May xx, 2022

Dear Senator/Representative,

We are writing to urge your support for key provisions of the Bipartisan Innovation Act (H.R. 4521) that will help combat illegal, unreported, and unregulated (IUU) fishing, reduce human rights abuses in seafood supply chains, enhance maritime domain awareness, and increase transparency of fisheries globally.

As the conference committee reconciles the differences between the Senate (USICA) and House (America COMPETES) versions of the bill, we support including the House provisions to prevent illegal fishing and forced labor in the final package (Sec. 70101 – Sec. 70131). These provisions are drawn from H.R. 3075, a bipartisan House bill led by Reps. Jared Huffman (D-CA) and Garrett Graves (R-LA). We also support the provision in the trade title of USICA on preventing the import of seafood harvested or produced using forced labor (Sec. 71002).

Despite it being illegal to import illegally-sourced products, billions of dollars of seafood associated with IUU fishing flood the U.S. market every year—an estimated $2.4 billion worth in 2019 alone—undercutting U.S. fishers. IUU fishing is also closely linked with human rights abuses, including forced labor and human trafficking, as illegal operators try to cut labor costs while engaging in unsustainable fishing practices. The provisions in the House and Senate bills on IUU fishing and forced labor will address these interrelated issues, hold seafood imports to the same standards as domestically caught products and uphold the law by keeping illegally produced products from entering the United States.

**American COMPETES Act**

The House-passed language will stem the flow of IUU fishing products into the U.S. by strengthening implementation of the Seafood Import Monitoring Program (SIMP) and expanding it to cover all seafood imports. SIMP currently applies to only 40% of imported seafood products, leaving significant gaps in the program. For example, only 29% of seafood imports from China are covered by SIMP. Expanding SIMP to all imported species will ensure traceability through the supply chain to the U.S. border, enabling the U.S. to prevent seafood products caught using IUU fishing practices and forced labor violations from entering the U.S. market.

Expanding SIMP will also level the playing field for U.S. fishers by requiring seafood importers to meet the same minimum standards and catch reporting requirements as domestic seafood. This bill will *not* require domestic fishers who sell their fish in the U.S. to do any additional reporting, since U.S. fishers are already required to report catch information as part of federal fisheries requirements under the Magnuson-Stevens Fishery Conservation and Management Act. SIMP only impacts U.S. businesses if they export their catch to other countries for processing and then reimport it into the United States. Tracking these domestic products throughout the supply chain outside the U.S. will ensure that the seafood sent abroad for processing is the same seafood when it returns.

The House bill also provides critical tools to improve the United States’ ability to put pressure on nations—China and others—that fail to prevent IUU fishing, forced labor, and human trafficking in their fleets. Under current law, NOAA identifies countries because of actions by specific vessels or in specific fisheries which can lead to sanctions or other deterrents if an identified country does not address the issue for which they were identified. This bill will broaden NOAA’s ability to identify nations for management or enforcement deficiencies rather than being limited to evidence of a specific vessel or vessels’ actions. For example, NOAA would be able to identify a country that did not exercise oversight over the fishing vessels that it registers and allows to fly its flag.

Finally, the House bill enhances maritime awareness and transparency at sea by requiring large fishing vessels—which already must carry automatic identification system (AIS) devices—to continuously transmit their location while in the U.S. Exclusive Economic Zone. The AIS requirement will enable the U.S. to push for stronger transparency requirements internationally, to discourage IUU fishing and forced labor in the global seafood trade.

**Implementing the Russian seafood ban**

The recent action by the United States in response to Vladimir Putin’s unprovoked invasion of Ukraine is relevant to provisions in the Bipartisan Innovation Act. Specifically, by banning imports of Russian seafood and other goods from Russia, the U.S. seeks to weaken the Russian economy. But without traceability of all seafood imports, the seafood ban cannot be implemented effectively. Russian seafood processed in China is labeled as “product of China.” In a 2019 study, the U.S. International Trade Commission found that close to a third of China’s seafood imports into the U.S. of wild-caught seafood were caught by Russian ships, including 50% of Alaskan pollock. Without traceability of all seafood imports, Americans will continue to eat “Putin’s pollock” in fish sticks and other processed fish products and continue to provide economic support to the Russian government.

**USICA**

As noted above, the Senate bill (USICA) also contains a valuable provision that would combat forced labor in global seafood supply chains. Section 71002 directs Customs and Border Patrol (CBP) to issue regulations to verify that no seafood is imported into the U.S. that is harvested or produced using forced labor, since import of goods derived from forced labor is illegal under Section 307 of the Tariff Act. The provision directs CBP to coordinate with the Secretary of Commerce and the Coast Guard to develop a strategy to use SIMP data to identify seafood imports at risk of violation.

We urge you to support the inclusion of these provisions on illegal, unreported, and unregulated fishing, transparency, and forced labor in the final conferenced version of the bill. Thank you for your consideration of these critical issues.

Sincerely,