



Statement of

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Hearing on

**“Guardians of the Sea: Examining Coast  
Guard Efforts in Drug Enforcement, Illegal  
Migration, and IUU Fishing”**

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Chairman Webster, Ranking Member Carbajal, and Members of the Subcommittee, on behalf of the Congressional Research Service (CRS), thank you for this opportunity to appear before you. I am Caitlin Keating-Bitonti, an Analyst in Natural Resources Policy. The Subcommittee requested that CRS testify about the United States Coast Guard's role in the at-sea enforcement of living marine resource laws and international agreements as it pertains to illegal, unreported, and unregulated (IUU) fishing. In accordance with our enabling statutes, CRS takes no position and makes no recommendations on legislative or policy matters. My testimony draws on my own area of specialization at CRS—federal ocean science policy and relevant international agreements—and on the input of other CRS colleagues who cover other issues often associated with ocean policy, including IUU fishing.

## Illegal, Unreported, and Unregulated (IUU) Fishing

IUU fishing is an ongoing, multi-faceted global issue that affects the ocean ecosystem and the sustainable management of living marine resources, both within areas of national jurisdiction and on the high seas.<sup>1</sup> IUU fishing can impact the accuracy of the data needed to inform fisheries conservation and management decisions, thereby adding to overfishing and threatening food security in certain regions. Furthermore, the difficulty in regulating fishing vessels on the high seas may allow some of the vessels involved in IUU fishing to engage in other transnational crimes, such as labor abuses, drug smuggling, and human trafficking.<sup>2</sup>

According to the U.S. Coast Guard, IUU fishing has replaced piracy as the leading global maritime security threat.<sup>3</sup> IUU fishing generally refers to fishing activities that violate national laws or international fisheries conservation and management measures. The international definition of IUU fishing is provided in the Food and Agriculture Organization (FAO) of the United Nations International Plan of Action for IUU fishing.<sup>4</sup> The International Plan of Action for IUU fishing was developed as a voluntary instrument within the framework of the FAO Code of Conduct for Responsible Fisheries, which has the general objective of promoting sustainable fisheries.<sup>5</sup> In general,

- *Illegal fishing* refers to fishing activities conducted in contravention of applicable laws and regulations, including those laws and rules adopted at the regional and international level.
- *Unreported fishing* refers to those fishing activities that are not reported or are misreported to relevant authorities in contravention of national laws and regulations or reporting procedures of a relevant regional fisheries management organization (RFMO). RFMOs are treaty-based international bodies composed of nations that share an interest in the management and conservation of fisheries in specific geographic areas of the high seas.

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<sup>1</sup> National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS), *Report to Congress: Improving International Fisheries Management*, August 2023, p. 10.

<sup>2</sup> U.S. Coast Guard (USCG), *Illegal, Unreported, and Unregulated Fishing Strategic Outlook*, September 2020, p. 2.

<sup>3</sup> Ibid.

<sup>4</sup> Food and Agriculture Organization of the United Nations (FAO), *International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*, Rome, Italy, 2001, <http://www.fao.org/docrep/003/y1224e/y1224e00.HTM>. The Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing uses the International Plan of Action for Illegal, Unreported, and Unregulated (IUU) Fishing's definition (FAO, *Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing*, Rome, Italy, June 20, 2012, [ftp://ftp.fao.org/FI/DOCUMENT/PSM/circular\\_jett\\_2012.pdf](ftp://ftp.fao.org/FI/DOCUMENT/PSM/circular_jett_2012.pdf)).

<sup>5</sup> FAO, *Code of Conduct for Responsible Fisheries*, Rome, Italy, 1995, <http://www.fao.org/docrep/005/v9878e/v9878e00.HTM>.

- *Unregulated fishing* refers to fishing activities occurring in areas, or fishing for fish stocks,<sup>6</sup> for which there are no applicable conservation and management measures and where such fishing activities are conducted in a manner inconsistent with a nation's or entity's responsibility under international law. *Unregulated fishing* also includes fishing activities conducted by vessels without nationality within the geographic boundaries of an RFMO, or by vessels flying a flag of a nation not a party to the RFMO with authority in that area.<sup>7</sup>

IUU fishing undermines national and regional efforts to conserve and manage fish stocks.<sup>8</sup> FAO estimates that one in five (or 20%) fish caught around the world comes from IUU fishing and, in some regions, such as in West Africa, it can be as high as 40%.<sup>9</sup>

Illegal fishing can entail fishing for nonpermitted species, fishing above management quotas, and fishing out of season. These illegal fishing behaviors can contribute to stocks being fished at biologically unsustainable levels (i.e., at rates greater than species can replenish themselves). FAO estimates that the percentage of stocks fished at biologically unsustainable levels has been increasing since 1970s, from about 10% in 1974 to about 35% in 2019.<sup>10</sup> In particular, in 2019, approximately 77% of catch off the Pacific coast of South America occurred at biologically unsustainable levels.<sup>11</sup>

By its very nature, IUU fishing is difficult to quantify, but there is general global consensus that the impacts of IUU fishing have far-reaching negative consequences.<sup>12</sup> First, IUU fishing undermines the sustainable management of fishery resources—resources that provide both food security and socioeconomic stability in many parts of the world. Developing countries that depend on fisheries for food security and export income are most at risk from IUU fishing.<sup>13</sup> For example, according to a 2022 report by the FAO, aquatic foods provide at least 20% of the average intake of animal protein for 3.3 billion people.<sup>14</sup> IUU fishing can inhibit lawful access to this protein source.

A second negative consequence of IUU fishing is that it provides an unfair advantage to entities that engage in these activities.<sup>15</sup> For example, vessels conducting IUU fishing avoid operational costs by not complying with regulatory requirements and may earn more revenue by exceeding harvest limits. Conversely, those fishing legally may be harmed by lower catch rates and higher associated fishing costs. IUU fish in the marketplace can put legal fishers at an economic disadvantage and cause them to lose

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<sup>6</sup> NOAA Fisheries defines a *stock* as “a part of a fish population usually with a particular migration pattern, specific spawning grounds, and subject to a distinct fishery. A fish stock may be treated as a total or a spawning stock. Total stock refers to both juveniles and adults, either in numbers or by weight, while spawning stock refers to the numbers or weight of individuals that are old enough to reproduce.” NOAA, *NOAA Fisheries Glossary*, p. 49.

<sup>7</sup> NOAA, NMFS, *Report to Congress: Improving International Fisheries Management*, August 2023, p. 10.

<sup>8</sup> FAO, “The Toll of Illegal, Unreported and Unregulated Fishing,” at <https://www.un.org/en/observances/end-illegal-fishing-day>.

<sup>9</sup> FAO, “Four Reasons Illegal, Unreported and Unregulated (IUU) Fishing Affects Us and What We Can Do About It,” at <https://www.fao.org/fao-stories/article/en/c/1403336/> and NOAA, NMFS, “Understanding Illegal, Unreported, and Unregulated Fishing,” at <https://www.fisheries.noaa.gov/insight/understanding-illegal-unreported-and-unregulated-fishing>.

<sup>10</sup> FAO, 2022 State of World Fisheries and Agriculture, p. 46.

<sup>11</sup> FAO, 2022 State of World Fisheries and Agriculture, p. 47.

<sup>12</sup> California Environmental Associates, “Distant Water Fishing: Overview of Research Efforts and Current Knowledge,” October 2018, p. 7.

<sup>13</sup> NOAA, NMFS, “Understanding Illegal, Unreported, and Unregulated Fishing,” at <https://www.fisheries.noaa.gov/insight/understanding-illegal-unreported-and-unregulated-fishing>.

<sup>14</sup> FAO, *The State of World Fisheries and Aquaculture 2022: Towards Blue Transformation*, Rome, FAO, 2022, pp. 12-13, at <https://doi.org/10.4060/cc0461en> (hereinafter referred to as FAO, 2022 State of World Fisheries and Agriculture).

<sup>15</sup> NOAA, NMFS, “Understanding Illegal, Unreported, and Unregulated Fishing,” at <https://www.fisheries.noaa.gov/insight/understanding-illegal-unreported-and-unregulated-fishing>.

revenue. According to FAO, IUU fishing catches millions of tons of fish every year,<sup>16</sup> and experts have calculated that IUU costs the global economy up to tens of billions of dollars every year.<sup>17</sup>

Experts note that international cooperation is necessary to manage many fish stocks because some species move among different national zones of jurisdiction and the high seas. However, actions to combat IUU fishing activities are often hindered by the large areas in which fishing takes place, the lack of resources for adequate enforcement, weak governance institutions, and inadequate international cooperation. On the high seas, vessels are subject to the laws of their flag state—the *flag state* of a vessel is the nation of jurisdiction under whose laws the vessel is registered or licensed and is deemed the nationality of the vessel.<sup>18</sup> Vessels are also subject to the applicable rules established by international agreements and conventions to which their flag state is a party. The expectation is that all fishing nations exercise responsible flag state control over their vessels, including their distant water fleets operating on the high seas.

### China's Role in the Exploitation of Global Fisheries

IUU fishing occurs throughout the world, and according to the U.S. International Trade Commission a portion of the seafood entering the United States reportedly is obtained from IUU fishing activities. The U.S. International Trade Commission estimated that in 2019 about \$2.4 billion (or 11%) worth of U.S. seafood imports were products of IUU fishing, of which about \$204.3 million were obtained from Chinese IUU fishing.<sup>19</sup>

China is one of the world's largest seafood importers, having imported approximately 4.1 million metric tons of seafood in 2022.<sup>20</sup> Unlike other large importers such as the United States and Japan, the majority of seafood that China imports is not consumed in country.<sup>21</sup> Recent estimates have found that nearly 75% of all fish imported by China never makes it to the Chinese market, but instead is re-exported into the global market.<sup>22</sup>

In recent years, the IUU Fishing Index—a collaboration between Global Initiative Against Transnational Organized Crime, a non-governmental organization, and Poseidon Aquatic Resource Management Ltd., a private fisheries and aquaculture consultancy—has consistently identified China as the worst-performing nation overall in combating IUU fishing.<sup>23</sup> (The IUU Fishing Index analyzes the performances of 152 nations.)<sup>24</sup>

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<sup>16</sup> FAO, “The Toll of Illegal, Unreported and Unregulated Fishing,” at <https://www.un.org/en/observances/end-illegal-fishing-day>.

<sup>17</sup> Enric Sala et al., “The Economics of Fishing the High Seas,” *Science Advances*, vol. 4, no. 6 (2018).

<sup>18</sup> Article 94 of the United Nations Convention on the Law of the Sea (United Nations, *United Nations Convention on the Law of the Sea of 10 December 1982, Overview and Full Text*, at [https://www.un.org/depts/los/convention\\_agreements/convention\\_overview\\_convention.htm](https://www.un.org/depts/los/convention_agreements/convention_overview_convention.htm) [hereinafter referred to as UNCLOS]). Although the United States is not a party to UNCLOS, some members of the executive branch have stated that some (but not all) portions of UNCLOS reflect *customary international law*.

<sup>19</sup> U.S. International Trade Commission, “Illegal, Unreported, and Unregulated Fishing Accounts for More Than \$2 Billion of U.S. Seafood Imports, Reports USITC,” press release, March 18, 2021, at [https://www.usitc.gov/press\\_room/news\\_release/2021/er0318111740.htm](https://www.usitc.gov/press_room/news_release/2021/er0318111740.htm).

<sup>20</sup> U.S. Department of Agriculture, Foreign Agriculture Service, “2022 China Fishery Products Annual,” February 22, 2023.

<sup>21</sup> Beatrice Crona et al., “China At a Crossroads: An Analysis of China's Changing Seafood Production and Consumption,” *One Earth*, vol. 3, no. 1 (2020), pp. 32-44.

<sup>22</sup> Fangzhou Hu et al., “Development of Fisheries in China,” *Reproduction and Breeding*, vol. 1, no. 1 (2021), pp. 64-79.

<sup>23</sup> In 2021, China received a 3.86 score out of 5.00 on the IUU Fishing Index (high scores indicate worse performance). The IUU Index also generally finds that countries with DWF fleets, such as China, have poor scores. IUU Fishing Index, “2021 Country Profile: China,” at <https://iuufishingindex.net/reports/iuu-fishing-index-country-profile-2021-china.pdf>

<sup>24</sup> Ibid.

China has the world's largest fishing fleet, with an estimated 564,000 vessels, and in 2020 was the top combined producer of marine and inland water catches, making up nearly 15% of global catches.<sup>25</sup> China also has the largest distant water fishing fleet in the world,<sup>26</sup> with an estimated 2,900 to 3,400 vessels according to the U.S. International Trade Commission.<sup>27</sup> Distant-water fishing is the practice of operating fishing fleets outside of your own nation's Exclusive Economic Zone (EEZ), the zone that extends 200 nautical miles seaward of a coastal nation's shoreline.<sup>28</sup> Distant water fishing fleets operate either on the high seas or foreign EEZs. Overfishing and depleted coastal fish stocks in its national waters have led China's fishing industry to develop a distant-water fishing fleet.<sup>29</sup>

China's distant water fishing fleets are alleged to be increasingly engaging in IUU fishing. A 2022 report by the Environmental Justice Foundation estimates that 95% of Chinese distant water fishing crews have witnessed some form of illegal fishing, including the removal of shark fins and the targeting of endangered and protected marine life.<sup>30</sup> In 2021, the National Oceanic and Atmospheric Administration's (NOAA's) National Marine Fisheries Service (NMFS) issued China a negative certification for IUU fishing, under the authorities of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. §1826j(d)).<sup>31</sup> China denied all allegations made by NMFS.<sup>32</sup>

Like many governments with industrial-scale fishing operations, the Chinese government provides financial and policy support to its fishing industry, including its distant water fishing fleet.<sup>33</sup> This support takes a variety of forms, including fuel subsidies, vessel upgrading/replacement subsidies, and tax incentives. Some analysts argue that some types of distant water fishing would be unprofitable for Chinese vessel operators without government subsidies.<sup>34</sup>

China has adopted some policies to address IUU fishing. However, a 2021 report estimated that at least 183 Chinese distant water fishing vessels, some of which are government-owned or -operated, are involved in IUU fishing, suggesting that the China is not holding its vessels accountable for engaging in IUU activities.<sup>35</sup> Under the U.N. Convention on the Law of the Sea, which China ratified in 1996, the flag state has exclusive jurisdiction over vessels flying its flag on the high seas.<sup>36</sup>

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<sup>25</sup> FAO, 2022 State of World Fisheries and Agriculture, p. 59.

<sup>26</sup> Raul (Pete) Pedrozo, "China's IUU Fishing Fleet: Pariah of the World's Oceans," *International Law Studies*, vol. 99 (2022), p. 329 (hereinafter referred to as Pedrozo, 2022).

<sup>27</sup> United States International Trade Commission, *Seafood Obtained via Illegal, Unreported, and Unregulated Fishing: U.S. Imports and Economic Impact on U.S. Commercial Fisheries*, February 2021, p. 142. Another report estimates that China's DWF fleet is made up of nearly 17,000 vessels, of which about 12,500 were identified as operating outside internationally recognized China waters between 2017-2018. However, the report cautioned that all of these vessels are not operating currently, simultaneously, or consistently in other countries' or international waters (Overseas Development Institute, "China's Distant-Water Fishing Fleet: Scale, Impact and Governance," June 2020).

<sup>28</sup> Article 56 of UNCLOS gives coastal nations sovereign rights for the purpose of conserving and managing natural resources, including fisheries, among other purposes, in the Exclusive Economic Zone (EEZ).

<sup>29</sup> Pedrozo, 2022, p. 330.

<sup>30</sup> Environmental Justice Foundation, "Global Impact of Illegal Fishing and Human Rights Abuse in China's Vast Distant Water Fleet Revealed," April 5, 2022.

<sup>31</sup> NOAA, NMFS, *Improving International Fisheries Management*, Report to Congress, August 2023, pp. 18-19.

<sup>32</sup> Ibid.

<sup>33</sup> Pedrozo, 2022, p. 328.

<sup>34</sup> Ian Urbina, "How China's Expanding Fishing Fleet is Depleting the World's Oceans," August 17, 2020.

<sup>35</sup> IUU Fishing Index, 2021 Report, p. 60.

<sup>36</sup> UNCLOS Article 92.

## U.S. Government Initiatives Aimed at Combating IUU Fishing

Over the past two decades, successive U.S. administrations and Congresses have recognized that IUU fishing poses a threat to national and regional security and have taken a number of actions to combat IUU fishing broadly. These actions attempt to influence the behavior of foreign fishing fleets through international agreements, organizations, and trade, because most IUU activities occur outside of U.S. jurisdiction.<sup>37</sup>

The United States works with other fishing nations through RFMOs and other multilateral international agreements to sustainably manage high seas fisheries and address IUU fishing globally. Several federal agencies, including the U.S. Coast Guard, NOAA, the Department of Defense, and the Department of State, engage in various efforts to combat IUU fishing on the high seas and in the EEZs of partner nations. The efforts of these federal agencies include establishing strategic partnerships; improving enforcement tools, such as high seas boarding and inspection; identifying and sharing information about countries that have fishing vessels engaged in IUU fishing activities; and assisting partner nations develop and maintain their own counter IUU fishing capacity, among other lines of effort.<sup>38</sup>

In 2019, the Maritime Security and Fisheries Enforcement Act (Division C, Title XXXV, Subtitle C of P.L. 116-92, 16 U.S.C. §§8001 et seq.), commonly known as the Maritime SAFE Act, passed in the National Defense Authorization Act for Fiscal Year 2020. The Maritime SAFE Act seeks to support a whole-of-government approach to counter IUU fishing, improve data sharing, support efforts to counter IUU fishing in priority regions around the world, increase global transparency and traceability across the seafood chain, improve global enforcement operations against IUU fishing, and prevent the use of IUU fishing as a financing source for transnational crime.<sup>39</sup> The Maritime SAFE Act also established the Interagency Working Group on IUU Fishing to support and coordinate a government-wide effort to address IUU fishing globally. The IWG on IUU Fishing is made up of representatives from 21 federal agencies and is currently chaired by a representative from the Department of State, with representatives from the National Oceanic and Atmospheric Administration and U.S. Coast Guard serving as Deputy Chairs.<sup>40</sup>

## U.S. Coast Guard's Role in Addressing IUU Fishing

The U.S. Coast Guard is a multi-mission maritime service with the authority to conduct maritime law enforcement operations, including operations aimed at combating IUU fishing activity.<sup>41</sup> The U.S. Coast Guard enforces U.S. and international living marine resources laws in the U.S. EEZ and in key areas of the high seas, and works with NOAA, Department of Defense, and Department of State to provide whole-of-government approach to addressing IUU fishing.<sup>42</sup>

The U.S. Coast Guard is the lead U.S. agency for at-sea enforcement of fishery conservation on the high seas.<sup>43</sup> On the high seas, RFMOs manage and conserve fish stocks of a particular species or group of species within a particular geographic area. The 1995 U.N. Fish Stocks Agreement provides an enhanced

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<sup>37</sup> Actions to combat IUU fishing have included enforcement agreements with partner countries, trade monitoring, implementation and enforcement of international treaties, and broad efforts to promote resource sustainability.

<sup>38</sup> NOAA, NMFS, *Improving International Fisheries Management*, Report to Congress, August 2023, p. 3.

<sup>39</sup> 16 U.S.C. §8002.

<sup>40</sup> 16 U.S.C. §8031(b). The chair of the Interagency Working Group on IUU Fishing rotates every three years among the Secretary of the Department in which the U.S. Coast Guard is operating (i.e., the Department of Homeland Security), Secretary of State, and NOAA Administrator.

<sup>41</sup> 14 U.S.C. §102.

<sup>42</sup> USCG, *Illegal, Unreported, and Unregulated Fishing Strategic Outlook*, September 2020, p. 4.

<sup>43</sup> USCG, *Illegal, Unreported, and Unregulated Fishing Strategic Outlook*, September 2020, p. 19.



framework for RFMOs' conservation and management of transboundary fish stocks.<sup>44</sup> Under the 1995 U.N. Fish Stocks Agreement, party nations are obligated to regulate “the activities of vessels flying their flag which fish for such stocks on the high seas.”<sup>45</sup> In addition, the agreement gives party nations the right to monitor and inspect vessels of other nation parties to ensure compliance with internationally agreed fishing regulations, including regulations established by RFMOs. Violations of RFMO conservation measures are generally considered IUU fishing.

Both the Interagency Working Group on IUU Fishing's *National 5-Year Strategy for Combating Illegal, Unreported, and Unregulated Fishing* and the U.S. Coast Guard's *IUU Fishing Strategic Outlook Implementation Plan* identify strategies used by the U.S. Coast Guard to counter IUU fishing on the high seas, such as at-sea operations, use of vessel tracking data to identify vessels suspected of IUU fishing, and cooperation in partner nation capacity-building exercises.<sup>46</sup>

## U.S. Coast Guard At-Sea Operations

The U.S. Coast Guard identifies instances of IUU fishing through its at-sea operations. On the high seas, under the authority of some RFMOs, U.S. Coast Guard law enforcement officials may conduct law enforcement boardings and investigations of fishing vessels suspected of IUU fishing.<sup>47</sup> U.S. Coast Guard law enforcement officials may also randomly board other vessels as a means to deter IUU fishing activity. If a U.S. Coast Guard patrol not directly related to IUU fishing suspects a vessel of IUU fishing, the U.S. Coast Guard may provide relevant information to other U.S. federal agencies (e.g., NMFS) for further investigation. The U.S. Coast Guard patrol may also report the suspect vessel to the relevant RFMO to share information about the vessel with other member states of the RFMO to aid in the tracking of the vessel.

The U.S. Coast Guard reports IUU fishing violations identified through at-sea patrol to RFMOs, which alert the vessels flag state. On the high seas, vessels are subject to the laws of their flag state. The U.S. Coast Guard shares information about the vessels it identifies as having participated in IUU fishing to relevant U.S. federal agencies to inform IUU fishing vessel lists,<sup>48</sup> which may trigger port control measures, among other actions.<sup>49</sup>

Experts consider high seas boarding and inspection of vessels to be effective approaches for fisheries law enforcement and for identifying vessels engaged in IUU fishing.<sup>50</sup> According to the U.S. Government Accountability Office (GAO), from 2016 through 2020, the U.S. Coast Guard boarded and inspected 227

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<sup>44</sup> United Nations, *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks*, at [https://www.un.org/depts/los/convention\\_agreements/texts/fish\\_stocks\\_agreement/CONF164\\_37.htm](https://www.un.org/depts/los/convention_agreements/texts/fish_stocks_agreement/CONF164_37.htm) (hereinafter referred to as the 1995 U.N. Fish Stock Agreement).

<sup>45</sup> Article 7 of the 1995 U.N. Fish Stock Agreement.

<sup>46</sup> U.S. Interagency Working Group on IUU Fishing, *National 5-Year Strategy for Combating Illegal, Unreported, and Unregulated Fishing: 2022-2026*, Report to Congress, October 2022, pp. 1-A3-1, and USCG, *Illegal, Unreported, and Unregulated Fishing Strategic Outlook Implementation Plan*, July 2021, pp. 1-29.

<sup>47</sup> According to NOAA, the United States is a member of nine multilateral RFMOs. NOAA, NMFS, “International and Regional Fisheries Management Organizations,” at <https://www.fisheries.noaa.gov/international-affairs/international-and-regional-fisheries-management-organizations>.

<sup>48</sup> Pursuant to its statutory requirements under the High Seas Driftnet Fishing Moratorium Protection Act, NMFS prepares a biennial report to Congress that includes a list of nations whose flagged vessels were identified for IUU fishing (16 U.S.C. §1826h).

<sup>49</sup> NOAA, “Frequent Questions: Implementing the Port State Measures Agreement,” at <https://www.fisheries.noaa.gov/enforcement/frequent-questions-implementing-port-state-measures-agreement>.

<sup>50</sup> For example, FAO, *High Seas Boarding and Inspection of Fishing Vessels: Discussion of Goals, Comparison of Existing Schemes and Draft Language*, September 2003, pp. 1-41.

fishing vessels on the high seas within the boundaries of RFMOs to which the United States is a party.<sup>51</sup> During these inspections, the U.S. Coast Guard found 90 potential violations of RFMO fishery conservation and management measures.<sup>52</sup> The information obtained by the U.S. Coast Guard through vessel boardings and inspections can inform U.S. diplomatic engagements with foreign nations. However, only a subset of RFMOs have high seas boarding and inspection measures. The Interagency Working Group on IUU Fishing identified the need for more RFMOs to adopt high seas boarding and inspection measures.<sup>53</sup> According to GAO, the U.S. Coast Guard, Department of State, and NOAA are working to promote the adoption of high seas boarding and inspection measures in all RFMOs to which the U.S. is a member.<sup>54</sup>

## U.S. Coast Guard Use of Vessel Tracking Data

The scale of the ocean environment enables some fishing fleets to conduct IUU fishing activity unnoticed and presents law enforcement challenges. The International Maritime Organization and other management bodies require large ships, including many commercial fishing vessels, to broadcast their position with an automatic identification system (AIS).<sup>55</sup> In addition to broadcasting the location of the vessel, AIS devices also broadcast information about the identity, course and speed of the vessel. Radio stations and satellites pick up this information, making vessels trackable even in the most remote areas of the ocean.

The U.S. Coast Guard analyzes vessel tracking data to identify movement patterns that may be indicative of IUU fishing activity.<sup>56</sup> Fishing vessels that “go dark” by ceasing to broadcast position information may suggest that these vessels are engaging in IUU fishing activities. Research conducted by NOAA, the University of Santa Cruz, and Global Fishing Watch found that vessels most often go dark while fishing next to EEZs with contested boundaries, fishing in EEZ with limited management oversight, and during the transfer of fish between fishing vessels and refrigerated cargo vessels.<sup>57</sup> The U.S. Coast Guard analyzes vessel tracking data to help guide at-sea patrol operations to target suspect vessels.

In its *IUU Fishing Strategic Outlook Implementation Plan*, the U.S. Coast Guard acknowledged that it will continue to advance and implement innovative technology to counter IUU fishing and to expand multilateral fisheries enforcement cooperation with partner nations.<sup>58</sup>

## U.S. Coast Guard Efforts to Build Capacity for Partner Nations

The U.S. Coast Guard works with partner nations to develop and maintain their own counter IUU fishing capacity, including the enforcement of their own fisheries conservation measures and the investigation and prosecution of their own fishing fleets suspected of IUU fishing. According to its *IUU Fishing Strategic Outlook Implementation Plan*, the U.S. Coast Guard aims to create regionally based

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<sup>51</sup> U.S. Government Accountability Office (GAO), *Combating Illegal Fishing: Clear Authority Could Enhance U.S. Efforts to Partner with Other Nations at Sea*, GAO-22-104234, November 2021, p. 19.

<sup>52</sup> Ibid.

<sup>53</sup> U.S. Interagency Working Group on IUU Fishing, *National 5-Year Strategy for Combating Illegal, Unreported, and Unregulated Fishing: 2022-2026*, Report to Congress, October 2022, p. 12.

<sup>54</sup> GAO, *Combating Illegal Fishing: Clear Authority Could Enhance U.S. Efforts to Partner with Other Nations at Sea*, GAO-22-104234, November 2021, p. 19.

<sup>55</sup> Global Fishing Watch, “What Is AIS?,” at <https://globalfishingwatch.org/faqs/what-is-ais/>.

<sup>56</sup> GAO, *Combating Illegal Fishing: Clear Authority Could Enhance U.S. Efforts to Partner with Other Nations at Sea*, GAO-22-104234, November 2021, p. 17.

<sup>57</sup> NOAA, NMFS, “Learning More about “Dark” Fishing Vessels’ Activities at Sea,” November, 2, 2022, at <https://www.fisheries.noaa.gov/feature-story/learning-more-about-dark-fishing-vessels-activities-sea>.

<sup>58</sup> USCG, *Illegal, Unreported, and Unregulated Fishing Strategic Outlook Implementation Plan*, July 2021, pp. 26-27.



international fisheries law enforcement symposiums for foreign partners, support expanded unclassified information sharing about illicit operations, and add counter-IUU fishing measures to existing bilateral agreements, among other initiatives to combat IUU fishing.<sup>59</sup>

One strategy used by the U.S. Coast Guard to help foreign partners build capacity for counting IUU fishing is through shiprider agreements.<sup>60</sup> Shiprider agreements authorize a law enforcement official of one party to embark on a law enforcement vessel, or aircraft, of the other party and exercise certain authorities. U.S. shiprider agreements are designed to allow U.S. law enforcement officials, typically U.S. Coast Guard law enforcement officials, to assist partner nations in combating various illicit maritime activity, such as IUU fishing. In general, U.S. bilateral shiprider agreements allow maritime law enforcement officers of a partner nation to embark on vessels (and/or aircraft) of the U.S. government. The presence of a shiprider on board a U.S. government vessel allows the vessel to enforce the laws and regulations of the partner nation, including the boarding and inspection of suspect vessels, within the partner nation's designated territorial sea or exclusive economic zone. Certain shiprider agreements also allow U.S. government vessels with embarked shipriders to pursue flag ships of the party on the high seas.

Not all U.S. bilateral shiprider agreements include counter-IUU fishing provisions. According to GAO, the United States has entered into 15 shiprider agreements that address IUU fishing.<sup>61</sup> One priority of the Interagency Working Group on IUU Fishing is for the U.S. government to establish new bilateral shiprider agreements that have counter-IUU fishing provisions with countries located within priority regions and to add counter-IUU fishing provisions to existing shiprider agreements.<sup>62</sup>

The U.S. Coast Guard also coordinates with the Department of Defense in their at-sea exercises. Some of these exercises may be designed to help partner nations build maritime security capacity, including their capacity to address IUU fishing in their territorial waters and IUU fishing committed by their flagged vessels. For example, the U.S. Coast Guard and U.S. Africa Command collaborated to enhance partner nation maritime enforcement capabilities to counter IUU fishing and other issues.<sup>63</sup>

In its FY2024 Budget Overview, the U.S. Coast Guard also identified it has operational priorities, including capacity building partnerships, aimed at combatting IUU fishing off the east and west coasts of South America, the west coast of Africa, and across Oceania.<sup>64</sup>

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<sup>59</sup> USCG, *Illegal, Unreported, and Unregulated Fishing Strategic Outlook Implementation Plan*, July 2021, pp. 26-27.

<sup>60</sup> U.S. Interagency Working Group on IUU Fishing, *National 5-Year Strategy for Combating Illegal, Unreported, and Unregulated Fishing: 2022-2026*, Report to Congress, October 2022, p. 15.

<sup>61</sup> GAO, *Combating Illegal Fishing: Clear Authority Could Enhance U.S. Efforts to Partner with Other Nations at Sea*, GAO-22-104234, November 2021, p. 13.

<sup>62</sup> The Maritime Security and Fisheries Enforcement Act (P.L. 116-92) directs select federal officials to “exercise existing shiprider agreements and to enter into and implement new shiprider agreements” (16 U.S.C. §8013(b)(2)).

<sup>63</sup> For example, the U.S. Coast Guard and the Department of Defense collaborated with partner African nations to help them build maritime security capacity through the U.S. Africa Commands Africa Maritime Law Enforcement Partnership program. See, GAO, *Combating Illegal Fishing: Clear Authority Could Enhance U.S. Efforts to Partner with Other Nations at Sea*, GAO-22-104234, November 2021, p. 14.

<sup>64</sup> USCG, *Posture Statement: 2024 Budget Overview*, pp.10-11.

## Conclusion

This concludes my prepared remarks. Thank you for the opportunity to testify, and I welcome your questions. If additional research and analysis related to this issue would be helpful, my CRS colleagues and I stand ready to assist the committee.

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