



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

MEMORANDUM FOR: Interagency Working Group on IUU Fishing

FROM: Paul Doremus, Chair
Deputy Assistant Administrator for Operations
NOAA Fisheries

SUBJECT: Request for Agency Representatives to the Interagency Working Group on Counter-IUU Fishing, Pursuant to the Maritime SAFE Act and the Executive Order on Promoting American Seafood Competitiveness and Economic Growth

CC: Evan T. Bloom, Deputy Chair
Acting Deputy Assistant Secretary for Oceans and Fisheries
Department of State

Captain Timothy Brown, Deputy Chair
Chief of the Office of Law Enforcement
United States Coast Guard

As you are aware, the Maritime Security and Fisheries Enforcement Act (Public Law No. 116-92; Maritime SAFE Act) became law on December 20, 2019. Part II of this Act calls for the establishment of a collaborative interagency working group to strengthen maritime security and combat illegal, unreported, and unregulated (IUU) fishing and specifies the chair and agency membership in the Working Group, as well as the Working Group's responsibilities. The Act also requires development of a five-year strategic plan within the next two years and reports to be submitted to Congress.

More recently, the President signed a new Executive Order (EO) promoting American seafood competitiveness and economic growth. One element of the Executive Order also calls for agencies to collaborate to combat IUU fishing through a range of domestic and international activities. The EO and the Maritime SAFE Act share a policy intent and both identify the same or similar means for countering IUU fishing. With the Working Group's broad scope of work and participation, it appears practical and appropriate to merge implementation of Section 5 of the EO as a part of the Working Group's initial set of activities rather than agencies creating a



separate process. Such a merger would also be consistent with the cooperation and collaboration goals of both mandates.

The Maritime SAFE Act calls for the U.S. Coast Guard (USCG), the Department of State (DOS), and the National Oceanic and Atmospheric Administration (NOAA) to serve as chair of this Working Group on a rotating basis. Following consultation among the three agencies, NOAA's National Marine Fisheries Service (NOAA Fisheries) is pleased to assume the chair of this Working Group for the first three-year term. I am privileged to have been designated as the Chair for NOAA and look forward to working with you, along with Deputy Chairs Evan Bloom, DOS, and Captain Timothy Brown, USCG, in this new capacity. As your agency may be considering its representative on this Working Group, we would suggest designating senior level career staff or equivalent given the advantages of continuity in membership, as the efforts of this Working Group will span over a decade, as well as facilitating efficiency in achieving the Act's broad mandate on many aspects of combating IUU fishing.

NOAA Fisheries intends, at this stage, to identify initial priorities and potential short-term activities of the Working Group to begin fulfilling the responsibilities in Section 3551(c) of the Maritime SAFE Act (see Attachment 1) as well as Section 5(b) and (c) of the EO on seafood competitiveness (see Attachment 2). We anticipate that this list of priority activities will need to be updated periodically, particularly as we progress our work and as new challenges arise or situations change. **We plan to hold the initial meeting of this Working Group virtually on June 24, when we will have an opportunity to discuss these activities.**

This initial meeting will be among the agencies. However, consistent with the Act's intent to promote collaboration and an integrated response to IUU fishing, the Working Group at its initial meeting should discuss ways to engage with the public, particularly those stakeholders who invest resources in combating IUU fishing.

Responsibilities and Priorities of the Working Group

Based on the timelines in the statute, as well as the nature of IUU fishing, collaboration within the Working Group is expected to be an ongoing effort. While the Working Group has deadlines of two or more years for the tasks of developing the Strategic Plan and reports to Congress, per Sections 3552 and 3553, respectively, the Working Group can begin its work now to further strengthen coordination among our agencies.

Activities that are underway can be continued, modified, or enhanced to begin meeting the responsibilities of the Working Group and ensure an integrated federal government-wide response to IUU fishing. Many current activities, initiated previously under the Task Force on Combating IUU Fishing and Seafood Fraud, are aligned with the responsibilities of the Working

Group. Additionally, new activities, particularly those involving military and intelligence assets, may be initiated by the Working Group. Together, these activities include the following:

- 1) Complete the draft Memorandum of Understanding (MOU) Between the Secretary of State, Secretary of Defense, Secretary of the Interior, Secretary of Commerce, Secretary of Homeland Security, and the Office of the Director of National Intelligence Relating to the Enforcement of Domestic Laws and International Agreements that Conserve and Manage the Living Marine Resources of the United States. The MOU was initially signed on October 11, 1993. An updated draft of the MOU is ready for clearance by the relevant agencies. (*Responsibilities 4 and 5*)
- 2) Support accession to, and implementation of, the Port State Measures Agreement (PSMA) through capacity building, training, and technical assistance directly to partner countries, as well as by providing support through financial and in-kind contributions to programs such as the Food and Agriculture Organization of the United Nations' (FAO) Global Capacity Development Programme to support the implementation of the PSMA and complementary international instruments and regional mechanisms to combat IUU fishing, contingent on the availability of resources. (*Responsibilities 6 and 8*)
- 3) Explore ways to expand the use of existing mechanisms to combat IUU fishing that are outlined in Section 3544(a), such as including counter-IUU fishing activities in existing shiprider agreements, entering into shiprider agreements that include counter-IUU fishing provisions with priority flag States and countries in priority regions with which the United States does not already have such an agreement, including counter-IUU fishing exercises in the annual at-sea exercises conducted by the Department of Defense, in coordination with the USCG, and creating law enforcement and security partnerships similar to the Oceania Maritime Security Initiative and Africa Maritime Law Enforcement Partnership. (*Responsibilities 4, 7, and 8*)
- 4) In key geographic areas, prioritize training and technical assistance to enhance capabilities to combat IUU fishing and promote sustainable fisheries management. Promote the sharing of information among governments and other international organizations, as well as support phased development of new global and regional information sharing tools, such as PSMA parties' Global Electronic Information Exchange System to support PSMA implementation. (*Responsibility 6, 8 and 9*)
- 5) Share information among Working Group agencies and coordinate more closely on seafood imports. The multi-agency Commercial Targeting and Analysis Center (CTAC), hosted by U.S. Customs and Border Protection (CBP), provides a vehicle to facilitate the sharing of information and leverages the collective resources of participating government agencies to detect, prevent, deter and investigate importations in violation of laws and regulations that protect U.S. interests in environmental protection, import safety, and fair trade. Expanded leveraging of other CBP border trade monitoring and control mechanisms, such as those residing at its National Targeting Center, could provide partner government agencies with additional

capabilities for operational coordination of seafood import enforcement efforts.
(*Responsibilities 8 and 9*)

- 6) Ensure the seafood industry and nongovernmental stakeholders that work to combat IUU fishing and promote sustainable fisheries management are in regular communication with the Working Group. Coordination with certain non-Federal entities should be formalized through strategic public-private partnerships. In addition, more generally, reports or other work of the Working Group could be made public from time to time to help ensure transparency and support the use of this information by stakeholders. (*Responsibility 10*)
- 7) Support the implementation of collaborative international initiatives, such as FAO's Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels, and other mechanisms to help enforcement authorities verify the identity of fishing and fishing-support vessels and receive information regarding harvesting, at-sea transshipment, and other activities pertaining to IUU fishing globally. (*Responsibilities 6, 9 and 11*)
- 8) Identify target geographic areas and increase law enforcement presence on the high seas and in the exclusive economic zones of partner nations in order to deter, detect and suppress IUU fishing. Support the efforts of the International Monitoring, Control, and Surveillance Network and INTERPOL to combat IUU fishing by building fisheries enforcement capacity and strengthening collaboration between governments. (*Responsibilities 5 and 8*)
- 9) Establish protocols for sharing information and collaborating in support of maritime domain awareness and counter IUU fishing activities through collaboration on emerging technologies and intelligence support. (*Responsibility 3*)
- 10) Leverage the Intelligence Community to increase global maritime domain awareness, support targeted law enforcement operations and investigations, analyze and share IUU fishing information with the widest audience, and uncover vessel owners, criminal organizations, and flag states that are actively undermining global fisheries management. (*Responsibility 4*)

Through the Working Group, existing mechanisms for communication, coordination, and collaboration could be used and, as appropriate, enhanced to improve sharing of information related to the following activities:

- 11) Monitoring imports of seafood and other natural resources: NOAA Fisheries, USCG, U.S. Fish and Wildlife Service, CBP, Food and Drug Administration, and other agencies have various roles in monitoring natural resources imported into the United States. Enhancement of existing coordination could be explored, including through the vetting of import information, allowing for connectivity between relevant databases, as feasible and appropriate (e.g., authorized vessel lists), and supporting enforcement actions as needed. (*Responsibilities 1 and 2*)

- 12) Engagement with partner governments: Several Working Group agencies engage with partner governments or conduct activities in other countries, including through attachés located in U.S. embassies. Improved sharing of information among the agencies on these engagements and activities could support a more integrated response to IUU fishing. (*Responsibilities 2, 5, and 9*)
- 13) U.S. government (USG) information sharing related to regional fisheries management organizations (RFMOs), particularly initiatives that relate to combating IUU fishing: Several agencies already engage in the initiatives and position setting of the USG at the RFMOs, and participate in those organizations. Development of protocols to keep other agencies informed of issues on the agendas of the various RFMOs as appropriate will provide for information-sharing and participation in domestic implementation of measures and identification of potential IUU fishing activity within the relevant Convention Areas. (*Responsibility 11*)
- 14) Implementation of the identification and certification procedures to address IUU fishing in accordance with the High Seas Driftnet Fishing Moratorium Protection Act: NOAA Fisheries already seeks information from a range of sources for the identification of countries whose vessels are engaged in IUU fishing. Yet, there may be potential for Federal agencies to provide additional information to NOAA Fisheries using existing means for monitoring maritime activities. (*Responsibility 12*)

As we begin working together in an integrated manner, we would like to hear from your agency on key activities that are underway or planned that would contribute towards fulfillment of the responsibilities of this Working Group, in the short-term (this year) as well as over the longer term (next few years). We anticipate these activities will be reflected in the 5-year integrated strategic plan to be developed in accordance with Section 3552 of the Maritime SAFE Act.

Request for Information

We request that your respective agency provide the name, title, and contact information of the lead representative and any others you intend to have participate in this Working Group. **Please send this information to Alexa Cole (alexa.cole@noaa.gov), Director of NOAA Fisheries Office of International Affairs and Seafood Inspection, by June 18, along with any available key activities that would contribute towards fulfillment of the responsibilities of this Working Group.** We will send invitations for the initial meeting of the Working Group to the lead representative and participants that are provided.

I, along with the Deputy Chairs, look forward to our virtual kick-off meeting to be held on June 24 and beginning a productive collaboration to combat IUU fishing.

Attachments

ATTACHMENT 1 – PART II OF THE MARITIME SECURITY AND FISHERIES ENFORCEMENT ACT

Maritime SAFE Act

Part II—Establishment of Interagency Working Group on IUU Fishing

Sec. 3551. Interagency Working Group on IUU Fishing.

Sec. 3552. Strategic plan.

Sec. 3553. Reports.

Sec. 3554. Gulf of Mexico IUU Fishing Subworking Group.

SEC. 3551. 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 subtitle 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 3 of the National Security Act of 1947 ([50 U.S.C. 3003](#))), 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.

SEC. 3552. STRATEGIC PLAN.

(a) STRATEGIC PLAN.—Not later than 2 years after the date of the enactment of this title, 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 3551.

(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.

SEC. 3553. REPORTS.

Not later than 5 years after the submission of the 5-year integrated strategic plan under section 3552, 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 3552, 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 subtitle;

(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

(8) an assessment of the extent of involvement in IUU fishing of organizations designated as foreign terrorist organizations under section 219 of the Immigration and Nationality Act ([8 U.S.C. 1189](#)).

SEC. 3554. GULF OF MEXICO IUU FISHING SUBWORKING GROUP.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this title, 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 the date of the enactment of this title 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.

(c) REPORT.—Not later than 1 year after the IUU Fishing Subworking Group is established under subsection (a), the group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Natural Resources of the House of Representatives that contains—

(1) the findings identified pursuant to subsection (b); and

(2) a timeline for each of the Federal agencies described in subsection (a) to implement each action or policy identified pursuant to subsection (b)(2).

ATTACHMENT 2 – SECTION 5 OF THE EXECUTIVE ORDER ON PROMOTING AMERICAN SEAFOOD COMPETITIVENESS AND ECONOMIC GROWTH

Executive Order on Promoting American Seafood Competitiveness and Economic Growth

Issued on: May 7, 2020

Sec. 5. Combating Illegal, Unreported, and Unregulated Fishing.

- (a) Within 90 days of the date of this order, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration (NOAA), shall issue, as appropriate and consistent with applicable law, a notice of proposed rulemaking further implementing the United Nations Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing, which entered into force on June 5, 2016 (the Port State Measures Agreement).
- (b) The Secretary of State, the Secretary of Commerce, the Secretary of Homeland Security, and the heads of other appropriate executive departments and agencies (agencies) shall, to the extent permitted by law, encourage public-private partnerships and promote interagency, intergovernmental, and international cooperation in order to improve global maritime domain awareness, cooperation concerning at-sea transshipment activities, and the effectiveness of fisheries law enforcement.
- (c) The Secretary of State, the Secretary of Commerce, the Secretary of Health and Human Services, and the Secretary of Homeland Security shall, consistent with applicable law and available appropriations, prioritize training and technical assistance in key geographic areas to promote sustainable fisheries management; to strengthen and enhance existing enforcement capabilities to combat illegal, unreported, and unregulated fishing; and to promote implementation of the Port State Measures Agreement.