

§ 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.)

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

(5) 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;

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

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

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

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

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

(11) 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;

(12) 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

(13) 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.)

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)(12), 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.

§ 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 section 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 Commit-

tee 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; and