

## SUBCHAPTER III—MISCELLANEOUS

## § 7931. Respect for treaties and rights

Nothing in this title<sup>1</sup> or the amendments made by this title—<sup>1</sup>

(1) affects or modifies any treaty or other right of any federally recognized Indian Tribe; or

(2) modifies any provision of Federal law relating to migratory birds or to endangered or threatened species.

(Pub. L. 116–9, title IV, §4401, Mar. 12, 2019, 133 Stat. 766.)

## REFERENCES IN TEXT

This title, referred to in text, means title IV of Pub. L. 116–9, Mar. 12, 2019, 133 Stat. 756, which enacted this chapter and amended section 704 of this title, section 504 of Title 5, Government Organization and Employees, section 2412 of Title 28, Judiciary and Judicial Procedure, and section 1304 of Title 31, Money and Finance. For complete classification of title IV to the Code, see Tables.

## § 7932. No priority

Nothing in this title<sup>1</sup> or the amendments made by this title<sup>1</sup> provides a preference to hunting, fishing, or recreational shooting over any other use of Federal land or water.

(Pub. L. 116–9, title IV, §4402, Mar. 12, 2019, 133 Stat. 766.)

## REFERENCES IN TEXT

This title, referred to in text, means title IV of Pub. L. 116–9, Mar. 12, 2019, 133 Stat. 756, which enacted this chapter and amended section 704 of this title, section 504 of Title 5, Government Organization and Employees, section 2412 of Title 28, Judiciary and Judicial Procedure, and section 1304 of Title 31, Money and Finance. For complete classification of title IV to the Code, see Tables.

## § 7933. State authority for fish and wildlife

Nothing in this title—<sup>1</sup>

(1) authorizes the Secretary of Agriculture or the Secretary to require Federal licenses or permits to hunt and fish on Federal land; or

(2) enlarges or diminishes the responsibility or authority of States with respect to fish and wildlife management.

(Pub. L. 116–9, title IV, §4403, Mar. 12, 2019, 133 Stat. 766.)

## REFERENCES IN TEXT

This title, referred to in text, means title IV of Pub. L. 116–9, Mar. 12, 2019, 133 Stat. 756, which enacted this chapter and amended section 704 of this title, section 504 of Title 5, Government Organization and Employees, section 2412 of Title 28, Judiciary and Judicial Procedure, and section 1304 of Title 31, Money and Finance. For complete classification of title IV to the Code, see Tables.

## DEFINITION OF “SECRETARY”

Secretary means the Secretary of the Interior, see section 2 of Pub. L. 116–9, set out as a note under section 1 of this title.

<sup>1</sup> See References in Text note below.

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## § 8001. Definitions

In this chapter:

## (1) AIS

The term “AIS” means Automatic Identification System (as defined in section 164.46 of title 33, Code of Federal Regulations, or a similar successor regulation).

## (2) Combined Maritime Forces

The term “Combined Maritime Forces” means the 33-nation naval partnership, originally established in February 2002, which promotes security, stability, and prosperity across approximately 3,200,000 square miles of international waters.

## (3) Exclusive economic zone

## (A) In general

Unless otherwise specified by the President as being in the public interest in a writing published in the Federal Register, the term “exclusive economic zone” means—

(i) the area within a zone established by a maritime boundary that has been established by a treaty in force or a treaty that is being provisionally applied by the United States; or

(ii) in the absence of a treaty described in clause (i)—

(I) a zone, the outer boundary of which is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured; or

(II) if the distance between the United States and another country is less than 400 nautical miles, a zone, the outer boundary of which is represented by a line equidistant between the United States and the other country.

**(B) Inner boundary**

Without affecting any Presidential Proclamation with regard to the establishment of the United States territorial sea or exclusive economic zone, the inner boundary of the exclusive economic zone is—

(i) in the case of coastal States, a line coterminous with the seaward boundary of each such State (as described in section 1312 of title 43);

(ii) in the case of the Commonwealth of Puerto Rico, a line that is 3 marine leagues from the coastline of the Commonwealth of Puerto Rico;

(iii) in the case of American Samoa, the United States Virgin Islands, Guam, and the Northern Mariana Islands, a line that is 3 geographic miles from the coastlines of American Samoa, the United States Virgin Islands, Guam, or the Northern Mariana Islands, respectively; or

(iv) for any possession of the United States not referred to in clause (ii) or (iii), the coastline of such possession.

**(C) Rule of construction**

Nothing in this paragraph may be construed to diminish the authority of the Department of Defense, the Department of the Interior, or any other Federal department or agency.

**(4) Food security**

The term “food security” means access to, and availability, utilization, and stability of, sufficient food to meet caloric and nutritional needs for an active and healthy life.

**(5) Global record of fishing vessels, refrigerated transport vessels, and supply vessels**

The term “global record of fishing vessels, refrigerated transport vessels, and supply vessels” means the Food and Agriculture Organization of the United Nations’ initiative to rapidly make available certified data from state authorities about vessels and vessel related activities.

**(6) IUU fishing**

The term “IUU fishing” means illegal fishing, unreported fishing, or unregulated fishing (as such terms are defined in paragraph 3 of the International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing, adopted at the 24th Session of the Committee on Fisheries in Rome on March 2, 2001).

**(7) Port State Measures Agreement**

The term “Port State Measures Agreement” means the Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing set forth by the Food and Agriculture Organization of the United Nations, done at Rome, Italy November 22, 2009, and entered into force June 5, 2016, which offers standards for reporting and inspecting fishing activities of foreign-flagged fishing vessels at port.

**(8) Priority flag state**

The term “priority flag state” means a country selected in accordance with section 8032(b)(3) of this title—

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

(B) that is willing, but lacks the capacity, to monitor or take effective enforcement action against its fleet.

**(9) Priority region**

The term “priority region” means a region selected in accordance with section 8032(b)(2) of this title—

(A) that is at high risk for IUU fishing activity or the entry of illegally caught seafood into the markets of countries in the region; and

(B) in which countries lack the capacity to fully address the illegal activity described in subparagraph (A).

**(10) Regional Fisheries Management Organization**

The term “Regional Fisheries Management Organization” means an intergovernmental fisheries organization or arrangement, as appropriate, that has the competence to establish conservation and management measures.

**(11) Seafood**

The term “seafood”—

(A) means marine finfish, mollusks, crustaceans, and all other forms of marine animal and plant life, including those grown, produced, or reared through marine aquaculture operations or techniques; and

(B) does not include marine mammals, turtles, or birds.

**(12) Transnational organized illegal activity**

The term “transnational organized illegal activity” means criminal activity conducted by self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, or monetary or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption or violence or through a transnational organizational structure and the exploitation of transnational commerce or communication mechanisms.

**(13) Transshipment**

The term “transshipment” means the use of refrigerated vessels that—

(A) collect catch from multiple fishing boats;

(B) carry the accumulated catches back to port; and

(C) deliver supplies to fishing boats, which allows fishing vessels to remain at sea for extended periods without coming into port.

(Pub. L. 116–92, div. C, title XXXV, § 3532, Dec. 20, 2019, 133 Stat. 1997.)

## REFERENCES IN TEXT

This chapter, referred to in text, 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 below and Tables.

## SHORT TITLE

Pub. L. 116–92, div. C, title XXXV, § 3531, Dec. 20, 2019, 133 Stat. 1997, provided that: “This subtitle [subtitle C

(§§3531-3572) of title XXXV of div. C of Pub. L. 116-92, enacting this chapter and amending section 7103 of Title 22, Foreign Relations and Intercourse] may be cited as the 'Maritime Security and Fisheries Enforcement Act' or the 'Maritime SAFE Act'."

### § 8002. Purposes

The purposes of this chapter are—

(1) to support a whole-of-government approach across the Federal Government to counter IUU fishing and related threats to maritime security;

(2) to improve data sharing that enhances surveillance, enforcement, and prosecution against IUU fishing and related activities at a global level;

(3) to support coordination and collaboration to counter IUU fishing within priority regions;

(4) to increase and improve global transparency and traceability across the seafood supply chain as—

(A) a deterrent to IUU fishing; and

(B) a tool for strengthening fisheries management and food security;

(5) to improve global enforcement operations against IUU fishing through a whole-of-government approach by the United States; and

(6) to prevent the use of IUU fishing as a financing source for transnational organized groups that undermine United States and global security interests.

(Pub. L. 116-92, div. C, title XXXV, §3533, Dec. 20, 2019, 133 Stat. 1999.)

#### REFERENCES IN TEXT

This chapter, referred to in text, 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.

### § 8003. Statement of policy

It is the policy of the United States<sup>1</sup>

(1) to take action to curtail the global trade in seafood and seafood products derived from IUU fishing, including its links to forced labor and transnational organized illegal activity;

(2) to develop holistic diplomatic, military, law enforcement, economic, and capacity-building tools to counter IUU fishing;

(3) to provide technical assistance to countries in priority regions and priority flag states to combat IUU fishing, including assistance—

(A) to increase local, national, and regional level capacities to counter IUU fishing through the engagement of law enforcement and security forces;

(B) to enhance port capacity and security, including by supporting other countries in working toward the adoption and implementation of the Port State Measures Agreement;

(C) to combat corruption and increase transparency and traceability in fisheries management and trade;

(D) to enhance information sharing within and across governments and multilateral organizations through the development and use of agreed standards for information sharing; and

(E) to support effective, science-based fisheries management regimes that promote legal and safe fisheries and act as a deterrent to IUU fishing;

(4) to promote global maritime security through improved capacity and technological assistance to support improved maritime domain awareness;

(5) to engage with priority flag states to encourage the use of high quality vessel tracking technologies where existing enforcement tools are lacking;

(6) to engage with multilateral organizations working on fisheries issues, including Regional Fisheries Management Organizations and the Food and Agriculture Organization of the United Nations, to combat and deter IUU fishing;

(7) to advance information sharing across governments and multilateral organizations in areas that cross multiple jurisdictions, through the development and use of an agreed standard for information sharing;

(8) to continue to use existing and future trade agreements to combat IUU fishing;

(9) to employ appropriate assets and resources of the United States Government in a coordinated manner to disrupt the illicit networks involved in IUU fishing;

(10) to continue to declassify and make available, as appropriate and practicable, technologies developed by the United States Government that can be used to help counter IUU fishing;

(11) to recognize the ties of IUU fishing to transnational organized illegal activity, including human trafficking and illegal trade in narcotics and arms, and as applicable, to focus on illicit activity in a coordinated, cross-cutting manner;

(12) to recognize and respond to poor working conditions, labor abuses, and other violent crimes in the fishing industry;

(13) to increase and improve global transparency and traceability along the seafood supply chain as—

(A) a deterrent to IUU fishing; and

(B) an approach for strengthening fisheries management and food security; and

(14) to promote technological investment and innovation to combat IUU fishing.

(Pub. L. 116-92, div. C, title XXXV, §3534, Dec. 20, 2019, 133 Stat. 2000.)

#### SUBCHAPTER I—PROGRAMS TO COMBAT IUU FISHING AND INCREASE MARITIME SECURITY

### § 8011. Coordination with international organizations

The Secretary of State, in consultation with the Secretary of Commerce, shall coordinate with Regional Fisheries Management Organizations and the Food and Agriculture Organization of the United Nations, and may coordinate with

<sup>1</sup> So in original. Probably should be "States—".