

(3) The Secretary shall submit a detailed written report on the findings of the peer review conducted under this subsection to the Gulf Council no later than one year after October 11, 1996.

**(b) Prohibition**

In addition to the restrictions under section 1853(d)(1)(A) of this title, the Gulf Council may not, prior to October 1, 2002, undertake or continue the preparation of any fishery management plan, plan amendment or regulation under this chapter for the Gulf of Mexico commercial red snapper fishery that creates an individual fishing quota program or that authorizes the consolidation of licenses, permits, or endorsements that result in different trip limits for vessels in the same class.

**(c) Referendum**

(1) On or after October 1, 2002, the Gulf Council may prepare and submit a fishery management plan, plan amendment, or regulation for the Gulf of Mexico commercial red snapper fishery that creates a limited access privilege program or that authorizes the consolidation of licenses, permits, or endorsements that result in different trip limits for vessels in the same class, only if the preparation of such plan, amendment, or regulation is approved in a referendum conducted under paragraph (2) and only if the submission to the Secretary of such plan, amendment, or regulation is approved in a subsequent referendum conducted under paragraph (2).

(2) The Secretary, at the request of the Gulf Council, shall conduct referendums under this subsection. Only a person who held an annual vessel permit with a red snapper endorsement for such permit on September 1, 1996 (or any person to whom such permit with such endorsement was transferred after such date) and vessel captains who harvested red snapper in a commercial fishery using such endorsement in each red snapper fishing season occurring between January 1, 1993, and such date may vote in a referendum under this subsection. The referendum shall be decided by a majority of the votes cast. The Secretary shall develop a formula to weigh votes based on the proportional harvest under each such permit and endorsement and by each such captain in the fishery between January 1, 1993, and September 1, 1996. Prior to each referendum, the Secretary, in consultation with the Council, shall—

(A) identify and notify all such persons holding permits with red snapper endorsements and all such vessel captains; and

(B) make available to all such persons and vessel captains information about the schedule, procedures, and eligibility requirements for the referendum and the proposed individual fishing quota program.

**(d) Catch limits**

Any fishery management plan, plan amendment, or regulation submitted by the Gulf Council for the red snapper fishery after October 11, 1996, shall contain conservation and management measures that—

(1) establish separate quotas for recreational fishing (which, for the purposes of this subsection shall include charter fishing) and com-

mercial fishing that, when reached, result in a prohibition on the retention of fish caught during recreational fishing and commercial fishing, respectively, for the remainder of the fishing year; and

(2) ensure that such quotas reflect allocations among such sectors and do not reflect any harvests in excess of such allocations.

(Pub. L. 94-265, title IV, §407, as added Pub. L. 104-297, title II, §207(b), Oct. 11, 1996, 110 Stat. 3612; amended Pub. L. 106-554, §1(a)(4) [div. B, title I, §144(a)(3), (4)], Dec. 21, 2000, 114 Stat. 2763, 2763A-238; Pub. L. 109-479, §3(d)(1)(B), Jan. 12, 2007, 120 Stat. 3578.)

**Editorial Notes**

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1)(C), (2)(B) and (b), 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.

AMENDMENTS

2007—Subsecs. (a)(1)(D), (c)(1). Pub. L. 109-479 substituted “a limited access privilege” for “an individual fishing quota”.

2000—Subsecs. (b), (c)(1). Pub. L. 106-554 substituted “October 1, 2002,” for “October 1, 2000,”.

**§ 1884. Deep sea coral research and technology program**

**(a) In general**

The Secretary, in consultation with appropriate regional fishery management councils and in coordination with other federal<sup>1</sup> agencies and educational institutions, shall, subject to the availability of appropriations, establish a program—

(1) to identify existing research on, and known locations of, deep sea corals and submit such information to the appropriate Councils;

(2) to locate and map locations of deep sea corals and submit such information to the Councils;

(3) to monitor activity in locations where deep sea corals are known or likely to occur, based on best scientific information available, including through underwater or remote sensing technologies and submit such information to the appropriate Councils;

(4) to conduct research, including cooperative research with fishing industry participants, on deep sea corals and related species, and on survey methods;

(5) to develop technologies or methods designed to assist fishing industry participants in reducing interactions between fishing gear and deep sea corals; and

(6) to prioritize program activities in areas where deep sea corals are known to occur, and in areas where scientific modeling or other methods predict deep sea corals are likely to be present.

**(b) Reporting**

Beginning 1 year after January 12, 2007, the Secretary, in consultation with the Councils,

<sup>1</sup> So in original. Probably should be capitalized.

shall submit biennial reports to Congress and the public on steps taken by the Secretary to identify, monitor, and protect deep sea coral areas, including summaries of the results of mapping, research, and data collection performed under the program.

(Pub. L. 94-265, title IV, § 408, as added Pub. L. 109-479, title II, § 211, Jan. 12, 2007, 120 Stat. 3618.)

### § 1885. Seafood import monitoring program

Not later than 30 days after March 23, 2018, the Secretary of Commerce (Secretary) shall lift the stay on the effective date of the final rule for the seafood import monitoring program published by the Secretary on December 9, 2016, (81 Fed. Reg. 88975 et seq.) for the species described in section 300.324(a)(3) of title 50, Code of Federal Regulations: *Provided*, That the compliance date for the species described in section 300.324(a)(3) of title 50, Code of Federal Regulations, shall occur not later than December 31, 2018: *Provided further*, That not later than December 31, 2018, the Secretary shall establish a traceability program for United States inland, coastal, and marine aquaculture of shrimp and abalone from point of production to entry into United States commerce: *Provided further*, That the Secretary shall promulgate such regulations as are necessary and appropriate to establish and implement the program: *Provided further*, That information collected pursuant to a regulation promulgated under this section shall be confidential and not be disclosed except for the information disclosed under section 401(b)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b)(1)): *Provided further*, That any regulations promulgated under this section shall be enforced as if this section were a provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and the regulations were promulgated under such Act.

(Pub. L. 115-141, div. B, title V, § 539, Mar. 23, 2018, 132 Stat. 445.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in text, is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, 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.

##### CODIFICATION

Section was enacted as part of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2018, and also as part of the Consolidated Appropriations Act, 2018, and not as part of the Magnuson-Stevens Fishery Conservation and Management Act which comprises this chapter.

#### Statutory Notes and Related Subsidiaries

##### IMPORT AUDITS

Pub. L. 117-263, div. K, title CXIII, § 11332, Dec. 23, 2022, 136 Stat. 4099, provided that:

“(a) **AUDIT PROCEDURES.**—The Secretary shall, not later than 1 year after the date of enactment of this Act [Dec. 23, 2022], 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 Seafood Import Monitoring Program with respect to a given year.

“(b) **EXPANSION OF MARINE FORENSICS LABORATORY.**—The Secretary shall, not later than 1 year after the date of enactment of this Act, begin the process of expanding the National Oceanic and Atmospheric Administration’s Marine Forensics Laboratory, including by establishing sufficient capacity for the development and deployment of rapid, and follow-up, analysis of field-based tests focused on identifying Seafood Import Monitoring Program species, and prioritizing such species at high risk of illegal, unreported, or unregulated fishing and seafood fraud.

“(c) **ANNUAL REVISION.**—In developing the procedures required in subsection (a), the Secretary shall use predictive analytics to inform whether to revise such procedures to prioritize for audit those imports originating from nations—

“(1) identified pursuant to section 609(a) or 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(a) or 1826k(a)) that have not yet received a subsequent positive certification pursuant to section 609(d) or 610(c) of such Act, respectively;

“(2) identified by an appropriate regional fishery management organization as being the flag state or landing location of vessels identified by other nations or regional fisheries management organizations as engaging in illegal, unreported, or unregulated fishing;

“(3) identified as having human trafficking or forced labor in any part of the seafood supply chain, including on vessels flagged in such nation, and including feed for cultured production, in the most recent Trafficking in Persons Report issued by the Department of State in accordance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

“(4) identified as producing goods that contain seafood using forced labor or oppressive child labor in the most recent List of Goods Produced by Child Labor or Forced Labor in accordance with the Trafficking Victims Protection Act [of 2000] (22 U.S.C. 7101 et seq.); and

“(5) identified as at risk for human trafficking, including forced labor, in their seafood catching and processing industries by the report required under section 3563 of the Maritime SAFE Act (Public Law 116-92) [133 Stat. 2009].”

[For definition of terms as used in section 11332 of Pub. L. 117-263, set out above, see section 11329 of div. K of Pub. L. 117-263, set out as a note under section 1885a of this title.]

### § 1885a. Report on Seafood Import Monitoring Program

#### (a) Report to Congress and public availability of reports

The Secretary shall, not later than 120 days after the end of each fiscal year, submit to the Committee on Commerce, Science, and Transportation and the Committee on Finance of the Senate and the Committee on Natural Resources and the Committee on Financial Services of the House of Representatives a report that summarizes the National Marine Fisheries Service’s efforts to prevent the importation of seafood harvested through illegal, unreported, or unregulated fishing, particularly with respect to seafood harvested, produced, processed, or manufactured by forced labor. Each such report shall be made publicly available on the website of the National Oceanic and Atmospheric Administration.