

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

October 20, 2023

The Honorable Gina M. Raimondo  
Secretary  
U.S. Department of Commerce  
1401 Constitution Ave NW  
Washington, DC 20230

Ms. Janet Coit  
Assistant Administrator for Fisheries  
National Marine Fisheries Service  
1315 East West Highway  
Silver Spring, MD 20910

Richard W. Spinrad, Ph.D.  
Under Secretary of Commerce for Oceans and Atmosphere  
1401 Constitution Ave NW  
Washington, DC 20230

Dear Secretary Raimondo, Under Secretary Spinrad, and Assistant Administrator Coit:

We write out of growing concern regarding illegal fishing and forced labor. Addressing illegal, unreported and unregulated (IUU) fishing is important in ensuring that we eat safe and healthy seafood that also serves our economic interests without supporting unethical harvesting and processing practices. It is imperative that the United States protect the quality of its seafood and uphold fundamental human rights standards around the world.

In May 2021, H.R. 3075, the Illegal Fishing and Forced Labor Prevention Act, was introduced to combat IUU fishing and human rights abuses in the global seafood sector. This legislation sought to address these connected issues by increasing the traceability of seafood and the transparency of fishing activity at sea. Major provisions of the Illegal Fishing and Forced Labor Prevention Act were enacted last year in the FY23 National Defense Authorization Act. However, there is still more to be done. Addressing illegal fishing and forced labor in the global seafood industry and preventing IUU access to U.S. markets continues to be a bipartisan priority, and one which the Obama and Biden administrations committed to addressing. The Biden administration also underscored the critical importance of leveraging the lucrative U.S. seafood market to stem human rights abuses and IUU fishing in the National Security Memorandum-11, Combatting IUU Fishing and Associated Labor Abuses.<sup>1</sup>

Expanding the Seafood Import Monitoring Program (SIMP) to all imported seafood—and ensuring the program is functional, well-implemented, and enforced—is key to closing U.S. markets to seafood derived from IUU fishing and abusive labor practices. In the six years that have elapsed since the SIMP was promulgated, Congress has directed substantial appropriations toward SIMP implementation, and Congress continues to promote legislative solutions to ensure the U.S. has a functional seafood traceability program. In conjunction with those efforts, we expect you to use any and all existing executive branch authorities to tackle the urgent issue of IUU fishing.

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<sup>1</sup>Memorandum on Combating Illegal, Unreported, and Unregulated Fishing and Associated Labor Abuses, June 27, 2022, <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/06/27/memorandum-on-combating-illegal-unreported-and-unregulated-fishing-and-associated-labor-abuses/>

We request that you address the questions below to better understand how Congressional appropriations have been used to expand and strengthen the SIMP as intended. Please provide applicable decision memoranda, letters, emails, communications, situation summaries, discussion and evaluation documents, and briefing documents to support these responses.

## EXPENDITURES

- 1) From Fiscal Years 2017 to the present, identify the amounts that NOAA spent on improving seafood import screening by automating the analysis of SIMP data through advanced technologies such as predictive analytics, machine learning, AI, etc. Please provide specific allocation information for each of the following fiscal years: 2017 – \$1.1M allocated funding; 2018 – \$2.2M allocated funding; 2019 – \$3.6M allocated funding; 2020 – \$3.6M allocated funding; 2021 – \$3.6M allocated funding; and 2022 – \$4.6M allocated funding.
- 2) Please detail all contracts NOAA has initiated since January 1, 2017, to procure or develop technology to support NOAA’s analysis of SIMP import data. Provide financial and product documentation of all completed and ongoing contracts, including the proposal, scope of work, progress reports, and any final reports and deliverables. What is the annual cost of each contract, and what services are to be provided?
- 3) What are NOAA’s plans and current or anticipated investments for modernizing and integrating the infrastructure supporting the SIMP relating to improving communications and cooperation with U.S. Customs and Border Protection (CBP)? What are NOAA’s efforts or plans to improve the timely interagency sharing of critical information between NOAA and CBP?

## CURRENT METHODS AND EFFORTS TO IMPROVE SIMP IMPLEMENTATION

- 4) A provision enacted in the FY23 NDAA (Section 11330) directs the Secretary of Commerce, in coordination with CBP, to “develop a strategy to improve the quality and verifiability of already collected SIMP Message Set data elements in the Automated Commercial Environment System. Such strategy shall prioritize the use of enumerated data types, such as checkboxes, dropdown menus, or radio buttons, and any additional elements the Administrator of the National Oceanic and Atmospheric Administration finds appropriate.” Congress set a deadline of six months after the date of enactment, which was December 23, 2022. What is the status of this strategy? If it is completed, please provide a copy. If it is not completed, provide a timeline for completion.
- 5) In March 2023, Alexa Cole, the Director of the Office of International Affairs, Trade, and Commerce at NOAA Fisheries, spoke at the Seafood Expo North America in Boston. During her presentation, Ms. Cole reported that NOAA was creating a pilot program to develop predictive analytics to target imports of red snapper. What are the details of that pilot program, including funds invested, the anticipated timing of deployment, the

expected increase in processing capacity, and anticipated results? Please provide detailed documentation of all other completed, current, planned, and scoped efforts to utilize predictive analytics, machine learning, AI or advanced technologies to screen SIMP import data and flag high-risk imports.

- 6) A provision enacted in the FY23 NDAA (Section 11332(a)) requires the Secretary of Commerce to “implement procedures to audit information and supporting records of sufficient numbers of imports of seafood and seafood products subject to the Seafood Import Monitoring Program to support statistically robust conclusions that the samples audited are representative of all seafood imports covered by the SIMP with respect to a given year.” Congress set a deadline of one year after the date of enactment, which was December 23, 2022. What is the current status of this initiative?
- 7) What protocol does NOAA follow to determine which imported shipments of fish or fish products are selected for audit generally and on a pre-release versus post-release basis? What is NOAA’s current methodology for selecting imports for SIMP audits? Does this methodology or framework identify shipments at the highest risk of originating from IUU fishing?
- 8) What procedures does NMFS follow to execute SIMP audits? How frequently does NMFS perform SIMP audits? How many monthly audits did NMFS complete from January 2021 to August 2023, and how long did it take to complete each audit? What is NMFS’ procedure or protocol during the post-entry auditing process, and how does NMFS evaluate the chain of custody of information it receives from importers?
- 9) What protocol does NOAA follow to solicit industry feedback on the SIMP? In calendar year 2022, how many audits were referred to NOAA’s Office of Law Enforcement? Beyond enforcement, how does NOAA encourage compliance with future audits, such as following up with importers repeatedly failing audits or targeting importers with repeating issues for future audits?
- 10) A provision enacted in the FY23 NDAA (Section 11331(a)(4)) adds the following to the responsibilities of the Interagency Working Group on IUU Fishing: “the maximizing the utility of the import data collected by the members of the Working Group by harmonizing data standards and entry fields.” Has NOAA initiated a process in the working group for achieving this goal?

## RETURN ON INVESTMENT

- 11) Does NOAA consider SIMP audits to be an effective approach for improving the program? How has each contract or internal effort to develop technology to support SIMP implementation resulted in improved targeting for at-risk seafood screening? If there have been no improvements, what are the obstacles to improving automated at-risk seafood screening?

We are eager to continue working with your administration to combat illegal fishing and forced labor to level the playing field for American fisheries and protect human rights worldwide. We look forward to receiving the annual report on the SIMP required by Section 11334 of the FY23 NDAA, to be submitted to the relevant committees not later than 120 days after the end of the fiscal year.

Thank you for your continued attention to this important issue and timely response to the above questions. Should you have any questions, please contact Rachel Gentile with the House Natural Resources Committee at [Rachel.Gentile@mail.house.gov](mailto:Rachel.Gentile@mail.house.gov).

Sincerely,



Raúl M. Grijalva  
Ranking Member  
Committee on Natural Resources



Jared Huffman  
Ranking Member  
Subcommittee on Water, Wildlife, and Fisheries