

117TH CONGRESS
1ST SESSION

H. R. 3075

To address seafood slavery and combat illegal, unreported, or unregulated fishing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2021

Mr. HUFFMAN (for himself and Mr. GRAVES of Louisiana) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Ways and Means, Transportation and Infrastructure, Agriculture, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To address seafood slavery and combat illegal, unreported, or unregulated fishing, 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 TITLE.**

4 This Act may be cited as the “Illegal Fishing and
5 Forced Labor Prevention Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act, the following definitions apply:

1 (1) OPPRESSIVE CHILD LABOR.—The term “op-
2 pressive child labor” has the meaning given such
3 term in section 3 of the Fair Labor Standards Act
4 of 1938 (29 U.S.C. 203).

5 (2) FORCED LABOR.—The term “forced labor”
6 means any labor or service provided for or obtained
7 by any means described in section 1589(a) of title
8 18, United States Code.

9 (3) HUMAN TRAFFICKING.—The term “human
10 trafficking” has the meaning given the term “severe
11 forms of trafficking in persons” in section 103 of
12 the Trafficking Victims Protection Act of 2000 (22
13 U.S.C. 7102).

14 (4) ILLEGAL, UNREPORTED, OR UNREGULATED
15 FISHING.—The term “illegal, unreported, or unregu-
16 lated fishing” has the meaning given such term in
17 section 609 of the High Seas Driftnet Fishing Mora-
18 torium Protection Act (16 U.S.C. 1826j(e)), as
19 amended by this Act.

20 (5) SEAFOOD.—The term “seafood” means fish
21 meal, and all marine animal and plant life meant for
22 consumption as food other than marine mammals
23 and birds, including fish, shellfish, shellfish prod-
24 ucts, and processed fish.

1 (6) SEAFOOD FRAUD.—The term “seafood
2 fraud” means the mislabeling or misrepresentation
3 of the information required under this Act or other
4 any other Federal law or international agreement
5 (other than this Act) pertaining to the import, ex-
6 port, transport, sale, harvest, processing, or trade of
7 seafood, including—

8 (A) the Magnuson-Stevens Fishery Con-
9 servation and Management Act (16 U.S.C.
10 1801 et seq.);

11 (B) the Lacey Act Amendments of 1981
12 (16 U.S.C. 3371 et seq.);

13 (C) the Federal Food, Drug, and Cosmetic
14 Act (21 U.S.C. 301 et seq.);

15 (D) the FDA Food Safety Modernization
16 Act (Public Law 111–353);

17 (E) the Fair Packaging and Labeling Act
18 (15 U.S.C. 1451 et seq.);

19 (F) subtitle D of the Agricultural Mar-
20 keting Act of 1946 (7 U.S.C. 1638 et seq.);

21 (G) parts 60 and 65 of title 7, Code of
22 Federal Regulations (or any successor regula-
23 tions);

24 (H) part 123 of title 21, Code of Federal
25 Regulations (or any successor regulations); and

1 (I) section 216.24 of title 50, Code of Fed-
2 eral Regulations.

3 (7) SEAFOOD IMPORT MONITORING PROGRAM.—
4 The term “Seafood Import Monitoring Program”
5 means the Seafood Traceability Program established
6 under section 300.324 of title 50, Code of Federal
7 Regulations.

8 (8) SECRETARY.—The term “Secretary” means
9 the Secretary of Commerce, acting through the Ad-
10 ministrator of the National Oceanic and Atmos-
11 pheric Administration.

12 **TITLE I—COMBATING HUMAN**
13 **TRAFFICKING THROUGH SEA-**
14 **FOOD IMPORT MONITORING**

15 **SEC. 101. DEFINITIONS.**

16 In this title, the following additional definitions apply:

17 (1) COMPETENT AUTHORITY.—The term “com-
18 petent authority” means government and any third
19 party that meets certain governing criteria. Such cri-
20 teria shall be established by regulation, after out-
21 reach to key environmental and labor stakeholders.

22 (2) UNIQUE VESSEL IDENTIFIER.—The term
23 “unique vessel identifier” means a unique number
24 that stays with a vessel for the duration of the ves-

1 sel's life, regardless of changes in flag, ownership,
2 name, or other changes to the vessel.

3 **SEC. 102. EXPANSION OF SEAFOOD IMPORT MONITORING**
4 **PROGRAM TO ALL SPECIES.**

5 The Secretary shall, not later than 2 years after the
6 date of enactment of this Act, expand the Seafood Import
7 Monitoring Program to apply to all seafood and seafood
8 products imported into the United States.

9 **SEC. 103. AUTOMATED COMMERCIAL ENVIRONMENT.**

10 The Secretary of Homeland Security acting through
11 the Commissioner of U.S. Customs and Border Protection,
12 in coordination with the Secretary of Commerce, shall, not
13 later than 6 months after the date of enactment of this
14 Act, develop and implement a strategy to improve the
15 quality and verifiability of certain data elements in the
16 Automated Commercial Environment system that
17 prioritizes the use of enumerated data types, such as
18 checkboxes, dropdown menus, or radio buttons, and any
19 additional elements the Agency finds necessary, among
20 other options, rather than open text fields, for—

- 21 (1) authorization to fish;
22 (2) unique vessel identifier (if available);
23 (3) catch document identifier;
24 (4) location of wild-capture harvest and landing
25 or aquaculture location;

1 (5) type of fishing gear used to harvest the fish;

2 (6) name of farm or aquaculture facility, if ap-

3 plicable; and

4 (7) location of aquaculture facility, if applicable.

5 **SEC. 104. ADDITIONAL DATA REQUIREMENTS FOR SEA-**

6 **FOOD IMPORT MONITORING PROGRAM DATA**

7 **COLLECTION.**

8 (a) IN GENERAL.—Not later than one year after date

9 of enactment of this Act, the Secretary shall revise section

10 300.324 of title 50, Code of Federal Regulations, to—

11 (1) require at the time of entry for imported

12 seafood and seafood products—

13 (A) location of catch or cultivation, includ-

14 ing—

15 (i) geographic location at a resolution

16 of not less than 1 degree latitude by 1 de-

17 gree longitude;

18 (ii) the country code of the Inter-

19 national Organization for Standardization

20 if the catch was within the exclusive eco-

21 nomic zone or territorial waters of a coun-

22 try;

23 (iii) if appropriate, the regional fish-

24 eries management organization or organi-

25 zations having jurisdiction over the catch,

1 if it occurs within the jurisdiction of any
2 regional fisheries management organiza-
3 tion; and

4 (iv) the Food and Agriculture Organi-
5 zation major fishing area codes;

6 (B) electronic reports of chain-of-custody
7 records that identify, including with unique ves-
8 sel identifiers when applicable, each custodian
9 of the seafood, including transshippers, proc-
10 essors, storage facilities, and distributors and
11 the physical address of such facilities;

12 (C) maritime mobile service identity num-
13 ber of harvesting and transshipment vessels;
14 and

15 (D) beneficial owner of each harvesting
16 and transshipment vessel or aquaculture facil-
17 ity, when applicable;

18 (2) require all importers submitting seafood im-
19 port data to require prior notification and submis-
20 sion of seafood import data at least 72 hours and no
21 more than 15 days prior to entry; and

22 (3) require verification and certification of har-
23 vest information by competent authorities at all
24 major transfer points in the supply chain, including

1 harvest, landing, processing, and transshipment at
2 the time of entry.

3 (b) FORCED LABOR.—The Secretary, working in di-
4 rect consultation with the Secretary of Homeland Secu-
5 rity, Department of Labor, and Department of State,
6 shall, not later than one year after the date of enactment
7 of this Act, complete a regulatory process to establish ad-
8 ditional key data elements for the Seafood Import Moni-
9 toring Program, that collect information about labor con-
10 ditions in the harvest, transshipment, and processing of
11 imported fish and fish products.

12 (c) INTERNATIONAL FISHERIES TRADE PERMIT.—
13 Not later than one year after the date of enactment of
14 this Act, the Secretary shall—

15 (1) publish and maintain on the website of the
16 National Marine Fisheries Service a list of all cur-
17 rent International Fisheries Trade Permit holders,
18 including the name of the permit holder and expira-
19 tion date of the permit;

20 (2) begin to revoke, modify, or deny issuance of
21 an International Fisheries Trade with respect to a
22 permit holder or applicant that has violated any re-
23 quirement of section 300.322, 300.323, 300.324, or
24 300.325 of title 50, Code of Federal Regulations;
25 and

1 (3) require an International Fisheries Trade
2 Permit for importers.

3 **SEC. 105. EFFORTS TO IMPROVE DETECTION OF AT-RISK**
4 **SEAFOOD IMPORTS.**

5 The Secretary of Commerce, in consultation with the
6 Secretary of Homeland Security, Secretary of Labor, and
7 the Secretary of State, shall, not later than one year after
8 the date of enactment of this Act, finalize a detailed stra-
9 tegic plan to develop, mature, and adopt artificial intel-
10 ligence and machine learning technologies to detect im-
11 ports of fish and fish products at risk of being associated
12 with illegal, unreported, or unregulated fishing, human
13 trafficking, forced labor, and seafood fraud, and provide
14 a detailed report of such strategic plan to the Committee
15 on Natural Resources of the House of Representatives,
16 and Committee on Commerce of the Senate.

17 **SEC. 106. IMPORT AUDITS.**

18 (a) **AUDIT PROCEDURES.**—The Secretary shall, not
19 later than 1 year after the date of enactment of this Act,
20 implement procedures to audit information and supporting
21 records of sufficient numbers of imports of seafood and
22 seafood products subject to the Seafood Import Moni-
23 toring Program to support statistically robust conclusions
24 that the samples audited are representative of all seafood
25 imports with respect to a given year.

1 (b) ANNUAL REVISION.—In developing the proce-
2 dures required in subsection (a), the Secretary shall, not
3 less frequently than once each year, revise such procedures
4 to prioritize for audit those imports originating from coun-
5 tries—

6 (1) identified pursuant to sections 609(b) or
7 610(a) of the High Seas Driftnet Fishing Morato-
8 rium Protection Act (16 U.S.C. 1826j(b) or
9 1826k(a)) that have not yet received a subsequent
10 positive certification pursuant to sections 609(d) or
11 610(c) of such Act, respectively;

12 (2) identified by an appropriate regional fishery
13 management organization as being the flag state or
14 landing location of vessels identified by other coun-
15 tries or regional fisheries management organizations
16 as engaging in illegal, unreported, or unregulated
17 fishing;

18 (3) identified as having human trafficking, in-
19 cluding forced labor, in any part of the seafood sup-
20 ply chain, including on vessels flagged in such coun-
21 try and including feed for cultured production, in
22 the most recent Trafficking in Persons Report
23 issued by the Department of State in accordance
24 with the Trafficking Victims Protection Act of 2000
25 (22 U.S.C. 7101 et seq.);

1 (4) identified as producing goods that contain
2 seafood using forced labor or oppressive child labor
3 in the most recent List of Goods Produced by Child
4 Labor or Forced Labor in accordance with the Traf-
5 ficking Victims Protection Act (22 U.S.C. 7101 et
6 seq.); and

7 (5) identified as at risk for human trafficking,
8 including forced labor, in their seafood catching and
9 processing industries by the report required in sec-
10 tion 3563 of the National Defense Authorization Act
11 for Fiscal Year 2020 (Public Law 116–92).

12 **SEC. 107. INTERAGENCY COORDINATION.**

13 The Secretary shall coordinate with the relevant
14 agencies to ensure that data elements described in this
15 title can be submitted through the International Trade
16 Data System Automated Commercial Environment to
17 U.S. Customs and Border Protection.

18 **SEC. 108. AVAILABILITY OF FISHERIES INFORMATION.**

19 (a) IN GENERAL.—Section 402(b)(1) of the Magnu-
20 son-Stevens Fishery Conservation and Management Act
21 (16 U.S.C. 1881a(b)(1)) is amended by striking “or” after
22 the semicolon at the end of subparagraph (G), by striking
23 the period at the end of subparagraph (H) and inserting
24 “; or” , and by adding at the end the following:

1 “(I) to Federal agencies responsible for
2 screening of imported seafood and for the pur-
3 pose of carrying out the duties under or with
4 respect to—

5 “(i) the Seafood Import Monitoring
6 Program;

7 “(ii) the Antarctic Marine Living Re-
8 sources Program;

9 “(iii) the Tuna Tracking and
10 Verification Program;

11 “(iv) the Atlantic Highly Migratory
12 Species International Trade Program;

13 “(v) the List of Goods Produced by
14 Child Labor or Forced Labor in accord-
15 ance with the Trafficking Victims Protec-
16 tion Act of 2000 (22 U.S.C. 7101 et seq.);

17 “(vi) the Trafficking in Persons Re-
18 port required by section 110 of the Traf-
19 ficking Victims Protection Act of 2000 (22
20 U.S.C. 7107);

21 “(vii) enforcement activities and regu-
22 lations authorized under section 307 of the
23 Tariff Act of 1930 (19 U.S.C. 1307); and

24 “(viii) the taking and related acts in
25 commercial fishing operations under sec-

1 tion 216.24 of title 50, Code of Federal
2 Regulations;

3 “(J) to Federal, State and local agencies
4 for the purposes of verification and enforcement
5 of title II of this Act; or

6 “(K) information that pertains to catch
7 documentation and legality of catch, if disclo-
8 sure of that information would not materially
9 damage the value of catch or business.”.

10 (b) IMPLEMENTATION DEADLINE.—Not later than 1
11 year after the date of enactment of this Act, the Secretary
12 shall issue regulations implementing the amendments in
13 this section.

14 **SEC. 109. REPORT ON SEAFOOD IMPORT MONITORING.**

15 (a) REPORT TO CONGRESS AND PUBLIC AVAIL-
16 ABILITY OF REPORTS.—The Secretary shall, not later
17 than 120 days after the end of each fiscal year and annu-
18 ally thereafter, submit to the Committee on Natural Re-
19 sources of the House of Representatives and the Com-
20 mittee on Commerce, Science, and Transportation of the
21 Senate a report that summarizes the National Marine
22 Fisheries Service’s efforts to prevent the importation of
23 seafood harvested through illegal, unreported, or unregu-
24 lated fishing, particularly with respect to seafood har-
25 vested, produced, processed, or manufactured by forced

1 labor. Each such report shall be made publicly available
2 on the Internet website of the National Oceanic and At-
3 mospheric Administration.

4 (b) CONTENTS.—Each report submitted under sub-
5 section (a) shall include—

6 (1) the volume and value of seafood species sub-
7 ject to the Seafood Import Monitoring Program, de-
8 scribed in section 300.324 of title 50, Code of Fed-
9 eral Regulations, reported by 10-digit Harmonized
10 Tariff Schedule of the United States codes, imported
11 during the previous fiscal year;

12 (2) the enforcement activities and priorities of
13 the National Marine Fisheries Service with respect
14 to implementing the requirements under the Seafood
15 Import Monitoring Program;

16 (3) the percentage of import shipments subject
17 to this program selected for inspection or the infor-
18 mation or records supporting entry selected for
19 audit, as described in section 300.324(d) of title 50,
20 Code of Federal Regulations;

21 (4) the number and types of instances of non-
22 compliance with the requirements of the Seafood Im-
23 port Monitoring Program;

1 (5) the number and types of instances of viola-
2 tions of State or Federal law discovered through the
3 Seafood Import Monitoring Program;

4 (6) the seafood species with respect to which
5 violations described in paragraphs (4) and (5) were
6 most prevalent;

7 (7) the location of catch or harvest with respect
8 to which violations described in paragraphs (4) and
9 (5) were most prevalent; and

10 (8) such other information as the Secretary
11 considers appropriate with respect to monitoring and
12 enforcing compliance with the Seafood Import Moni-
13 toring Program.

14 **SEC. 110. AUTHORIZATION OF APPROPRIATIONS.**

15 There is authorized to be appropriated to the Com-
16 missioner of U.S. Customs and Border Protection to carry
17 out enforcement actions pursuant to section 307 of the
18 Tariff Act \$20,000,000 for each of fiscal years 2021
19 through 2025 for enforcement of section 307 of the Tariff
20 Act of 1930 (19 U.S.C. 1307).

1 **TITLE II—SEAFOOD**
2 **TRACEABILITY AND LABELING**
3 **SEC. 201. FEDERAL ACTIVITIES ON SEAFOOD SAFETY AND**
4 **FRAUD.**

5 (a) NATIONAL SEA GRANT COLLEGE PROGRAM.—
6 The Administrator of the National Oceanic and Atmos-
7 pheric Administration shall ensure that seafood inspection
8 activities are coordinated with the National Sea Grant
9 College Program established by the National Sea Grant
10 College and Program Act of 1966 (33 U.S.C. 1121 et seq.)
11 which may provide outreach to the States, local health
12 agencies, consumers, and the seafood industry on seafood
13 safety and seafood fraud, as needed.

14 (b) INSPECTING TO PREVENT SEAFOOD FRAUD.—
15 The Secretary of Commerce and the Secretary of Health
16 and Human Services, in coordination with the Secretary
17 of Homeland Security, shall, to the maximum extent prac-
18 ticable, ensure that inspections and tests for seafood safe-
19 ty also collect information for seafood fraud prevention.

20 **SEC. 202. SEAFOOD LABELING AND IDENTIFICATION.**

21 (a) IN GENERAL.—The Secretary, in coordination
22 with other relevant agencies shall, not later than three
23 years after the date of enactment of this Act, implement
24 the following requirements with respect to fish and fish

1 products imported into the United States or otherwise dis-
2 tributed or offered for sale in interstate commerce:

3 (1) TRACEABILITY.—A requirement that the
4 following information shall accompany seafood
5 through processing and distribution:

6 (A) The United Nations Food and Agri-
7 culture Organization Major Fishing Area, or a
8 more specific location, in which the seafood was
9 caught or cultivated.

10 (B) The acceptable market name (as deter-
11 mined by the Food and Drug Administration),
12 scientific name, and specific Aquatic Sciences
13 and Fisheries Information System number of
14 the Fisheries and Aquaculture Statistics Infor-
15 mation Service of the United Nations Food and
16 Agriculture Organization for the seafood spe-
17 cies.

18 (C) Whether the seafood was harvested
19 wild or was farm-raised.

20 (D) The method of harvest of the seafood,
21 including gear type as listed in section 600.725
22 of title 50, Code of Federal Regulations, or suc-
23 cessor regulation, and defined in section 600.10
24 of such title, or successor regulation.

25 (E) The date of the catch or harvest.

1 (F) The weight or number, as appropriate,
2 of product for an individual fish or lot.

3 (G) Date and name of entity (processor,
4 dealer, vessel) to which the seafood was landed.

5 (H) Name and flag state of vessel and evi-
6 dence of authorization, and if applicable, a
7 unique vessel identifier.

8 (I) Name and location of the facility from
9 which farm-raised seafood were harvested, the
10 method of cultivation, source and type of feed,
11 and evidence of authorization.

12 (J) The National Oceanic and Atmospheric
13 Administration Fisheries International Fish-
14 eries Trade Permit number issued to the im-
15 porter of record for the entry, if applicable.

16 (2) LABELING.—The following information
17 shall be included in the labeling of seafood through
18 processing, distribution, and final sale:

19 (A) The information required in subpara-
20 graphs (A), (B), (C), and (D) of paragraph (1).

21 (B) Whether the seafood has been pre-
22 viously frozen or treated with any substance
23 other than ice or water.

24 (C) Whether the seafood was farm-raised
25 along with information regarding the country of

1 cultivation, the location of the aquaculture pro-
2 duction area, and the method of cultivation.

3 (b) PRODUCTION CODES.—The Secretary shall allow
4 compliance with subsection (a) through the use of produc-
5 tion codes, quick response codes, or other types of com-
6 monly used processing codes and electronic bar coding
7 methods.

8 (c) SAFE HARBOR.—No importer, processor, dis-
9 tributor, or retailer may be found to be in violation of the
10 requirements of this section for unknowingly selling a
11 product that was already mislabeled upon receipt, pro-
12 vided that the importer, processor, distributor, or retailer
13 can provide the required product traceability documenta-
14 tion.

15 **SEC. 203. FEDERAL ENFORCEMENT.**

16 (a) ENFORCEMENT BY SECRETARY.—The Secretary
17 of Commerce shall prevent any person from violating this
18 Act in the same manner, by the same means, and with
19 the same jurisdiction, powers, and duties as though sec-
20 tion 307 of the Magnuson-Stevens Fishery Conservation
21 and Management Act (16 U.S.C. 1857) was incorporated
22 into and made a part of and applicable to this Act.

23 (b) LIST OF OFFENDERS.—The Secretary of Com-
24 merce, in consultation with the Secretary of Health and
25 Human Services, shall develop, maintain, and post on the

1 public website of the Department of Commerce a list
2 that—

3 (1) includes, by country, each exporter whose
4 seafood is imported or offered for import into the
5 United States; and

6 (2) for each such exporter, tracks the timing,
7 type, and frequency of violations of Federal law re-
8 lating to seafood fraud and illegal, unreported, or
9 unregulated fishing.

10 (c) INSPECTIONS.—The Secretary of Commerce, in
11 consultation with the Secretary of Health and Human
12 Services, shall—

13 (1) increase, as resources allow, the number of
14 foreign and domestic seafood shipments that are au-
15 dited or inspected for seafood fraud and illegal, un-
16 reported, or unregulated fishing by National Oceanic
17 and Atmospheric Administration auditors and au-
18 thorized officers, including verification of compliance
19 with the traceability requirements of section 104(a);

20 (2) conduct audits and inspections, as resources
21 allow, at a sufficient level to promote compliance and
22 deterrence; and

23 (3) to the maximum extent practicable, ensure
24 that inspections and tests for seafood fraud preven-
25 tion also collect information to support the Secretary

1 of Health and Human Services in implementing the
2 seafood safety requirements of the FDA Food Safety
3 Modernization Act (Public Law 111–353).

4 (d) INTERAGENCY AGREEMENT.—

5 (1) MEMORANDUM OF UNDERSTANDING RE-
6 QUIRED.—Not later than one year after the date of
7 enactment of this Act, the Secretary of Commerce,
8 the Secretary of Homeland Security, the Secretary
9 of Labor, and the Secretary of Health and Human
10 Services shall jointly execute a memorandum of un-
11 derstanding to codify and improve interagency co-
12 operation on seafood safety, preventing illegal, unre-
13 ported, or unregulated fishing and human traf-
14 ficking, including forced labor, and seafood fraud
15 prevention, enforcement, and inspections.

16 (2) REQUIREMENTS.—The memorandum of un-
17 derstanding required by paragraph (1) shall include
18 provisions, performance metrics, and timelines as the
19 Secretaries consider appropriate to improve such co-
20 operation described in such paragraph (acting under
21 provisions of law other than this subsection)—

22 (A) to identify and execute specific proce-
23 dures for using authorities granted under the
24 FDA Food Safety Modernization Act (Public
25 Law 111–353) to ensure and improve the safety

1 of commercially marketed seafood in the United
2 States;

3 (B) to identify and execute specific proce-
4 dures for interagency cooperation on—

5 (i) interagency resource and informa-
6 tion sharing;

7 (ii) use and development of forensic
8 tools including means to fill existing gaps
9 in capabilities and eliminate duplication;
10 and

11 (iii) development of specific forensic
12 analysis information required by each
13 agency to promote effective enforcement
14 actions;

15 (C) to maximize the effectiveness of limited
16 personnel and resources by ensuring that—

17 (i) inspections of seafood shipments
18 and seafood processing and production fa-
19 cilities by the National Oceanic and At-
20 mospheric Administration and the Food
21 and Drug Administration are not dupli-
22 cative; and

23 (ii) information resulting from exami-
24 nations, testing, and inspections conducted
25 by the Department of Commerce with re-

1 spect to seafood is considered in making
2 risk-based determinations, including the
3 establishment of inspection priorities for
4 domestic and foreign facilities and the ex-
5 amination and testing of domestic and im-
6 ported seafood;

7 (D) to create a process—

8 (i) by which data collected by all sea-
9 food inspectors and officers of the National
10 Oceanic and Atmospheric Administration
11 and U.S. Customs and Border Protection
12 authorized to conduct inspections of sea-
13 food shipments or facilities that process or
14 sell seafood, or authorized officers that
15 conduct analysis of seafood import infor-
16 mation, will be used for risk-based screen-
17 ing of seafood shipments, including food
18 safety, adulteration and misbranding, by
19 the Food and Drug Administration begin-
20 ning not later than one year after the date
21 of enactment of this Act; and

22 (ii) by which data collected by the Na-
23 tional Oceanic and Atmospheric Adminis-
24 tration, U.S. Customs and Border Protec-
25 tion, the Department of Labor, the De-

1 partment of State, and the Food and Drug
2 Administration is shared to maximize effi-
3 ciency and enforcement of seafood safety,
4 fraud prevention, and prohibitions on ille-
5 gal, unreported, or unregulated fishing;

6 (E) to create a process by which—

7 (i) data collected by inspectors and of-
8 ficers of other Federal, State, or local
9 agencies authorized to conduct inspections
10 of seafood, or inspections of facilities that
11 process or sell seafood, or data from im-
12 port analysts, will be used by the Food and
13 Drug Administration for risk-based screen-
14 ing of seafood shipments; and

15 (ii) data collected by such inspectors
16 and officials is shared with the National
17 Oceanic and Atmospheric Administration,
18 U.S. Customs and Border Protection, De-
19 partment of Labor, and the Food and
20 Drug Administration to maximize effi-
21 ciency and enforcement of seafood safety
22 and fraud prevention; and

23 (F) to ensure that officers and employees
24 of the National Oceanic and Atmospheric Ad-
25 ministration are utilized by the Secretary of

1 Health and Human Services as third-party
2 auditors pursuant to section 808 of the Federal
3 Food, Drug, and Cosmetic Act (21 U.S.C.
4 384d) to carry out seafood examinations and
5 investigations under chapter VIII of such Act.

6 **SEC. 204. STATE ENFORCEMENT.**

7 (a) IN GENERAL.—Whenever the attorney general of
8 a State, or an official or agency designated by a State,
9 has reason to believe that any person has engaged or is
10 engaging in a pattern or practice of seafood fraud in viola-
11 tion of section 203, the State may bring a civil action on
12 behalf of its residents to enjoin fraud, an action to recover
13 for actual monetary loss or receive \$10,000 in damages
14 for each violation, or both such actions.

15 (b) WILLFUL OR KNOWING VIOLATIONS.—If the
16 court finds the defendant willfully or knowingly violated
17 this Act, the court may increase the amount of the award
18 to an amount equal to not more than 3 times the amount
19 available under subsection (a).

20 **SEC. 205. EFFECT ON STATE LAW.**

21 Nothing in this title shall preempt the authority of
22 a State to establish and enforce anti-trafficking laws or
23 requirements for improving seafood safety and preventing
24 seafood fraud that are consistent with the requirements
25 of this Act.

1 **TITLE III—STRENGTHENING**
 2 **INTERNATIONAL FISHERIES**
 3 **MANAGEMENT TO COMBAT**
 4 **HUMAN TRAFFICKING**

5 **SEC. 301. DENIAL OF PORT PRIVILEGES.**

6 Section 101(a)(2) of the High Seas Driftnet Fish-
 7 eries Enforcement Act (16 U.S.C. 1826a(a)(2)) is amend-
 8 ed to read as follows:

9 “(2) DENIAL OF PORT PRIVILEGES.—The Sec-
 10 retary of Homeland Security shall, in accordance
 11 with international law—

12 “(A) withhold or revoke the clearance re-
 13 quired by section 60105 of title 46, United
 14 States Code, for any large-scale driftnet fishing
 15 vessels of a nation that receives a negative cer-
 16 tification under sections 609(d) or 610(c) of the
 17 High Seas Driftnet Fishing Moratorium Protec-
 18 tion Act (16 U.S.C. 1826j(d) or 1826k(c)), or
 19 fishing vessels of a nation that has been listed
 20 pursuant to sections 609(b) or 610(a) of such
 21 Act (16 U.S.C. 1826j(b) or 1826k(a)) in two or
 22 more consecutive reports as described under
 23 section 607 of such Act (16 U.S.C. 1826h),
 24 until a positive certification has been received;
 25 and

“(B) withhold or revoke the clearance required by section 60105 of title 46, United States Code, for fishing vessels of a nation that has been listed pursuant to sections 609(b) or 610(a) of such Act (16 U.S.C. 1826j(b) or 1826k(a)) in two or more consecutive reports as described under section 607 of such Act (16 U.S.C. 1826h); and

“(C) deny entry of that vessel to any place in the United States and to the navigable waters of the United States, except for the purposes of inspecting such vessel, conducting an investigation, or taking other appropriate enforcement action.”.

SEC. 302. IDENTIFICATION AND CERTIFICATION CRITERIA.

(a) DENIAL OF PORT PRIVILEGES.—Strike subsections (a) and (b) of section 609 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(a) and (b)), and insert the following:

“(a) COOPERATION WITH GOVERNMENTS.—

“(1) INFORMATION COLLECTION.—The Secretary, in consultation with the Secretary of State, shall engage with each flag, coastal, port, and market nation that exports seafood to the United States to collect information sufficient to evaluate the effec-

1 tiveness of such nation's management of fisheries
2 and control systems to prevent illegal, unreported, or
3 unregulated fishing.

4 “(2) RECOMMENDATIONS.—The Secretary, in
5 consultation with the Secretary of State, shall pro-
6 vide recommendations to such nations to resolve
7 compliance gaps and improve fisheries management
8 and control systems in order to assist such nations
9 in preventing illegal, unreported, or unregulated
10 fishing.

11 “(b) IDENTIFICATION AND WARNING.—

12 “(1) FOR ACTIONS OF A FISHING VESSEL.—The
13 Secretary shall identify and list in the report re-
14 quired by section 607 a nation if a fishing vessel of
15 such nation is engaged or has, in the preceding 3
16 years, engaged in illegal, unreported, or unregulated
17 fishing. The Secretary shall include all nations that
18 qualify for identification, regardless of whether the
19 Secretary has engaged in the process described in
20 this subsection or under subsection (a). Any of the
21 following relevant information is sufficient to form
22 the basis of an identification:

23 “(A) compliance reports;

24 “(B) data or information from inter-
25 national fishery management organizations, a

1 foreign government, or an organization or
2 stakeholder group;

3 “(C) information submitted by the public;

4 “(D) information submitted to the Sec-
5 retary under section 402(a) of the Magnuson-
6 Stevens Fishery Conservation and Management
7 Act (16 U.S.C. 1881a(a));

8 “(E) import data collected by the Sec-
9 retary pursuant to part 300.324 of title 50,
10 Code of Federal Regulations; and

11 “(F) information compiled from a Federal
12 agency, including, the Coast Guard and agen-
13 cies within the Interagency Working Group on
14 Illegal, Unreported, and Unregulated Fishing.

15 “(2) FOR ACTIONS OF A NATION.—The Sec-
16 retary shall identify, and list in such report, a nation
17 engaging in or endorsing illegal, unreported, or un-
18 regulated fishing, including the following:

19 “(A) Any nation that is failing, or has
20 failed in the preceding 3-year period, to cooper-
21 ate with the United States government in pro-
22 viding information about their fisheries man-
23 agement and control systems described in sub-
24 section (a) of this section.

1 “(B) Any nation that is violating, or has
2 violated at any point during the preceding 3
3 years, conservation and management measures,
4 including catch and other data reporting obliga-
5 tions and requirements, required under an
6 international fishery management agreement.

7 “(C) Any nation that is failing, or has
8 failed in the preceding 3-year period, to effec-
9 tively address or regulate illegal, unreported, or
10 unregulated fishing within its fleets in any
11 areas where its vessels are fishing.

12 “(D) Any nation that fails to discharge du-
13 ties incumbent upon it under international law
14 or practice as a flag, port, or coastal state to
15 take action to prevent, deter, and eliminate ille-
16 gal, unreported, or unregulated fishing.

17 “(E) Any nation that provides subsidies
18 that—

19 “(i) contribute to illegal, unreported,
20 or unregulated fishing or increased capac-
21 ity and overfishing at proportionally higher
22 rates than subsidies that promote fishery
23 resource conservation and management; or

1 “(ii) that otherwise undermine the ef-
2 fectiveness of any international fishery con-
3 servation program.

4 “(F) Any nation that has been identified
5 as having human trafficking, including forced
6 labor, in any part of the seafood supply chain
7 in the most recent Trafficking in Persons Re-
8 port issued by the Department of State in ac-
9 cordance with the Trafficking Victims Protec-
10 tion Act of 2000 (22 U.S.C. 7101 et seq.).

11 “(G) Any nation that has been identified
12 as producing seafood-related goods through
13 forced labor or oppressive child labor in the
14 most recent List of Goods Produced by Child
15 Labor or Forced Labor in accordance with the
16 Trafficking Victims Protection Act of 2000 (22
17 U.S.C. 7101 et seq.).

18 “(H) Any nation that has been identified
19 as at risk for human trafficking, including
20 forced labor, in their seafood catching and proc-
21 essing industries in the report required in sec-
22 tion 3563 of the National Defense Authoriza-
23 tion Act for Fiscal Year 2020 (Public Law
24 116–92).

1 “(3) WARNING.—The Secretary shall issue a
2 warning to each nation identified under this sub-
3 section.

4 “(4) TIMING.—The Secretary shall make an
5 identification under paragraphs (1) or (2) at any
6 time that the Secretary has sufficient information to
7 make such identification.”.

8 (b) ILLEGAL, UNREPORTED, OR UNREGULATED CER-
9 TIFICATION DETERMINATION.—Section 609(d)(1) of the
10 High Seas Driftnet Fishing Moratorium Protection Act
11 (16 U.S.C. 1826j(d)(1)) is amended to read as follows:

12 “(1) CERTIFICATION DETERMINATION.—

13 “(A) IN GENERAL.—The Secretary shall
14 establish a procedure for certifying whether a
15 nation identified under subsection (b) has taken
16 appropriate corrective action with respect to the
17 offending activities identified under section (b)
18 that has led to measurable improvements in the
19 reduction of illegal, unreported, or unregulated
20 fishing and any underlying regulatory, policy, or
21 practice failings or gaps that may have contrib-
22 uted to such identification.

23 “(B) OPPORTUNITY FOR COMMENT.—The
24 Secretary shall ensure that the procedure estab-
25 lished under subparagraph (A) provides for no-

1 tice and an opportunity for comment by the
2 identified nation.

3 “(C) DETERMINATION.—The Secretary
4 shall, consistent with such procedure, determine
5 and certify to the Congress not later than 90
6 days after the date on which the Secretary
7 issues a final rule containing the procedure, and
8 biennially thereafter—

9 “(i) whether the government of each
10 nation identified under subsection (b) has
11 provided documentary evidence that such
12 nation has taken corrective action with re-
13 spect to such identification; or

14 “(ii) whether the relevant inter-
15 national fishery management organization
16 has taken corrective action that has ended
17 the illegal, unreported, or unregulated fish-
18 ing activity by vessels of that nation.

19 “(2) ALTERNATIVE PROCEDURE.—The Sec-
20 retary may establish a procedure to authorize, on a
21 shipment-by-shipment, shipper-by-shipper, or other
22 basis the importation of fish or fish products from
23 a fishery within a nation issued a negative certifi-
24 cation under paragraph (1) if the Secretary—

1 “(A) determines the fishery has not en-
2 gaged in illegal, unreported, or unregulated
3 fishing under an international fishery manage-
4 ment agreement to which the United States is
5 a party;

6 “(B) determines the fishery is not identi-
7 fied by an international fishery management or-
8 ganization as participating in illegal, unre-
9 ported, or unregulated fishing activities; and

10 “(C) ensures that any such seafood or sea-
11 food products authorized for entry under this
12 section are imported consistent with the report-
13 ing and the recordkeeping requirements of Sea-
14 food Import Monitoring Program described in
15 part 300.324(b) of title 50, Code of Federal
16 Regulations (or any successor regulation).

17 “(3) EFFECT OF CERTIFICATION DETERMINA-
18 TION.—

19 “(A) EFFECT OF NEGATIVE CERTIFI-
20 CATION.—The provisions of subsections (a) and
21 (b)(3) and (4) of section 101 of the High Seas
22 Driftnet Fisheries Enforcement Act (16 U.S.C.
23 1826a(a) and (b)(3) and (4)) shall apply to any
24 nation that, after being identified and warned
25 under subsection (b) has failed to take the ap-

1 appropriate corrective actions for which the Sec-
 2 retary has issued a negative certification under
 3 this subsection.

4 “(B) EFFECT OF POSITIVE CERTIFI-
 5 CATION.—The provisions of subsections (a) and
 6 (b)(3) and (4) of section 101 of the High Seas
 7 Driftnet Fisheries Enforcement Act (16 U.S.C.
 8 1826a(a) and (b)(3) and (4)) shall not apply to
 9 any nation identified under subsection (a) for
 10 which the Secretary has issued a positive cer-
 11 tification under this subsection.”.

12 **SEC. 303. ILLEGAL, UNREPORTED, OR UNREGULATED FISH-**
 13 **ING DEFINED.**

14 (a) DEFINITION OF ILLEGAL, UNREPORTED, OR UN-
 15 REGULATED FISHING IN THE HIGH SEAS DRIFTNET
 16 FISHING MORATORIUM PROTECTION ACT.—Section
 17 609(e) of the High Seas Driftnet Fishing Moratorium
 18 Protection Act (16 U.S.C. 1826j(e)) is amended to read
 19 as follows:

20 “(e) ILLEGAL, UNREPORTED, OR UNREGULATED
 21 FISHING DEFINED.—In this title, the term ‘illegal, unre-
 22 ported, or unregulated fishing’ means any activity set out
 23 in paragraph 3 of the 2001 Food and Agriculture Organi-
 24 zation International Plan of Action to Prevent, Deter and
 25 Eliminate Illegal, Unreported, and Unregulated Fishing.”.

1 (b) DEFINITION OF ILLEGAL, UNREPORTED, OR UN-
2 REGULATED FISHING IN THE MAGNUSON-STEVEN'S FISH-
3 ERY CONSERVATION AND MANAGEMENT ACT.—Section 3
4 of the Magnuson-Stevens Fishery Conservation and Man-
5 agement Act (16 U.S.C. 1802) is amended by adding at
6 the end the following:

7 “(51) The term ‘illegal, unreported, or unregu-
8 lated fishing’ means any activity set out in para-
9 graph 3 of the 2001 Food and Agriculture Organiza-
10 tion International Plan of Action to Prevent, Deter
11 and Eliminate Illegal, Unreported, and Unregulated
12 Fishing.”.

13 (c) RULE OF CONSTRUCTION.—In construing the
14 term “illegal, unreported, or unregulated fishing” for pur-
15 poses of the High Seas Driftnet Fishing Moratorium Pro-
16 tection Act and the Magnuson-Stevens Fishery Conserva-
17 tion and Management Act, the Secretary shall follow inter-
18 nationally recognized labor rights stated in the Inter-
19 national Labour Organization Declaration on Funda-
20 mental Principles and Rights at Work and its Follow-Up
21 (1998), including—

22 (1) freedom of association and the effective rec-
23 ognition of the right to collective bargaining;

24 (2) the elimination of all forms of forced or
25 compulsory labor;

1 (3) the effective abolition of oppressive child
2 labor, a prohibition on the worst forms of child
3 labor, and other labor protections for children and
4 minors;

5 (4) the elimination of discrimination in respect
6 of employment and occupation; and

7 (5) acceptable conditions of work with respect
8 to minimum wages, hours of work, and occupational
9 safety and health.

10 **SEC. 304. EQUIVALENT CONSERVATION MEASURES.**

11 (a) IDENTIFICATION.—Section 610(a) of the High
12 Seas Driftnet Fishing Moratorium Protection Act (16
13 U.S.C. 1826k(a)) is amended to read as follows:

14 “(a) IDENTIFICATION.—

15 “(1) The Secretary shall identify and list in the
16 report under section 607—

17 “(A) a nation if—

18 “(i) any fishing vessel of that country
19 is engaged, or has been engaged during the
20 preceding 3 years in fishing activities or
21 practices on the high seas or within the ex-
22 clusive economic zone of another country,
23 that have resulted in bycatch of a pro-
24 tected living marine resource; and

1 “(ii) the vessel’s flag state has not
2 adopted, implemented, and enforced a reg-
3 ulatory program governing such fishing de-
4 signed to end or reduce such bycatch that
5 is comparable to the regulatory program of
6 the United States; and

7 “(B) a nation if—

8 “(i) any fishing vessel of that country
9 is engaged, or has engaged during the pre-
10 ceding 3 years, in fishing activities on the
11 high seas or within the exclusive economic
12 zone of another country that target or inci-
13 dentally catch sharks; and

14 “(ii) the vessel’s flag state has not
15 adopted, implemented, and enforced a reg-
16 ulatory program to provide for the con-
17 servation of sharks, including measures to
18 prohibit removal of any of the fins of a
19 shark, including the tail, before landing the
20 shark in port that is comparable to that of
21 the United States.

22 “(2) TIMING.—The Secretary shall make an
23 identification under paragraph (1) at any time that
24 the Secretary has sufficient information to make
25 such identification.”.

1 (b) CONSULTATION AND NEGOTIATION.—Section
2 610(b) of the High Seas Driftnet Fishing Moratorium
3 Protection Act (16 U.S.C. 1826k(b)) is amended to read
4 as follows:

5 “(b) CONSULTATION AND NEGOTIATION.—The Sec-
6 retary of State, acting in conjunction with the Secretary,
7 shall—

8 “(1) notify, as soon as possible, the President,
9 nations that have been identified under subsection
10 (a), and other nations whose vessels engage in fish-
11 ing activities or practices described in subsection (a),
12 about the provisions of this Act;

13 “(2) initiate discussions as soon as possible
14 with all foreign countries which are engaged in, or
15 a fishing vessel of which has engaged in, fishing ac-
16 tivities described in subsection (a), for the purpose
17 of entering into bilateral and multilateral treaties
18 with such countries to protect such species and to
19 address any underlying failings or gaps that may
20 have contributed to identification under this Act;

21 “(3) seek agreements calling for international
22 restrictions on fishing activities or practices de-
23 scribed in subsection (a) through the United Na-
24 tions, the Food and Agriculture Organization’s Com-

1 mittee on Fisheries, and appropriate international
2 fishery management bodies; and

3 “(4) initiate the amendment of any existing
4 international treaty for the protection and conserva-
5 tion of such species to which the United States is a
6 party in order to make such treaty consistent with
7 the purposes and policies of this section.”.

8 (c) CONSERVATION CERTIFICATION PROCEDURE.—
9 Section 610(c) of the High Seas Driftnet Fishing Morato-
10 rium Protection Act (16 U.S.C. 1826k(c)) is amended—

11 (1) in subparagraph (A) of paragraph (1), by
12 striking “, taking into account different conditions,”;

13 (2) in paragraph (2), by inserting “the public
14 and” after “by”;

15 (3) in paragraph (4)—

16 (A) in subparagraph (A), by striking “,
17 taking into account different conditions”;

18 (B) in subparagraph (B), by striking the
19 period at the end and inserting “; and”; and

20 (C) by adding at the end the following:

21 “(C) ensures that any such fish or fish
22 products authorized for entry under this section
23 are imported consistent with the reporting and
24 the recordkeeping requirements of the Seafood
25 Import Monitoring Program established by part

1 300.324(b) of title 50, Code of Federal Regula-
2 tions (or any successor regulations).”; and

3 (4) in paragraph (5), by striking “(except to
4 the extent that such provisions apply to sport fishing
5 equipment or fish or fish products not caught by the
6 vessels engaged in illegal, unreported, or unregulated
7 fishing)”.

8 **SEC. 305. REGULATIONS.**

9 Not later than 1 year after the date of enactment
10 of this Act, the Secretary shall promulgate regulations im-
11 plementing this title.

12 **TITLE IV—MARITIME SAFE**
13 **AMENDMENTS**

14 **SEC. 401. ILLEGAL, UNREPORTED, OR UNREGULATED FISH-**
15 **ING WORKING GROUP RESPONSIBILITIES.**

16 Section 3551(c) of the Maritime SAFE Act (Public
17 Law 116–92) is amended—

18 (1) in paragraph (12), by striking “and” at the
19 end;

20 (2) in paragraph (13), by striking the period at
21 the end and inserting a semicolon; and

22 (3) by adding at the end:

23 “(14) developing a strategy for leveraging en-
24 forcement capacity against illegal, unreported, or un-
25 regulated fishing and increasing enforcement and

1 other actions across relevant import control and as-
2 sessment programs including—

3 “(A) the Seafood Import Monitoring Pro-
4 gram described in part 300.324(b) of title 50,
5 Code of Federal Regulations (or any successor
6 regulation);

7 “(B) the List of Goods Produced by Child
8 Labor or Forced Labor produced pursuant to
9 section 105 of the Trafficking Victims Protec-
10 tion Reauthorization Act of 2005 (22 U.S.C.
11 7112);

12 “(C) the List of Nations with vessels en-
13 gaged in illegal, unreported, or unregulated
14 fishing pursuant to section 607 of the High
15 Seas Driftnet Fishing Moratorium Protection
16 Act (16 U.S.C. 1826h);

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

20 “(E) U.S. Customs and Border Protec-
21 tion’s Forced Labor Division and enforcement
22 activities and regulations authorized under Sec-
23 tion 307 of the Tariff Act of 1930 (19 U.S.C.
24 1307); and

1 “(F) other relevant programs of Working
2 Group member agencies; and
3 “(15) assessing areas for increased information
4 sharing and collaboration among Federal Working
5 Group member agencies and State-based enforce-
6 ment, wildlife, and fisheries management agencies to
7 identify, interdict, investigate, and prosecute illegal,
8 unreported, or unregulated fishing and fraudulent
9 seafood imports into the United States that were a
10 product of such fishing, including through imple-
11 mentation of the Seafood Import Monitoring Pro-
12 gram. The Federal Working Group shall emphasize
13 developing, updating, and employing risk screens to
14 analyze harvest, traceability, and verification and
15 certification information in real time as a key path-
16 way to trigger product audits and enforcement ac-
17 tions.”.

18 **SEC. 402. STRATEGIC PLAN.**

19 Section 3552 of the Maritime SAFE Act (Public Law
20 116–92) is amended by adding at the end:

21 “(c) STRATEGIES TO OPTIMIZE DATA COLLECTION,
22 SHARING, AND ANALYSIS.—

23 “(1) IN GENERAL.—The strategic plan sub-
24 mitted under subsection (a) shall identify informa-
25 tion and resources to prevent illegal, unreported, or

1 unregulated fishing or fraudulently labeled or other-
2 wise misrepresented seafood from entering United
3 States commerce. The report shall include a timeline
4 for implementation of recommendations with respect
5 to each of the following:

6 “(A) Identification of relevant data
7 streams collected by Working Group members.

8 “(B) Identification of legal, jurisdictional,
9 or other barriers to the sharing of such data.

10 “(C) Strategies for integrating data
11 streams through the International Trade Data
12 System Automated Commercial Environment or
13 other relevant digital platforms.

14 “(D) Recommendations for enhancing the
15 automated risk targeting and effectiveness of
16 risk analysis and detection of illegal, unauthor-
17 ized, or unreported fishing and fraudulent sea-
18 food through the Seafood Import Monitoring
19 Program.

20 “(E) Recommendations for improving the
21 utility and effectiveness of the Commercial Tar-
22 geting and Analysis Center in detecting illegal,
23 unauthorized, or unreported fishing and fraudu-
24 lent products through adoption of these strate-
25 gies or other enhancements.

1 “(F) Recommendations for joint enforce-
2 ment protocols, collaboration, and information
3 sharing between Federal agencies and States.

4 “(G) Recommendations for sharing and de-
5 veloping forensic resources between Federal
6 agencies and States.

7 “(H) Recommendations for enhancing ca-
8 pacity for U.S. Customs and Border Protection
9 and National Oceanic and Atmospheric Admin-
10 istration to conduct field investigations and to
11 coordinate enforcement efforts with State en-
12 forcement officials.

13 “(I) An implementation strategy, with
14 milestones and deadlines and specific budgetary
15 requirements, for implementing recommenda-
16 tions described in the report.

17 “(2) PROGRESS REPORT.—Not later than 2
18 years after submission of the 5-year integrated stra-
19 tegic plan, the Working Group shall submit a report
20 to the Committee on Commerce, Science, and Trans-
21 portation of the Senate, the Committee on Foreign
22 Relations of the Senate, the Committee on Appro-
23 priations of the Senate, the Committee on Transpor-
24 tation and Infrastructure of the House of Represent-
25 atives, the Committee on Natural Resources of the

1 House of Representatives, the Committee on Foreign
2 Affairs of the House of Representatives, and the
3 Committee on Appropriations of the House of Rep-
4 resentatives on progress in implementing the rec-
5 ommendations described in this subsection.”.

6 **SEC. 403. AUTHORITY TO HOLD FISH PRODUCTS.**

7 Section 311(b)(1) of the Magnuson-Stevens Fishery
8 Conservation and Management Act (16 U.S.C. 1861(b))
9 is amended—

10 (1) in subparagraph (B), striking “; and” and
11 inserting a semicolon;

12 (2) in subparagraph (C), striking the period
13 and inserting “; and”; and

14 (3) by adding at the end the following a new
15 subparagraph:

16 “(D) detain, for a period of up to 14 days,
17 any shipment of fish or fish product imported
18 into, landed on, introduced into, exported from,
19 or transported within the jurisdiction of the
20 United States, or, if such fish or fish product
21 is deemed to be perishable, sell and retain the
22 proceeds therefrom for a period of up to 21
23 days.”.

TITLE V—MARITIME AWARENESS

SEC. 501. AUTOMATIC IDENTIFICATION SYSTEM REQUIRE- MENTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that automatic identification systems, originally conceived for collision avoidance, are the best available tool to track spatio-temporal fishing efforts and gear deployment in the exclusive economic zone of the United States and on the high seas in order to manage shared use of the ocean, improve fisheries and natural resource management, and deter and interdict illegal, unreported, or unregulated fishing and associated human trafficking, including forced labor and oppressive child labor.

(b) REQUIREMENT FOR FISHING VESSELS TO HAVE AUTOMATIC IDENTIFICATION SYSTEMS.—Section 70114(a)(1) of title 46, United States Code, is amended—

(1) by inserting “in the United States exclusive economic zone, or on the high seas,” after “States,”;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

1 “(D) A fishing vessel, fish processing ves-
2 sel, and fish tender vessel of more than 50 feet
3 overall in length.”.

4 (c) AVAILABILITY OF DATA.—Section 70114 of title
5 46, United States Code, is amended by adding at the end
6 the following:

7 “(c) AVAILABILITY OF DATA.—The Secretary shall
8 make data collected by the Coast Guard Nationwide Auto-
9 matic Identification System available to the public in
10 archived form, and to governments and government-spon-
11 sored entities upon request and approval pursuant to
12 Commandant Instruction 5230.80 and International Tele-
13 communications Union Recommendation ITU–R M.1371–
14 3.”.

15 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to the Secretary for fiscal
17 year 2022, \$5,000,000, to remain available until ex-
18 pended, to purchase automatic identification systems for
19 fishing vessels, fish processing vessels, fish tender vessels
20 more than 50 feet in length, as described under this title
21 and the amendments made by this title.

○