

(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

restoration program to implement and support the restoration of fishery and coastal habitats.

(b) Authorized activities

In carrying out the program, the Secretary may—

- (1) provide funding and technical expertise to fishery and coastal communities to assist them in restoring fishery and coastal habitat;
- (2) advance the science and monitoring of coastal habitat restoration;
- (3) transfer restoration technologies to the private sector, the public, and other governmental agencies;
- (4) develop public-private partnerships to accomplish sound coastal restoration projects;
- (5) promote significant community support and volunteer participation in fishery and coastal habitat restoration;
- (6) promote stewardship of fishery and coastal habitats; and
- (7) leverage resources through national, regional, and local public-private partnerships.

(Pub. L. 109-479, title I, §117, Jan. 12, 2007, 120 Stat. 3606.)

Editorial Notes

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.

§ 1891b. Fisheries Conservation and Management Fund

(a) In general

The Secretary shall establish and maintain a fund, to be known as the “Fisheries Conservation and Management Fund”, which shall consist of amounts retained and deposited into the Fund under subsection (c).

(b) Purposes

Subject to the allocation of funds described in subsection (d), amounts in the Fund shall be available to the Secretary of Commerce, without appropriation or fiscal year limitation, to disburse as described in subsection (e) for—

- (1) efforts to improve fishery harvest data collection including—
 - (A) expanding the use of electronic catch reporting programs and technology; and
 - (B) improvement of monitoring and observer coverage through the expanded use of electronic monitoring devices and satellite tracking systems such as VMS on small vessels;
- (2) cooperative fishery research and analysis, in collaboration with fishery participants, academic institutions, community residents, and other interested parties;
- (3) development of methods or new technologies to improve the quality, health safety, and value of fish landed;
- (4) conducting analysis of fish and seafood for health benefits and risks, including levels of contaminants and, where feasible, the source of such contaminants;
- (5) marketing of sustainable United States fishery products, including consumer edu-

cation regarding the health or other benefits of wild fishery products harvested by vessels of the United States;

(6) improving data collection under the Marine Recreational Fishery Statistics Survey in accordance with section 401(g)(3) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881(g)(3)); and

(7) providing financial assistance to fishermen to offset the costs of modifying fishing practices and gear to meet the requirements of this Act, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and other Federal laws in *pari materia*.

(c) Deposits to the Fund

(1) Quota set-asides

Any amount generated through quota set-asides established by a Council under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and designated by the Council for inclusion in the Fishery Conservation and Management Fund, may be deposited in the Fund.

(2) Other funds

In addition to amounts received pursuant to paragraph (1) of this subsection, the Fishery Conservation and Management Fund may also receive funds from—

- (A) appropriations for the purposes of this section; and
- (B) States or other public sources or private or non-profit organizations for purposes of this section.

(d) Regional allocation

The Secretary shall, every 2 years, apportion monies from the Fund among the eight Council regions according to recommendations of the Councils, based on regional priorities identified through the Council process, except that no region shall receive less than 5 percent of the Fund in each allocation period.

(e) Limitation on the use of the Fund

No amount made available from the Fund may be used to defray the costs of carrying out requirements of this Act or the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) other than those uses identified in this section.

(Pub. L. 109-479, title II, §208, Jan. 12, 2007, 120 Stat. 3616.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsecs. (b)(7) and (e), is Pub. L. 109-479, Jan. 12, 2007, 120 Stat. 3575, known as the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. For complete classification of this Act to the Code, see Short Title of 2007 Amendment note set out under section 1801 of this title and Tables.

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsecs. (b)(7), (c)(1), and (e), 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.