

Environmental and Maritime Policy

Akin Gump
STRAUSS HAUER & FELD LLP

Division H of the *America COMPETES Act* versus the *U.S. Innovation and Competition Act*

Overview

Division H of the House-passed America COMPETES Act features provisions from the jurisdiction of the House Natural Resources Committee and focuses extensively on policy related to fishing, seafood and coral reef preservation, among other policies. With some exceptions, most of these provisions do not have counterparts in the Senate-passed U.S. Innovation and Competition Act (USICA). USICA makes scant mention of coral reefs and only in the context of protecting reefs in the South China Sea from Chinese incursion rather than preserving them more broadly for environmental reasons. Those provisions where there is overlap between the two bills include provisions to:

- Expand the Seafood Import Monitoring Program to prevent the importation of seafood produced or harvested with forced labor.
- Prohibit the possession and commercial trade of shark fins and shark fin products.

	HOUSE: America COMPETES Act	SENATE: USICA
Combatting Human Trafficking Through Seafood Import	✓	✓
Strengthening International Fisheries Management to Combat Human Trafficking	✓	✗
Maritime Awareness	✓	✗
Driftnet Modernization and Bycatch Reduction	✓	✗
Marine Mammal Research and Response	✓	✗
Reauthorization of Coral Reef Conservation Act of 2000	✓	✗
United States Coral Reef Task Force	✓	✗
Department of Interior Coral Reef Authorities	✓	✗

Contact Information

David H. Quigley

Partner

dquigley@akingump.com

Washington, D.C.

+1 202.887.4339

Kenneth J. Markowitz

Partner

kmarkowitz@akingump.com

Washington, D.C.

+1 202.887.4513

Stacey H. Mitchell

Partner

shmitchell@akingump.com

Washington, D.C.

+1 202.887.4338

Ryan D. Thompson

Senior Advisor

thompsonr@akingump.com

Houston

+1 202.887.4138

Rachel C. Robinson

Senior Public Policy Specialist

robinsonr@akingump.com

Washington, D.C.

+1 202.416.5534

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Susan L. Williams National Coral Reef Management Fellowship	✓	✗
Buy American Seafood	✓	✗
Insular Affairs	✓	✗
Studies and Reports	✓	✗
Miscellaneous	✓	✓

	HOUSE: America COMPETES Act	SENATE: USICA
<p>Combatting Human Trafficking Through Seafood Import</p>	<p>Authorization of Appropriations: Sec. 70102 authorizes \$20 million for each of Fiscal Years (FY) 2022 through 2027 to carry out programs related to combatting human trafficking through seafood import authorized in Subtitle A and strengthening international fisheries management to combat human trafficking authorized in Subtitle B.</p> <p>Expansion of Seafood Import Monitoring Program to All Species: Directs the Secretary of Commerce, no later than two years after enactment, to expand the Seafood Import Monitoring Program (SIMP) to apply to all seafood and seafood products. (Sec. 70112)</p> <p>Enhancement of Seafood Import Monitoring Program Automated Commercial Environment Message Set: Directs the Secretary of Commerce, working with U.S. Customs and Border Protection (CBP), to develop a strategy to improve the quality of data in the Automated Commercial Environment System used by SIMP within six months of enactment. (Sec. 70113)</p> <p>Additional data requirements for Seafood Import Monitoring Program Data Collection: Revises SIMP data requirements to include information on catch location, chain-of-custody records, vessel information and more. Directs multiple Secretaries to complete a regulatory process to establish SIMP data elements to collect information on labor conditions and possible forced labor for imported seafood products. (Sec. 70114)</p>	<p>While USICA does not authorize any specific funding for the Seafood Import Monitoring Program, USICA addresses similar issues of illegal fishing and forced labor prevention in two sections</p> <p>First, Section 3295 requires the State Department in consultation with the National Oceanic and Atmospheric Administration (NOAA) and others to submit a report to Congress assessing the use of advanced monitoring technologies to combat illegal, unreported and unregulated (IUU) fishing in the Oceania region.</p> <p>Second, Section 71002:</p> <ul style="list-style-type: none"> • Directs CBP to issue regulations to ensure that no seafood imports products are harvested or produced using forced labor. • Directs CBP to develop and publish a strategy for using data collected under the SIMP to identify seafood imports at risk of being harvested or produced using forced labor. • Directs the United States Trade Representative and the Secretary of Commerce to engage with interested countries about the development of effective seafood tracking plans to, among other purposes, end the trade in products harvested or produced using IUU fishing; human trafficking; or forced labor.

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	<p>Import Audits: Directs the Secretary of Commerce to implement procedures to audit information on seafood imports, prioritizing auditing imports originating from counties identified as having illegal fishing, human trafficking, forced labor or child labor in their seafood supply chain. (Sec. 70115)</p> <p>Availability of Fisheries Information: Provides expanded access to fisheries information by various federal agencies responsible for monitoring the import of seafood, catch documentation and legality of catch, provided it does not damage the value of catch or business. (Sec. 70116)</p> <p>Authority to Hold Fish Products: Authorizes the Secretary of Commerce to hold any shipment of fish or fish product imported into the United States for up to 14 days. (Sec. 70117)</p> <p>Report on Seafood Import Monitoring: Directs the Secretary of Commerce to submit a report to Congress within 120 days of enactment summarizing the National Marine Fisheries Service's efforts to prevent the importation of seafood harvested through illegal fishing or forced labor. (Sec. 70118)</p> <p>Authorization of Appropriations: Authorizes \$20 million for each of FY22 through FY26 to CBP to carry out enforcement actions involving imported goods produced by forced or child labor. (Sec. 70119)</p>	
Strengthening International Fisheries	Denial of Port Privileges: Authorizes the Secretary of Homeland Security to withhold or revoke port privileges for any vessel from a nation	No corresponding provision.

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Management to Combat Human Trafficking	<p>identified as having participated in IUU fishing in two or more consecutive reports. (Sec. 70121)</p> <p>Identification and Certification Criteria: Amends the IUU fishing identification criteria to include information from compliance reports, international fishery management organizations, foreign governments, the public and other stakeholder groups. The section also updates identification criteria to include nations that provide subsidies that contribute to overfishing at high rates or nations that have been identified as having human trafficking, forced labor or child labor in their seafood supply chain. (Sec. 70122)</p> <p>IUU Fishing Defined: Requires NOAA to use the definition of IUU fishing set out in the 2001 Food and Agriculture Organization International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU). (Sec. 70123)</p> <p>Equivalent Conservation Measures: Requires the Secretary of Commerce to identify and report on a nation if any fishing vessel of that country has been engaged in fishing that has resulted in bycatch of a protected marine resource, has been engaged in fishing that targets sharks or if the vessel's flag state has not enforced a regulatory program to reduce such bycatch that is comparable to the regulatory program of the United States. (Sec. 70124)</p>	
Maritime Awareness	Automatic Identification System Requirements: Requires the use of Automatic Identification Systems (AIS) by fishing vessels operating in the	No corresponding provision.

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	navigable waters of the United States or in the United States exclusive economic zone (EEZ). Authorizes \$5 million for FY22 to purchase AIS systems for applicable fishing vessels. (Sec. 70131)	
Driftnet Modernization and Bycatch Reduction	<p>Definitions: This section amends Section 3 of the <i>Magnuson-Stevens Fishery Conservation and Management Act</i> to modify the definition of large-scale driftnet fishing to include nets with a mesh size of 14 inches or greater. (Sec. 70201)</p> <p>Driftnet Fishing: This section phases out large-scale driftnet fishing in the United States EEZ and to encourage the adoption of “alternative fishing methods” to mitigate bycatch. (Sec. 70202)</p> <p>Transition Program: This section directs the Secretary of Commerce to implement a transition grant program to phase out large-scale driftnet fishing practices. Funds from the program will be awarded to eligible permit holders and will cease five-years after the legislation’s enactment. (Sec. 70203)</p> <p>Exception: This section offers an exception to the phase out of large-scale driftnet fishing for fishing operators that deploy within the United States EEZ with a net size less than 2.5 kilometers long and a mesh size of 14 inches or greater. The exception will cease five-years after the legislation’s enactment. (Sec. 70204)</p> <p>Fees: This section authorizes the Secretary of Commerce to approve the collection of fees from charter vessel operators who fish in International</p>	No corresponding provision.

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	Pacific Halibut Commission regulatory areas. (Sec. 70205)	
Marine Mammal Research and Response	<p>Data Collection and Dissemination: This section creates a program to monitor the causes of illness and death in stranded and entangled marine mammals; directs the Secretary of Commerce to require that stranding network participants submit all relevant data to NOAA; and requires that the Secretary of Commerce develop a program to make any information collected through the stranding network public and available to researchers and other stranding network participants with several exceptions. (Sec. 70301)</p> <p>Stranding or Entanglement Response Agreements: This section expands the surveillance of marine mammal events to include entanglement events. (Sec. 70302)</p> <p>Unusual Mortality Event Activity Funding: This section clarifies specific uses for funds within unusual mortality event activity funding. The section authorizes the Secretary of Commerce to distribute funds for stranding network participant reimbursement, for the care and maintenance of a seized marine mammal and for contracts for property, supplies, salaries or services to respond to unusual mortality events. (Sec. 70303)</p> <p>Liability: This section expands the liability provided to individuals and entities responding to stranding events to include entanglement events. (Sec. 70304)</p>	No corresponding provision.

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	<p>National Marine Mammal Tissue Bank and Tissue Analysis: This section modifies the National Marine Mammal Tissue Bank database to incorporate marine mammal health and mortality data and directs the Secretary of Commerce to make the database and Tissue Bank publicly accessible. (Sec. 70305)</p> <p>Marine Mammal Rescue and Response Grant Program and Rapid Response Fund: This section establishes the John H. Prescott Marine Mammal Rescue and Response Grant Program to award grants to stranding network participants or collaborators that provide for the care and treatment of entangled or stranded marine mammals. The section mandates that priority for grant awards be given to applicants focusing on marine mammal strandings. The section also establishes the Joseph R. Geraci Marine Mammal Rescue and Rapid Response Fund, an interest-bearing fund to provide emergency assistance to respond to a stranding or entanglement event. (Sec. 70306)</p> <p>Health MAP: This section establishes the Marine Mammal Health Monitoring and Analysis Platform (“Health MAP”) to promote research in marine mammal science and evaluate marine mammal health and mortality. The section directs the Secretary of Commerce to implement guidelines for the collection and sharing of marine mammal health data and to coordinate with federal, state, local, tribal and nongovernmental stakeholders. The section mandates that the Health MAP be</p>	

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	<p>publicly accessible and be interoperable with other national data systems. (Sec. 70307)</p> <p>Reports to Congress: This section directs NOAA to submit a report on the Marine Mammal Health MAP to relevant congressional committees. The section mandates that the report provide an overview of participants within the marine mammal stranding network and gaps within the program and be submitted five years after the legislation’s enactment and every 10 years after that in perpetuity. The section also directs NOAA to submit a report on marine mammal response capabilities in Arctic regions of the United States to relevant congressional committees within one year of the legislation’s enactment. (Sec. 70308)</p> <p>Authorization of Appropriations: This section authorizes funding for Marine Mammal Health and Stranding Response for FY22-26. (Sec. 70309)</p> <p>Definitions: This section defines “entanglement” as an event in the wild in which a living or dead marine mammal has gear, rope, line or other material wrapped around or attached to the mammal and is located in the jurisdiction of the United States. (Sec. 70310)</p> <p>Study on Marine Mammal Mortality: This section requires NOAA to conduct a study evaluating the impact of certain marine conditions on marine mammal mortality within one year of the legislation’s enactment. (Sec. 70311)</p>	
Reauthorization of Coral Reef	Reauthorization of Coral Reef Conservation Act of 2000: This section adds new Sections 202-218	No corresponding provision.

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Conversation Act of 2000	<p>to the <i>Coral Reef Conservation Act of 2000</i>. These provide a redefined purpose for the legislation with a mission of conserving and restoring the condition of United States coral reef ecosystems; require the National Oceanic and Atmospheric Administration to publish a revised National Coral Reef Resiliency Strategy in 15-year intervals; direct covered reef managers to submit a coral reef action plan in five-year intervals to the United States Coral Reef Task Force; direct the National Oceanic and Atmospheric Administration to create guidelines for coral reef stewardship partnerships; establish individual management unit Coral Reef Emergency Plans; and appropriate \$38 million for each FY22-26 for provisions under the legislation among other actions to support coral reef conservation. (Sec. 70401)</p> <p>Modification to Section 204 of the Coral Reef Conservation Act of 2000: This section modifies grants of financial assistance for coral conservation projects to allow U.S. territories to access cost-share waivers. (Sec. 70402)</p>	
United States Coral Reef Task Force	<p>Establishment: Establishes the United States Coral Reef Task Force. (Sec. 70501)</p> <p>Duties: Outlines the duties of the Task Force, which include coordinating, monitoring, mapping, research, conservation, mitigation and restoration of coral reefs. (Sec. 70502)</p> <p>Membership: Defines the membership of the Task Force, which includes several federal agency secretaries and armed forces leaders as voting members and members appointed by the</p>	No corresponding provision.

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	<p>Presidents of the Marshall Islands, the Republic of Palau and the Federated States of Micronesia as nonvoting members. (Sec. 70503)</p> <p>Responsibilities of Federal Agency Members: Defines the responsibilities of the federal agency members of the Task Force, including identifying agency actions that may affect coral reefs, using the authorities of the agency to protect coral reef ecosystems, and collaborating with the Task Force to reflect the needs for coral reef conservation in restoration in budget planning discussions. (Sec. 70504)</p> <p>Working Groups: Directed leaders of the Task Force to establish working groups as needed to carry out the goals of the Task Force. (Sec. 70505)</p>	
Department of Interior Coral Reef Authorities	<p>Coral Reef Conservation and Restoration Assistance: Authorizes the Secretary of the Interior to provide scientific expertise and technical and financial assistance for the coral reef conservation and restoration activities. Authorizes the Secretary to establish a Coral Reef Initiative Program within the Department's Office of Insular Affairs to provide assistance and grant funding to support local coral reef management and protection in the insular areas and Freely Associated States. Authorizes \$4 million for each of FY22 through FY26 to carry out the aforementioned activities. (Sec. 70601)</p>	No corresponding provision.
Susan L. Williams National Coral Reef	<p>Establishment of Fellowship Program: Establishes a National Coral Reef Management Fellowship Program to provide management agencies of States, Tribal organizations and Freely</p>	No corresponding provision.

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Management Fellowship	<p>Associated States with qualified candidates to develop their coral reef management capacity. (Sec. 70702)</p> <p>Fellowship Awards: Establishes the qualifications and parameters of the fellowship awards. Fellowships will be for up to two years and recipients will have demonstrated an intent to pursue a career in marine services, leadership potential, a degree in biological science, proficient writing and speaking skills and more. (Sec. 70703)</p> <p>Authorization of Appropriations: Authorizes \$1.5 million for each of FY22 through FY026 to carry out the fellowship program. (Sec. 70704)</p>	
Buy American Seafood	<p>Sense of Congress: Articulates a sense of Congress that executive agencies that purchase seafood products should, to the extent possible, buy American-caught or American-harvested seafood products. (Sec. 70801)</p> <p>Caught in the U.S.A.: Authorizes the Secretary of Commerce to make grants to promote the consumption of marine fishery products that are local or domestic, environmentally friendly, invasive species or well-managed species. (Sec. 70802)</p>	No corresponding provision.
Insular Affairs	<p>Ocean and Coastal Mapping Integration Act: Amends the <i>Ocean and Coastal Mapping Integration Act</i> to include a study on the insular areas and the effects of climate change to the biennial report required by the existing legislation. (Sec. 70901)</p>	No corresponding provision.
Studies and Reports	<p>Deep-Sea Mining: Authorizes a National Academics of Science, Engineering, and Medicine</p>	No corresponding provision.

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	<p>(NASEM) study on the environmental impacts of deep seabed mining, including characterization of deep seabed ecosystems, impacts of exploratory activities on deep seabed habitat, effects of sediment plumes from disturbance of the deep seabed and potentially related greenhouse gas emissions. (Sec. 71001)</p> <p>National Academics Assessment of Oceanic and Blue Carbon: Authorizes a NASEM study on oceanic blue carbon, including the impacts of marine species decline on carbon sequestration potential, an analysis of deep sea carbon storage and the effects of human activity on oceanic blue carbon. (Sec. 71002)</p>	
Miscellaneous	<p>Law Enforcement Attaché Deployment: Directs the United States Fish and Wildlife Service (FWS) to deploy 50 new FWS law enforcement attaches at U.S. embassies, consulates and other facilities in countries known or suspected to be sources of illegal trade of endangered species. Authorizes \$150 million for each of FY22 through FY31 for the initiative. (Sec. 71101)</p> <p>Lacey Act Amendments: Amends the <i>Lacey Act</i> to allow the Secretary of Interior to impose an up to three-year emergency ban on the importation of wildlife species that pose threats to human beings, agriculture, horticulture, forestry or the wildlife of the United States. Prohibits the importation of any non-native species until such species are determined to not post a significant risk of invasiveness to the United States. (Sec. 71102)</p>	<p>USICA Section 2518 contains an identical provision to Section 71103 of the COMPETES Act addressing the elimination of shark fin sales.</p>

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	<p>Shark Fin Sales Elimination: Prohibits the possession and commercial trade of shark fins or products containing shark fins, with minor exceptions, as well as creates a penalty for violating this prohibition. (Sec. 71103)</p>	

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