategy to coordinate, increase, and use shiprider agreements between the Department of Defense or the Coast Guard and relevant countries;

(9) enhancing cooperation with partner governments to combat IUU fishing;

(10) identifying opportunities for increased information sharing between Federal agencies and partner governments working to combat IUU fishing;

(11) consulting and coordinating with the seafood industry and nongovernmental stakeholders that work to combat IUU fishing;

(12) supporting the work of collaborative international initiatives to make available certified data from state authorities about vessel and vessel-related activities related to IUU fishing;

(13) supporting the identification and certification procedures to address IUU fishing in accordance with the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.); and

(14) publishing annual reports summarizing nonsensitive information about the Working Group's efforts to investigate, enforce, and prosecute groups and individuals engaging in IUU fishing.

(Pub. L. 116-92, div. C, title XXXV, §3551, Dec. 20, 2019, 133 Stat. 2005; Pub. L. 117-263, div. K, title CXIII, §11331(a), Dec. 23, 2022, 136 Stat. 4099.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this subtitle", meaning subtitle C of title XXXV of div. C of Pub. L. 116-92, Dec. 20, 2019, 133 Stat. 1997, known as the Maritime Security and Fisheries Enforcement Act and also as the Maritime SAFE Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 8001 of this title and Tables.

The High Seas Driftnet Fishing Moratorium Protection Act, referred to in subsec. (c)(13), is Pub. L. 104-43, title VI, Nov. 3, 1995, 109 Stat. 391, which enacted sections 1826d to 1826g of this title and provisions set out as a note under section 1826d of this title. For complete classification of this Act to the Code, see Short Title of 1995 Amendment note set out under section 1801 of this title and Tables.

AMENDMENTS

2022—Subsec. (c)(4) to (14). Pub. L. 117-263 added par. (4) and redesignated former pars. (4) to (13) as (5) to (14), respectively.

Statutory Notes and Related Subsidiaries

PROHIBITION ON AGGREGATED CATCH DATA FOR CERTAIN SPECIES

Pub. L. 117-263, div. K, title CXIII, §11331(b), Dec. 23, 2022, 136 Stat. 4099, provided that: "Beginning not later than 1 year after the date of enactment of this Act [Dec. 23, 2022], for the purposes of compliance with respect to Northern red snapper under the Seafood Import Monitoring Program, the Secretary may not allow an aggregated harvest report of such species, regardless of vessel size."

[For definition of terms as used in section 11331(b) of Pub. L. 117-263, set out above, see section 11329 of div. K of Pub. L. 117-263, set out as a note under section 1885a of this title.]

§ 8032. Strategic plan

(a) Strategic plan

Not later than 2 years after December 20, 2019, the Working Group, after consultation with the relevant stakeholders, shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Natural Resources of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives a 5-year integrated strategic plan on combating IUU fishing and enhancing maritime security, including specific strategies with monitoring benchmarks for addressing IUU fishing in priority regions.

(b) Identification of priority regions and priority flag states

(1) In general

The strategic plan submitted under subsection (a) shall identify priority regions and priority flag states to be the focus of assistance coordinated by the Working Group under section 8031 of this title.

(2) Priority region selection criteria

In selecting priority regions under paragraph (1), the Working Group shall select regions that—

(A) are at high risk for IUU fishing activity or the entry of illegally caught seafood into their markets; and

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

(3) Priority flag states selection criteria

In selecting priority flag states under paragraph (1), the Working Group shall select countries—

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

(B) that lack the capacity to police their fleet.

(Pub. L. 116-92, div. C, title XXXV, §3552, Dec. 20, 2019, 133 Stat. 2006.)

§ 8033. Reports

Not later than 5 years after the submission of the 5-year integrated strategic plan under sec-

tion 8032 of this title, and 5 years after, the Working Group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on the Judiciary of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Natural Resources of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives that contains—

(1) a summary of global and regional trends in IUU fishing;

(2) an assessment of the extent of the convergence between transnational organized illegal activity, including human trafficking and forced labor, and IUU fishing;

(3) an assessment of the topics, data sources, and strategies that would benefit from increased information sharing and recommendations regarding harmonization of data collection and sharing;

(4) an assessment of assets, including military assets and intelligence, which can be used for either enforcement operations or strategies to combat IUU fishing;

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

(6) an assessment of the progress of countries in priority regions in responding to those threats as a result of assistance by the United States pursuant to the strategic plan developed under section 8032 of this title, including—

(A) the identification of—

(i) relevant supply routes, ports of call, methods of landing and entering illegally caught product into legal supply chains, and financial institutions used in each country by participants engaging in IUU fishing; and

(ii) indicators of IUU fishing that are related to money laundering;

(B) an assessment of the adherence to, or progress toward adoption of, international treaties related to IUU fishing, including the Port State Measures Agreement, by countries in priority regions;

(C) an assessment of the implementation by countries in priority regions of seafood traceability or capacity to apply traceability to verify the legality of catch and strengthen fisheries management;

(D) an assessment of the capacity of countries in priority regions to implement shiprider agreements;

(E) an assessment of the capacity of countries in priority regions to increase maritime domain awareness; and

(F) an assessment of the capacity of governments of relevant countries in priority regions to sustain the programs for which the United States has provided assistance under this chapter;

(7) an assessment of the capacity of priority flag states to track the movement of and police their fleet, prevent their flagged vessels from engaging in IUU fishing, and enforce applicable laws and regulations;

(8) an assessment of the extent of involvement in IUU fishing of organizations designated as foreign terrorist organizations under section 1189 of title 8; and

(9) the status of work with global enforcement partners.

(Pub. L. 116–92, div. C, title XXXV, § 3553, Dec. 20, 2019, 133 Stat. 2007; Pub. L. 117–263, div. K, title CXIII, § 11339(c), Dec. 23, 2022, 136 Stat. 4105.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in par. (6)(F), was in the original “this subtitle”, meaning subtitle C of title XXXV of div. C of Pub. L. 116–92, Dec. 20, 2019, 133 Stat. 1997, known as the Maritime Security and Fisheries Enforcement Act and also as the Maritime SAFE Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 8001 of this title and Tables.

AMENDMENTS

2022—Par. (9). Pub. L. 117–263 added par. (9).

§ 8034. Gulf of Mexico IUU Fishing Subworking Group

(a) In general

Not later than 90 days after December 20, 2019, the Administrator of the National Oceanic and Atmospheric Administration, in coordination with the Commandant of the Coast Guard and the Secretary of State, shall establish a subworking group to address IUU fishing in the exclusive economic zone of the United States in the Gulf of Mexico.

(b) Functions

The subworking group established under subsection (a) shall identify—

(1) Federal actions taken and policies established during the 5-year period immediately preceding December 20, 2019, with respect to IUU fishing in the exclusive economic zone of the United States in the Gulf of Mexico, including such actions and policies related to—

(A) the surveillance, interdiction, and prosecution of any foreign nationals engaged in such fishing; and

(B) the application of the provisions of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.) to any relevant nation, including the status of any past or ongoing consultations and certification procedures;

(2) actions and policies, in addition to the actions and policies described in paragraph (1), each of the Federal agencies described in subsection (a) can take, using existing resources, to combat IUU fishing in the exclusive economic zone of the United States in the Gulf of Mexico; and

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