

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.

**(b) Contents**

Each report submitted under subsection (a) shall include—

(1) the volume and value of seafood species subject to the Seafood Import Monitoring Program, reported by 10-digit Harmonized Tariff Schedule of the United States codes, imported during the previous fiscal year;

(2) the enforcement activities and priorities of the National Marine Fisheries Service with respect to implementing the requirements under the Seafood Import Monitoring Program;

(3) the percentage of import shipments subject to the Seafood Import Monitoring Program selected for inspection or the information or records supporting entry selected for audit, as described in section 300.324(d) of title 50, Code of Federal Regulations;

(4) the number and types of instances of non-compliance with the requirements of the Seafood Import Monitoring Program;

(5) the number and types of instances of violations of State or Federal law discovered through the Seafood Import Monitoring Program;

(6) the seafood species with respect to which violations described in paragraphs (4) and (5) were most prevalent;

(7) the location of catch or harvest with respect to which violations described in paragraphs (4) and (5) were most prevalent;

(8) the additional tools, such as high performance computing and associated costs, that the Secretary needs to improve the efficacy of the Seafood Import Monitoring Program; and

(9) such other information as the Secretary considers appropriate with respect to monitoring and enforcing compliance with the Seafood Import Monitoring Program.

(Pub. L. 117-263, div. K, title CXIII, § 11334, Dec. 23, 2022, 136 Stat. 4100.)

**Editorial Notes****REFERENCES IN TEXT**

The Harmonized Tariff Schedule of the United States, referred to in subsec. (b)(1), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of Title 19, Customs Duties.

**CODIFICATION**

Section was enacted as part of the Don Young Coast Guard Authorization Act of 2022 and also as part of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, and not as part of the Magnuson-Stevens Fishery Conservation and Management Act which comprises this chapter.

**Statutory Notes and Related Subsidiaries****DEFINITIONS**

Pub. L. 117-263, div. K, title CXIII, § 11329, Dec. 23, 2022, 136 Stat. 4098, provided that: “In this subtitle [subtitle E (§§ 11329–11341) of title CXIII of div. K of Pub. L. 117-263, see Tables for classification]:

“(1) FORCED LABOR.—The term ‘forced labor’ means any labor or service provided for or obtained by any means described in section 1589(a) of title 18, United States Code.

“(2) HUMAN TRAFFICKING.—The term ‘human trafficking’ has the meaning given the term ‘severe forms

of trafficking in persons’ in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

“(3) ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.—The term ‘illegal, unreported, or unregulated fishing’ has the meaning given such term in the implementing regulations or any subsequent regulations issued pursuant to section 609(e) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(e)).

“(4) OPPRESSIVE CHILD LABOR.—The term ‘oppressive child labor’ has the meaning given such term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

“(5) SEAFOOD.—The term ‘seafood’ means all marine animal and plant life meant for consumption as food other than marine mammals and birds, including fish, shellfish, shellfish products, and processed fish.

“(6) SEAFOOD IMPORT MONITORING PROGRAM.—The term ‘Seafood Import Monitoring Program’ means the Seafood Traceability Program established in subpart Q of part 300 of title 50, Code of Federal Regulations (or any successor regulation).

“(7) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere.”

**SUBCHAPTER VI—MISCELLANEOUS****Editorial Notes****CODIFICATION**

This subchapter was enacted as part of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, and not as part of the Magnuson-Stevens Fishery Conservation and Management Act which comprises this chapter.

**§ 1891. Investment in United States seafood processing facilities**

The Secretary of Commerce shall work with the Small Business Administration and other Federal agencies to develop financial and other mechanisms to encourage United States investment in seafood processing facilities in the United States for fisheries that lack capacity needed to process fish harvested by United States vessels in compliance with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(Pub. L. 109-479, title I, § 106(c), Jan. 12, 2007, 120 Stat. 3593.)

**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 Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, and not as part of the Magnuson-Stevens Fishery Conservation and Management Act which comprises this chapter.

**§ 1891a. Community-based restoration program for fishery and coastal habitats****(a) In general**

The Secretary of Commerce shall establish a community-based fishery and coastal habitat