

**Congress of the United States**  
**Washington, DC 20515**

March 11, 2024

The Honorable Joseph R. Biden, Jr.  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear President Biden:

We write to urge the U.S. government to fully and consistently implement its authorities to address illegal, unreported, and unregulated (IUU) fishing and forced labor, including the new authorities that Congress provided in the FY23 *National Defense Authorization Act* (NDAA). IUU fishing threatens marine ecosystems, depleting fish stocks and disrupting the balance of marine life. Beyond the environmental impacts, IUU fishing is often linked to human rights violations, including forced labor and poor working conditions on vessels. Combating IUU fishing is crucial for marine conservation, global food security, upholding human rights standards, and protecting vulnerable workers in the industry.

Recent reporting<sup>1,2</sup> has revealed extensive human rights abuses in China's seafood supply chain, including slavery and numerous other labor abuses on fishing boats at sea and in seafood processing plants on land. In addition to gross violations of human rights, these abuses facilitate geopolitical instability, threaten national security, harm critical ocean environments, and deplete fish stocks. Although this reporting is focused on China's role in IUU fishing and forced labor, these are interconnected global problems that require a whole-of-government approach from the United States. We urge your Administration to execute a whole-of-government approach that will improve collaboration with relevant entities to combat IUU fishing by using existing government authorities to their fullest extent.

Your Administration has made progress since June 2022, when you issued a broad memorandum identifying IUU fishing and associated labor abuses as a threat to American economic competitiveness and national security, the global fishing industry, and the fight against climate change.<sup>3</sup> However, not all agencies have fully or consistently implemented the Memorandum's objectives, and as the recent reporting demonstrates, IUU fishing and forced labor remain rampant throughout the seafood supply chain. Federal agencies have even purchased seafood from companies linked to IUU and forced labor.<sup>4,5,6,7</sup> Until the U.S. government fully and

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<sup>1</sup> Urbina, Ian. *The New Yorker*. The Crimes Behind the Seafood You Eat. October 9, 2023. <https://www.newyorker.com/magazine/2023/10/16/the-crimes-behind-the-seafood-you-eat>

<sup>2</sup> Urbina, Ian. *The New Yorker*. The Uyghurs Forced to Process the World's Fish. October 9, 2023. <https://www.newyorker.com/news/news-desk/the-uyghurs-forced-to-process-the-worlds-fish>

<sup>3</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/06/27/memorandum-on-combating-illegal-unreported-and-unregulated-fishing-and-associated-labor-abuses/>

<sup>4</sup> HigherGov. Federal Contract Awards. <https://www.highergov.com/contract/?searchID=d4KQfR7h2v3QJq0E955pU>

<sup>5</sup> Inc., CaterTrax. Cafés. US House of Representatives. <https://thehouse.misofi.net/>

<sup>6</sup> Architect of the Capitol. Senate Restaurants. <https://www.aoc.gov/about-us/organizational-structure/office-chief-operations/senate-office-buildings-jurisdiction/senate-restaurants>

<sup>7</sup> HigherGov. Cafeteria services-new Executive Office Building and Eisenhower Executive Office Building. <https://www.highergov.com/contract-opportunity/cafeteria-services-new-executive-office-building-a-47pm1022r0014-o-f480b/>

consistently implements its authorities to address IUU fishing and forced labor in the seafood supply chain, American fishermen engaging in responsible harvesting and processing will continue to be inadvertently penalized.

Insufficient implementation of traceability and transparency requirements make it challenging to track seafood products from vessels to stores and restaurants, complicating their journey across borders and into the hands of U.S. consumers. The U.S. is a top seafood importer; thus, U.S. laws, regulatory agencies, and American consumers can propel deep reforms internationally.

The Memorandum directed increased interagency efforts to highlight the links between forced labor and IUU fishing, particularly for distant water fishing fleets and vessels using flags of convenience. U.S. Customs and Border Protection (CBP), in coordination with the National Oceanic and Atmospheric Administration (NOAA), should prioritize investigating prospective civil penalty cases against importers connected to previously issued fishing vessel withhold release orders (WROs) and use the full extent of CBP's enforcement capabilities as warranted. CBP is responsible for investigating forced labor in seafood harvesting and issuing WROs. Despite over 60 allegations of forced labor goods entering the U.S. in the past year, CBP did not issue any WROs in 2023 or 2024. Some of these pending petitions seek action against actors in the seafood sector. Effective and timely enforcement of Section 307 of the Tariff Act of 1930 is crucial to combat forced labor in seafood supply chains. Additionally, the Administration should fully use the Maritime Operational Threat Response procedures to streamline interagency notifications, reactions, and legal enforcement measures and processes in cases of IUU fishing and forced labor violations.

We recognize Congress has a role to play, too. In December 2022, Congress enacted language in the NDAA to complement the Administration's efforts and advance the whole-of-government approach. These provisions strengthen the ability of the U.S. to identify and negatively certify nations for IUU fishing by their vessels as outlined in the *High Seas Driftnet Fishing Moratorium Protection Act*. Congress also required targeted improvements to the tools used to screen for IUU-sourced seafood imports, including improving the Seafood Import Monitoring Program (SIMP) function and enforcement, directing agencies to expand capacity-building initiatives with source countries, and prioritizing screening for seafood produced with forced labor or human trafficking.

Full expansion of SIMP and full implementation of the IUU-related provisions enacted in the NDAA in December 2022 will further position NOAA and its partner agencies to identify and address risky seafood imports. The challenge lies not in the effectiveness of catch documentation and traceability requirements but rather in their inconsistent application to all imports. The ineffectiveness of SIMP is due to its limited application, particularly concerning species coverage, and it is imperative to enhance its implementation and broaden its scope to encompass a wider array of species. The NDAA required NOAA and CBP to develop a strategy to improve data from SIMP no later than six months after enactment and required implementation of improved SIMP audit procedures within one year. We are unaware of any actions toward those requirements and urge NOAA and CBP to take all necessary steps to comply with those requirements immediately. We also urge NOAA to apply its new authority further to identify and negatively certify nations for (1) failing to effectively address IUU fishing within their fleets in any areas where their vessels are fishing, (2) failing to discharge duties under international law or

practice as a flag, port, or coastal state to take action to prevent, deter, and eliminate IUU fishing, or (3) producing, for export to the U.S., seafood-related goods through forced labor or oppressive child labor in the most recent List of Goods Produced by Child Labor or Forced Labor (*Trafficking Victims Protection Act of 2000*). Furthermore, we urge NOAA to use its authority in the *High Seas Driftnet Moratorium Protection Act* to penalize countries with such negative certification. NOAA has the authority and mandate to prohibit imports, once approved by the President, but has not acted on this mandate, even though loss of market access is the most significant incentive for compliance.

NOAA's biennial report for 2023 took a step forward by identifying two countries that use forced labor. However, NOAA's narrow definition of IUU fishing repeatedly hinders the effectiveness of NOAA's IUU efforts. While other U.S. laws, such as the *Maritime SAFE Act*, align with international standards by including human and labor rights abuses in their definition of IUU fishing, NOAA's current definition does not. Updating this definition to encompass human and labor rights abuses would align with international standards and provide NOAA with a crucial tool to prevent tainted seafood products from entering the U.S. market, in line with directives from the Memorandum and Congress since 2020.

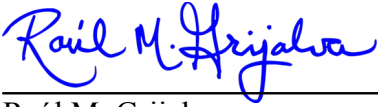
Lastly, the U.S. International Trade Commission estimates that the U.S. imported \$2.4 billion worth of illegal seafood in 2018, a significant amount of which was likely produced with forced labor.<sup>8</sup> An apparent lack of oversight has provided opportunities to exploit vulnerable workers by luring them in with the promise of good wages, only to trap them in a cycle of debt and forced labor. Further, though vessels are also subject to the national laws of the country they are flagged to, regional fisheries management organization measures, and international treaties, accountability is rare. Prosecution of bad actors is thwarted by the complicated legal landscape in fisheries or because workers of IUU vessels often lack access to channels to seek remediation. These conditions reveal the need for the U.S., a global leader in international fisheries management, to develop a plan to investigate and address these abuses. We urge your Administration to share its strategy and objectives for investigating and addressing forced labor allegations throughout the seafood supply chain, both at sea and on land. It is essential that the Administration's strategy include increased enforcement, including an instruction to CBP to issue WROs, fines, and penalties relating to forced labor in the seafood sector. In addition, the Department of Justice should increase prosecution of forced labor cases, including cases under the extraterritorial jurisdiction provisions of the *Trafficking Victims Protection Reauthorization Act*.

We appreciate your Administration's continued action to address IUU fishing. This engagement is crucial to ensure transparency and accountability in the seafood supply chain for all Americans. We urge you to use your existing authorities, including the new authorities that Congress provided in the FY23 NDAA, to the fullest possible extent. We recognize that the whole-of-government approach includes Congressional action as necessary, and we stand ready to engage on the issue. Thank you, and we look forward to your response.

Sincerely,

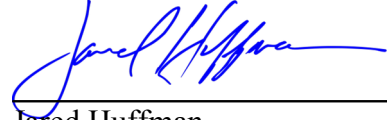
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<sup>8</sup> <https://www.usitc.gov/publications/332/pub5168.pdf>



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Raúl M. Grijalva  
Member of Congress



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Jared Huffman  
Member of Congress



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Frank Pallone, Jr.  
Member of Congress



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Gregorio Kilili Camacho  
Sablan  
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Katie Porter  
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David J. Trone  
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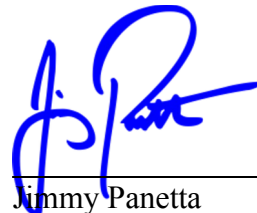
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Mary Sattler Peltola  
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Nanette Diaz Barragán  
Member of Congress



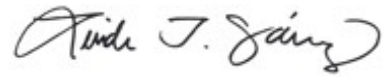
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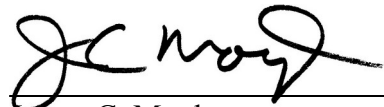
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Member of Congress



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Betty McCollum  
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James C. Moylan  
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Julia Brownley  
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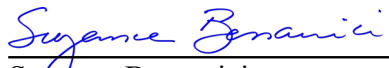
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Ed Case  
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Steve Cohen  
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Suzanne Bonamici  
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Kevin Mullin  
Member of Congress



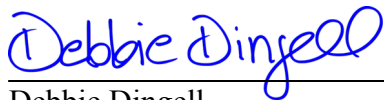
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Marilyn Strickland  
Member of Congress



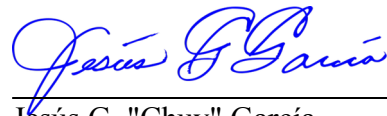
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Jim Tokuda  
Member of Congress



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Debbie Dingell  
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Jesús G. "Chuy" García  
Member of Congress