

(2) Projects to assess the amount and type of bycatch or post-release mortality occurring in a fishery.

(3) Conservation engineering projects designed to reduce bycatch, including avoidance of post-release mortality, reduction of bycatch in high seas fisheries, and transfer of such fishing technologies to other nations.

(4) Projects for the identification of habitat areas of particular concern and for habitat conservation.

(5) Projects designed to collect and compile economic and social data.

**(d) Experimental permitting process**

Not later than 180 days after January 12, 2007, the Secretary, in consultation with the Councils, shall promulgate regulations that create an expedited, uniform, and regionally-based process to promote issuance, where practicable, of experimental fishing permits.

**(e) Guidelines**

The Secretary, in consultation with the Councils, shall establish guidelines to ensure that participation in a research project funded under this section does not result in loss of a participant's catch history or unexpended days-at-sea as part of a limited entry system.

**(f) Exempted projects**

The procedures of this section shall not apply to research funded by quota set-asides in a fishery.

(Pub. L. 94-265, title III, §318, as added Pub. L. 109-479, title II, §204, Jan. 12, 2007, 120 Stat. 3614.)

**Editorial Notes**

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this Act", meaning Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, known as the Magnuson-Stevens Fishery Conservation and Management Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

**§ 1868. Herring study**

**(a) In general**

The Secretary may conduct a cooperative research program to study the issues of abundance, distribution and the role of herring as forage fish for other commercially important fish stocks in the Northwest Atlantic, and the potential for local scale depletion from herring harvesting and how it relates to other fisheries in the Northwest Atlantic. In planning, designing, and implementing this program, the Secretary shall engage multiple fisheries sectors and stakeholder groups concerned with herring management.

**(b) Report**

The Secretary shall present the final results of this study to Congress within 3 months following the completion of the study, and an interim report at the end of fiscal year 2008.

**(c) Authorization of appropriations**

There are authorized to be appropriated \$2,000,000 for fiscal year 2007 through fiscal year 2009 to conduct this study.

(Pub. L. 94-265, title III, §319, as added Pub. L. 109-479, title II, §205, Jan. 12, 2007, 120 Stat. 3615.)

**§ 1869. Restoration study**

**(a) In general**

The Secretary may conduct a study to update scientific information and protocols needed to improve restoration techniques for a variety of coast habitat types and synthesize the results in a format easily understandable by restoration practitioners and local communities.

**(b) Authorization of appropriations**

There are authorized to be appropriated \$500,000 for fiscal year 2007 to conduct this study.

(Pub. L. 94-265, title III, §320, as added Pub. L. 109-479, title II, §206, Jan. 12, 2007, 120 Stat. 3615.)

**§ 1870. Required possession of descending devices**

**(a) Require gear in the Gulf reef fish fishery**

It shall be unlawful for a person on board a commercial or recreational vessel to fish for Gulf reef fish in the Gulf of Mexico Exclusive Economic Zone without possessing on board the vessel a venting tool or a descending device that is rigged and ready for use while fishing is occurring.

**(b) Savings clause**

No provision of this section shall be interpreted to affect any program or activity carried out by the Gulf Coast Ecosystem Restoration Council established by the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (33 U.S.C. 1321 note), or any project contained in an approved Restoration Plan developed by any Natural Resources Damage Assessment Trustee Implementation Group to reduce post-release mortality from barotrauma in Gulf of Mexico Reef Fish Recreational Fisheries.

**(c) Definitions**

In this section:

**(1) Descending device**

The term "descending device" means an instrument that—

(A) will release fish at a depth sufficient for the fish to be able to recover from the effects of barotrauma;

(B) is a weighted hook, lip clamp, or box that will hold the fish while it is lowered to depth, or another device determined to be appropriate by the Secretary; and

(C) is capable of—

(i) releasing the fish automatically;

(ii) releasing the fish by actions of the operator of the device; or

(iii) allowing the fish to escape on its own.

**(2) Venting tool**

The term "venting tool" has the meaning given to it by the Gulf of Mexico Fishery Management Council.

**(3) Gulf reef fish**

The term "Gulf reef fish" means any fish chosen by the Gulf of Mexico Fishery Manage-

ment Council that is in the reef Fishery Management Plan for the purposes of this chapter. (Pub. L. 94-265, title III, §321, as added Pub. L. 116-340, §3(a), Jan. 13, 2021, 134 Stat. 5128.)

#### TERMINATION OF SECTION

*For termination of section five years after Jan. 13, 2021, see Effective and Termination Dates note below.*

#### Editorial Notes

##### REFERENCES IN TEXT

The Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012, referred to in subsec. (b), is subtitle F (§1601 et seq.) of Pub. L. 112-141, div. A, title I, July 6, 2012, 126 Stat. 588, which is set out as a note under section 1321 of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Tables.

This chapter, referred to in subsec. (c)(3), was in the original “this Act”, meaning Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, known as the Magnuson-Stevens Fishery Conservation and Management Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE AND TERMINATION DATES

Section effective 1 year after Jan. 13, 2021, see section 3(c) of Pub. L. 116-340, set out as an Effective and Termination Dates of 2021 Amendment note under section 1858 of this title.

Pub. L. 116-340, §3(e), Jan. 13, 2021, 134 Stat. 5129, provided in part that the termination of this section by section 3(e)(3) is effective five years after Jan. 13, 2021.

#### SUBCHAPTER V—FISHERY MONITORING AND RESEARCH

### § 1881. Registration and information management

#### (a) Standardized fishing vessel registration and information management system

The Secretary shall, in cooperation with the Secretary of the department in which the Coast Guard is operating, the States, the Councils, and Marine Fisheries Commissions, develop recommendations for implementation of a standardized fishing vessel registration and information management system on a regional basis. The recommendations shall be developed after consultation with interested governmental and nongovernmental parties and shall—

(1) be designed to standardize the requirements of vessel registration and information collection systems required by this chapter, the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.), and any other marine resource law implemented by the Secretary, and, with the permission of a State, any marine resource law implemented by such State;

(2) integrate information collection programs under existing fishery management plans into a non-duplicative information collection and management system;

(3) avoid duplication of existing State, tribal, or Federal systems and shall utilize, to the maximum extent practicable, information collected from existing systems;

(4) provide for implementation of the system through cooperative agreements with appropriate State, regional, or tribal entities and Marine Fisheries Commissions;

(5) provide for funding (subject to appropriations) to assist appropriate State, regional, or tribal entities and Marine Fisheries Commissions in implementation;

(6) establish standardized units of measurement, nomenclature, and formats for the collection and submission of information;

(7) minimize the paperwork required for vessels registered under the system;

(8) include all species of fish within the geographic areas of authority of the Councils and all fishing vessels including charter fishing vessels, but excluding recreational fishing vessels;

(9) require United States fish processors, and fish dealers and other first ex-vessel purchasers of fish that are subject to the proposed system, to submit information (other than economic information) which may be necessary to meet the goals of the proposed system; and

(10) include procedures necessary to ensure—

(A) the confidentiality of information collected under this section in accordance with section 1881a(b) of this title; and

(B) the timely release or availability to the public of information collected under this section consistent with section 1881a(b) of this title.

#### (b) Fishing vessel registration

The proposed registration system should, at a minimum, obtain the following information for each fishing vessel—

(1) the name and official number or other identification, together with the name and address of the owner or operator or both;

(2) gross tonnage, vessel capacity, type and quantity of fishing gear, mode of operation (catcher, catcher processor, or other), and such other pertinent information with respect to vessel characteristics as the Secretary may require; and

(3) identification (by species, gear type, geographic area of operations, and season) of the fisheries in which the fishing vessel participates.

#### (c) Fishery information

The proposed information management system should, at a minimum, provide basic fisheries performance information for each fishery, including—

(1) the number of vessels participating in the fishery including charter fishing vessels;

(2) the time period in which the fishery occurs;

(3) the approximate geographic location or official reporting area where the fishery occurs;

(4) a description of fishing gear used in the fishery, including the amount and type of such gear and the appropriate unit of fishing effort; and

(5) other information required under subsection<sup>1</sup> 1853(a)(5) of this title or requested by the Council under section 1881a of this title.

<sup>1</sup> So in original. Probably should be “section”.