[DISCUSSION DRAFT]

108TH CONGRESS  
1ST SESSION

H. R. _____

To reauthorize the Magnuson-Stevens Fishery Conservation and Management Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GILCHREST introduced the following bill; which was referred to the Committee on __________________

A BILL

To reauthorize the Magnuson-Stevens Fishery Conservation and Management Act, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE; TABLE OF CONTENTS; AMENDMENT REFERENCES.

3 (a) Short Title.—This Act may be cited as the “Magnuson-Stevens Act Amendments of 2003”.
(b) TABLE OF CONTENTS.—The table of contents for
this Act is as follows:

Sec. 1. Short title; table of contents; amendment references.
Sec. 2. Technical corrections to definitions.
Sec. 3. Report on over capitalization.
Sec. 4. Buyout provisions.
Sec. 5. Data collection.
Sec. 6. Ecosystem-based management.
Sec. 7. Observers.
Sec. 8. Overfishing.
Sec. 9. Bycatch and seabird interactions.
Sec. 10. Fish habitat research and protection.
Sec. 11. Demonstration program for oyster sanctuaries and reserves.
Sec. 12. Individual quota limited access programs.
Sec. 13. Cooperative education and research.
Sec. 15. Prohibited acts.
Sec. 16. Membership of fishery management councils.
Sec. 17. Miscellaneous amendments to purposes and policy.
Sec. 18. Foreign fishing.
Sec. 19. Driftnets.
Sec. 20. Sources for data in fisheries research.
Sec. 21. Miscellaneous fishery protections in fishery management plans.
Sec. 22. Cooperative marine education and research program.
Sec. 23. Assessment of cumulative impacts of conservation and management
measures for a fishery.
Sec. 24. Regional stock assessments.
Sec. 25. National Academy of Sciences guidance and standards regarding best
scientific information available.
Sec. 27. Administration of Pacific Insular Area fishery agreements.
Sec. 28. Highly migratory species bycatch mortality reduction research pro-
gram.
Sec. 29. Authorization of appropriations.

(c) AMENDMENT OF MAGNUSON- STEVENS FISHERY
CONSERVATION AND MANAGEMENT ACT.—Except as oth-
erwise expressly provided, whenever in this Act an amend-
ment or repeal is expressed in terms of an amendment
to, or repeal of, a section or other provision, the reference
shall be considered to be made to a section or other provi-
sion of the Magnuson-Stevens Fishery Conservation and
Management Act (16 U.S.C. 1801 et seq.).
SEC. 2. TECHNICAL CORRECTIONS TO DEFINITIONS.

(a) EXECUTION OF PRIOR AMENDMENTS.—

(1) CONTINENTAL SHELF FISHERY RESOURCES.—Section 102(2) of the Sustainable Fisheries Act (Public Law 104–297; 110 Stat. 3561) is amended—

(A) by striking “COELENTERATA” and inserting “Coelenterata”;

(B) by striking “CNIDARIA” and inserting “Cnidaria”;

(C) by striking “CRUSTACEA” and inserting “Crustacea”.

(2) UNITED STATES HARVESTED FISH.—Section 102(11) of the Sustainable Fisheries Act (Public Law 104–297; 110 Stat. 3563) is amended by striking “(42)” and inserting “(43)”.

(3) EFFECTIVE DATE.—This subsection shall take effect on the effective date of section 102 of Public Law 104–297.

(b) CORRECTIONS RELATING TO SPECIAL AREAS.—

Section 3 (16 U.S.C. 1802) is amended—

(1) by striking paragraphs (35) and (36);

(2) by redesignating paragraphs (37) through the last paragraph (relating to the definition of “waters of a foreign nation”) in order as paragraphs (35) through (44);
(3) by inserting "(a) General Definitions.—"

before "As used in this Act"; and

(4) by adding at the end the following:

"(b) TERMS RELATING TO AGREEMENT WITH THE
FORMER SOVIET UNION.—As used in this Act the term
'special areas' means the areas referred to as eastern spe-
cial areas in Article 3(1) of the Agreement between the
United States of America and the Union of Soviet Social-
ist Republics on the Maritime Boundary, signed June 1,
1990. In particular, the term refers to those areas east
of the maritime boundary, as defined in that Agreement,
that lie within 200 nautical miles of the baselines from
which the breadth of the territorial sea of Russia is meas-
ured but beyond 200 nautical miles of the baselines from
which the breadth of the territorial sea of the United
States is measured.".

SEC. 3. REPORT ON OVER CAPITALIZATION.

(a) IN GENERAL.—The Secretary shall, within 12
months after the date of the enactment of this Act, submit
to the Congress a report—

(1) identifying and describing the 20 fisheries
in United States waters with the most severe exam-
ples of excess harvesting capacity in the fisheries,

based on value of each fishery and the amount of ex-
cess harvesting capacity as determined by the Secretary;

(2) recommending measures for reducing such excess harvesting capacity, including the retirement of any latent fishing permits that could contribute to further excess harvesting capacity in those fisheries; and

(3) potential sources of funding for such measures.

(b) **Basis for Recommendations.**—The Secretary shall base the recommendations made with respect to a fishery on—

(1) the most cost effective means of achieving voluntary reduction in capacity for the fishery using the potential for industry financing; and

(2) including measures to prevent the capacity that is being removed from the fishery from moving to other fisheries in the United States, in the waters of a foreign nation, or in the high seas.

**SEC. 4. Buyout Provisions.**

(a) **Discretion of Secretary to Conduct Fishing Capacity Reduction Program.**—Section 312(b) (16 U.S.C. 1861a(b)) is amended—

(1) in paragraph (1) by striking “, at the request of the appropriate Council for fisheries under
the authority of such Council, or the Governor of a
State for fisheries under State authority,”;
(2) in paragraph (1), by inserting “that is man-
egaged under a limited access system authorized by
section 303(b)(6),” after “in a fishery”; and
(3) by redesignating paragraph (4) as para-
gegraph (5), and by inserting after paragraph (3) the
following:
“(4) The Council, or the Governor of a State, having
authority over a fishery may request the Secretary to con-
duct a fishing capacity reduction program in the fishery
under this subsection.”.

(b) REQUIREMENT TO SURRENDER ALL PERMITS.—
Section 312(b)(2) (16 U.S.C. 1861a(b)(2)) is amended to
read as follows:
“(2)(A) The objective of the program shall be to ob-
tain the maximum sustained reduction in fishing capacity
at the least cost and in a minimum period of time.
“(B) To achieve that objective, the Secretary is au-
thorized to pay an amount to the owner of a fishing vessel,
if—
“(i) such vessel is scrapped, or through the Sec-
retary of the department in which the Coast Guard
is operating, subjected to title restrictions that per-
manently prohibit and effectively prevent its use in fishing;

“(ii) all permits authorizing the participation of the vessel in any fishery under the jurisdiction of the United States are surrendered for permanent revocation; and

“(iii) the owner of the vessel and such permits relinquishes any claim associated with the vessel and such permits that could qualify such owner for any present or future limited access system permit in the fishery for which the program is established.”.

(e) ENSURING VESSELS DO NOT ENTER FOREIGN OR HIGH SEAS FISHERIES.—Section 312(b) (16 U.S.C. 1861a(b)) is further amended by adding at the end the following:

“(6) The Secretary may not make a payment under paragraph (2) with respect to a vessel that will not be scrapped, unless the Secretary certifies that the vessel will not be used for any fishing, including fishing in the waters of a foreign nation and fishing on the high seas.”.

SEC. 5. DATA COLLECTION.

(a) COLLECTION OF RECREATIONAL CATCH DATA.—Section 402 (16 U.S.C. 1881a) is amended by adding at the end the following:
“(f) COLLECTION OF RECREATIONAL CATCH DATA.—(1) The Secretary shall develop and implement a program for the sharing of recreational catch data for all federally managed fisheries through the use of information gathered from State-licensed recreational fishermen.

“(2) The Secretary shall conduct the program in consultation with the principal State officials having marine fishery management responsibility and expertise.

“(3) The Secretary shall report to the Congress within three years after the effective date of this subsection, and—

“(A) the progress made in developing such a program; and

“(B) whether the program has resulted in significantly better data collection for the recreational fishing sector.”.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Commerce shall submit to the Congress a report describing the following:

(1) Economic data from United States processors that is necessary to conduct fishing community and economic analysis determinations required under chapter 6 of title 5, United States Code, popularly known as the Regulatory Flexibility Act.
(2) The reasons why such information is not available through other sources such as tax returns, the Bureau of Labor Statistics, and State labor departments.

(3) The steps the Secretary would take under section 402 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a) to ensure the confidentiality of such information (especially proprietary information), if the information were obtained by the Secretary.

SEC. 6. ECOSYSTEM-BASED MANAGEMENT.

(a) POLICY.—Section 2(e) (16 U.S.C. 1851(c)) by striking “and” after the semicolon at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting “; and”, and by adding at the end the following:

“(8) to support and encourage efforts to understand the interactions of species in the marine environment and the development of ecosystem-based approaches to fisheries conservation and management that will lead to better stewardship and sustainability of the Nation’s coastal fishery resources and fishing communities.”
(b) AUTHORIZATION OF RESEARCH.—Section 404(c) (16 U.S.C. 1881c(c)) is amended by adding at the end the following:

“(5) The interaction of species in the marine environment, and the development of ecosystem-based approaches to fishery conservation and management that will lead to better stewardship and sustainability of coastal fishery resources.”

(c) DEFINITIONS AND CRITERIA FOR MANAGEMENT PLANS.—

(1) IN GENERAL.—The Secretary shall, in conjunction with the Councils—

(A) create a definition for “ecosystem” and for “marine ecosystem”; and

(B) establish criteria for the development of ecosystem-based management plans by each regional fishery management council based on the recommendations of the Ecosystems Principles Advisory Panel.

(2) REPORT.—The Secretary shall report to the Congress within 2 years after the date of the enactment of this Act on the criteria, including an identification and description of those criteria for which sufficient data is not available.
(d) **Identification of Marine Ecosystems; Research Plan.**—

(1) **In general.**—Within one year after the date of the submission of the report under subsection (c)(2) to the Congress, the Secretary, in conjunction with the regional science centers and the regional fishery management councils, shall—

(A) identify specific marine ecosystems within each region; and

(B) also develop and begin to implement regional research plans to meet the information deficit identified in the report.

(2) **Research plans.**—The research plans shall suggest reasonable timelines and cost estimates for the collection of the required information.

(3) **Reports.**—The Secretary shall report to the Congress annually on the progress of the regional research plans.

(e) **Ecosystem-Based Fishery Management Plan Pilot Program.**—

(1) **In general.**—Upon the completion of development of regional research plans under subsection (d)(1), the Secretary of Commerce shall establish and begin implementing a pilot program for the management of one fishery on the east coast of
the United States and one fishery on the west coast
of the United States under an ecosystem-based fish-
ery management plan under the Magnuson-Stevens
Fishery Conservation and Management Act.

(2) CONSULTATION.—The Secretary shall de-
velop and implement ecosystem-based fishery man-
agement plans under this subsection in consultation
with the appropriate Regional Fishery Management
Councils.

(f) DISCRETIONARY PROVISION IN FISHERY MAN-
AGEMENT PLANS.—Section 303(b)(12) (16 U.S.C.
1853(b)(12)) is amended by inserting before the period
the following: “or for the health or stability of the marine
ecosystem”.

SEC. 7. OBSERVERS.

(a) IN GENERAL.—Not later than one year after the
date of the enactment of this Act, the Secretary shall re-
port to the Congress on the needs for a national observer
program.

(b) RECOMMENDATIONS.—The report shall make rec-
ommendations on observation options, including electronic
data collection technologies and on-board observers.

(c) OTHER CONTENTS.—The Secretary, in the re-
port, shall include the following:
(1) A determination of whether the data collection needs are for management or enforcement purposes.

(2) A statement of the level of observer coverage necessary in various types of fisheries to provide statistically reliable information.

(3) Cost estimates for various levels of observer coverage.

(4) Options for the funding of observer coverage.

(5) The types of vessels and fisheries for which observer coverage cannot be required due to safety concerns.

(6) Recommendations for the use of the data gathered by the observing systems.

(7) Recommendations for the confidentiality of proprietary information collected through the program.

**SEC. 8. OVERFISHING.**

(a) **ClARIFICATION OF DEFINITION.**—Section 3 (16 U.S.C. 1802) is further amended by amending paragraph (29) of subsection (a) to read as follows:

“(29)(A) The term ‘overfished’ means, with respect to a stock of fish, that the stock is of a size that is below the natural range of fluctuation associ-
ated with the production of maximum sustainable yield.

“(B) The term ‘overfishing’ means a rate or level of fishing mortality that jeopardizes the capacity of a fishery to produce the maximum sustainable yield on a continuing basis.”.

(b) DISTINGUISHING IN REPORTS.—Section 304(e)(1) (16 U.S.C. 1854(e)(1)) is amended by adding at the end the following: “The report shall distinguish between fisheries that are overfished (or approaching that condition) as a result of fishing and fisheries that are overfished (or approaching that condition) as a result of factors other than fishing. The report shall state, for each fishery identified as overfished or approaching that condition, whether the fishery is the target of directed fishing.”.

(c) NATIONAL ACADEMY OF SCIENCES DEFINITION OF OVERFISHED.—

(1) IN GENERAL.—The Secretary of Commerce shall enter into an arrangement with the National Academy of Sciences under which the Academy shall develop a definition of “overfished” for purposes of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.). The Academy shall consider the definition of the term in that Act (as amended by this Act) and the National
Marine Fisheries Service operational definition of the term. The Academy shall also consider environmental variability and other factors that contribute to low abundance of fish stocks.

(2) Publication and opportunity for comment.—The Secretary shall publish the results of the activities of the Academy under paragraph (1) and provide an opportunity for the submission of comments regarding the definition developed under paragraph (1).

SEC. 9. BYCATCH AND SEABIRD INTERACTIONS.

(a) Bycatch Reporting.—

(1) Repeal of standardized bycatch reporting methodology requirement.—Section 303(a)(11) (16 U.S.C. 1853(a)(11)) is amended in the matter preceding subparagraph (A) by striking “establish” and all that follows through “fishery, and”.

(2) Development of bycatch reporting methodologies.—Section 304 (16 U.S.C. 1854) is amended by adding at the end the following:

“(i) Development of bycatch reporting methodologies.—The Secretary shall, in cooperation with the Councils, develop bycatch reporting methodologies to as-
1 sess the amount and type of bycatch occurring in United
2 States fisheries.”.
3
4 (3) REPORT.—The Secretary of Commerce shall
5 report to the Congress within one year after the date
6 of the enactment of this Act on progress the Sec-
7 retary has made in developing bycatch reporting
8 methodologies pursuant to the amendment made by
9 paragraph (2).
10
11 (b) CHARITABLE DONATION OF BYCATCH.—Section
12 303(b) (16 U.S.C. 1853(b)) is amended by striking “and”
13 after the semicolon at the end of paragraph (11), by strik-
14 ing the period at the end of paragraph (12) and inserting
15 a semicolon, and by adding at the end the following:
16
17 “(13) allow the retention and donation for char-
18 itable purposes of all dead bycatch that cannot oth-
19 erwise be avoided under terms that ensure, through
20 the use of onboard fishery observers or other equally
21 effective means, that such retention and donation do
22 not allow the evasion of vessel trip limits, total al-
23 lowable catch levels, or other conservation and man-
24
25 (c) BYCATCH REDUCTION GEAR DEVELOPMENT.—
26
27 (1) IN GENERAL.—Title IV (1 U.S.C. 1881 et
28 seq.) is amended by adding at the end the following:
"SEC. 408. GEAR DEVELOPMENT.

(a) IDENTIFICATION OF FISHERIES WITH SIGNIFICANT BYCATCH AND SEABIRD INTERACTION PROBLEMS.—(1) The Secretary, in conjunction with the Councils, shall identify and publish in the Federal Register a list of fisheries with significant bycatch problems or seabird interaction problems, as determined under criteria developed by the Secretary.

(2) The list shall contain, for each fishery identified, information on—

(A) the number of participants in the fishery;

(B) the types of gears used in the fishery;

(C) the bycatch species and species of seabirds that interact with fishing gear;

(D) the amount of bycatch, and the percentage of total catch that is bycatch; and

(E) any other relevant information.

(3) The Secretary shall solicit comments on each list published under this subsection.

(b) IDENTIFICATION OF FISHERIES WITH MOST URGENT PROBLEMS.—The Secretary shall—

(1) identify those fisheries included in a list under paragraph (1) that have the most urgent bycatch problems or seabird interaction problems, based on comments received regarding the list; and
“(2) work in conjunction with the Councils and fishing industry participants to develop new fishing gear, or modifications to existing fishing gear, that will help minimize bycatch and seabird interactions to the extent practicable.

“(c) GRANT AUTHORITY.—The Secretary shall, subject to the availability of appropriations, make grants for the development of fishing gear and modifications to existing fishing gear that will help—

“(1) minimize bycatch and seabird interactions;

and

“(2) minimize adverse fishing gear impacts on habitat areas of particular concern.

“(d) REPORT.—The Secretary shall report to the Congress annually on—

“(1) the amount expended to implement this section in the preceding year;

“(2) developments in gear technology achieved under this section;

“(3) the reductions in bycatch associated with implementation of this section; and

“(4) any other relevant information.

“(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section there is authorized to be appro-
priated to the Secretary $10,000,000 for each of fiscal years 2003 through 2007.”.

(2) CLERICAL AMENDMENT.—The table of contents in the first section is amended by adding at the end of the items relating to title IV the following:

“408. Gear development.”.

(d) REPORT.—The Secretary of Commerce shall report to the Congress within one year after the date of the enactment of this Act on—

(1) the extent of the problem of seabird interaction with fisheries of the United States;

(2) efforts by the fishing industry and Regional Fishery Management Councils to address that problem; and

(3) the extent of the problem of seabird interaction with fisheries other than the fisheries of the United States.

(e) INTERNATIONAL ACTION.—The Secretary of Commerce shall take appropriate action at appropriate international fisheries management bodies to reduce seabird interactions in fisheries.

SEC. 10. FISH HABITAT RESEARCH AND PROTECTION.

(a) PRIORITY RESEARCH.—Section 404 (16 U.S.C. 1881c) is amended by adding at the end the following:
“(e) Priority for Research Regarding Overfished Fisheries.—In carrying out or funding fisheries research under this and other laws regarding essential fish habitat, the Secretary shall give priority to research to identify such habitat for fisheries that are overfished or approaching an overfished condition.”.

(b) Required Provision in Fishery Management Plans.—Section 303(a)(7) (16 U.S.C. 1853(a)(7)) is amended to read as follows:

“(7) (A) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A);

“(B) minimize to the extent practicable adverse effects on such habitat caused by fishing for those fisheries identified by the Council as having available information on the growth, reproduction, or survival rates within habitats or production rates by habitat, or for those fisheries that the Council determines the specific fishing activity effects on the essential fish habitat jeopardize the ability of the fishery to produce maximum sustained yield on a continuing basis;

“(C) minimize to the extent practicable adverse effects on habitat areas of particular concern caused by fishing; and
“(D) identify other actions to encourage the conservation and enhancement of such habitat;”.

(e) DISCRETIONARY PROVISION IN FISHERY MANAGEMENT PLANS.—Section 303(b) (16 U.S.C. 1853(b)) is further amended by adding after paragraph (13) the following:

“(14) minimize to the extent practicable adverse effects caused by fishing, on essential fish habitat described and identified under section 303(a)(7)(A);”.

(d) HABITAT AREA OF PARTICULAR CONCERN DEFINED.—Section 3 (16 U.S.C. 1802) is further amended in subsection (a) by redesignating paragraphs (19) through (44) in order as paragraphs (20) through (45), and by inserting after paragraph (18) the following:

“(19) The term ‘habitat area of particular concern’ means a discrete habitat area that is essential fish habitat and that—

“(A) provides important ecological functions;

“(B) is sensitive to human-induced environmental degradation; or

“(C) is a rare habitat type.”.
SEC. 11. DEMONSTRATION PROGRAM FOR OYSTER SANCTUARIES AND RESERVES.

(a) IN GENERAL.—The Secretary of Commerce, through the National Oceanic and Atmospheric Administration Chesapeake Bay Office, shall develop a program for the design, construction, and placement of oyster sanctuaries or reserves consistent with the agreement known as the Chesapeake 2000 Agreement. The program shall be developed in conjunction with the Corps of Engineers, the Coast Guard, the Environmental Protection Agency, the United States Fish and Wildlife Service, the State of Maryland, the Commonwealth of Virginia, the Oyster Recovery Partnership, the Chesapeake Bay Foundation, the Oyster Heritage Foundation, local commercial and recreational fishing organizations, the Port of Baltimore, the Port of Hampton Roads, the University of Maryland, the Virginia Institute of Marine Sciences, and other users of the waters of the Chesapeake Bay, as appropriate.

(b) STRUCTURES.—The program shall include the design, construction, placement, and restoration of structures, including reefs and bars, to act as beds for oyster production. The structures should be designed to maximize the production of oysters while minimizing conflicts with existing uses such as fishing or navigation. The structures shall be placed in areas in which they will not be hazards to navigation. The Secretary shall work with in-
terested parties to ensure that all sites are adequately
marked on navigation charts as appropriate.

c) RESEARCH PLAN.—The Secretary shall develop
a research plan, consistent with efforts to implement the
Chesapeake 2000 Agreement, for the placement of struc-
tures under the program, including measurable goals and
a monitoring program to determine the effectiveness of the
structures in recovering native oyster populations.

d) FISHING REGULATIONS.—The Secretary shall
recommend State regulations restricting fishing in the wa-
ters surrounding structures placed under this section as
necessary to ensure the reproduction of oysters on the
structures. The restrictions may be seasonal in nature,
and shall not apply in any area that is located more than
100 meters from such a structure.

e) RESTORATION OF NATIVE OYSTERS.—The pro-
gram shall use only native oyster species.

f) REPORT.—The Secretary of Commerce shall sub-
mit to the Congress annual reports on the program under
this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—To carry out this section
there is authorized to be appropriated to the Sec-
retary $5,000,000 for each of fiscal years 2004
through 2009.
(2) LIMITATION.—Not more than 5 percent of amounts appropriated under this section may be available for administrative expenses.

SEC. 12. INDIVIDUAL QUOTA LIMITED ACCESS PROGRAMS.
(a) AUTHORITY TO ESTABLISH INDIVIDUAL QUOTA SYSTEMS.—Section 303(b)(6) (16 U.S.C. 1853(b)(6)) is amended to read as follows:

“(6) establish a limited access system for the fishery in order to achieve optimum yields, if—

“(A) in developing such system, the Councils and the Secretary take into account—

“(i) the need to promote conservation,

“(ii) present participation in the fishery,

“(iii) historical fishing practices in, and dependence on, the fishery,

“(iv) the economics of the fishery,

“(v) the capability of fishing vessels used in the fishery to engage in other fisheries,

“(vi) the cultural and social framework relevant to the fishery and fishing communities, and

“(vii) any other relevant considerations; and
“(B) in the case of such a system that provides for the allocation and issuance of individual quotas (as that term is defined in subsection (d)), the system complies with subsection (d).”

(b) REQUIREMENTS.—Section 303(d) (16 U.S.C. 1853(d)) is amended—

(1) by redesignating paragraphs (2), (3), (4), and (5) in order as paragraphs (10), (11), (12), and (13), and by moving such paragraphs 2 ems to the left;

(2) in paragraph (11)(B), as so redesignated, by inserting “, including as a result of a violation of this Act or any regulation prescribed under this Act” before the semicolon;

(3) by adding at the end the following:

“(14) As used in this subsection:

“(A) The term ‘individual quota system’ means a system that limits access to a fishery in order to achieve optimum yields, through the allocation and issuance of individual quotas.

“(B) The term ‘individual quota’ means a grant of permission to harvest a quantity of fish in a fishery or process such fish which are under the jurisdiction of the North Pacific Management Council,
during each fishing season for which the permission
is granted, equal to a stated percentage of the total
allowable catch for the fishery.”; and

(4) by striking so much as precedes paragraph
(10), as so redesignated, and inserting the following:
“(d) SPECIAL PROVISIONS FOR INDIVIDUAL QUOTA
SYSTEMS.—(1) A fishery management plan for a fishery
that is managed under a limited access system authorized
by subsection (b)(6) may establish an individual quota sys-
tem for the fishery in accordance with this subsection.
“(2) A fishery management plan that establishes an
individual quota system for a fishery—
“(A) shall provide for administration of the sys-
tem by the Secretary in accordance with the terms
of the plan;
“(B) shall include provisions that establish pro-
cedures and requirements for each Council having
authority over the fishery, for—
“(i) reviewing and revising the terms of
the plan that establish the system; and
“(ii) renewing, reallocating, and reissuing
individual quotas if determined appropriate by
each Council;
“(C) shall include provisions to—
“(3) An individual quota issued under an individual quota system established by a fishery management plan may be received, held, or transferred in accordance with regulations prescribed by the Secretary under this Act.

“(4)(A) Except as otherwise provided in this paragraph, any fishery management plan that establishes an individual quota system for a fishery may authorize individual quotas to be held by or issued under the system to fishing vessel owners, fishermen, crew members, fishing communities, other persons as specified by the Council

“(i) provide for fair and equitable allocation of individual quotas under the system, and minimize negative social and economic impacts of the system on fishing communities;

“(ii) ensure adequate enforcement of the system, including the use of observers where appropriate; and

“(iii) provide for monitoring the temporary or permanent transfer of individual quotas under the system;

“(D) shall include provisions that prevent any person from acquiring an excessive share of individual quotas issued for a fishery; and

“(E) shall include measurable conservation goals.

“(3) An individual quota issued under an individual quota system established by a fishery management plan may be received, held, or transferred in accordance with regulations prescribed by the Secretary under this Act.

“(4)(A) Except as otherwise provided in this paragraph, any fishery management plan that establishes an individual quota system for a fishery may authorize individual quotas to be held by or issued under the system to fishing vessel owners, fishermen, crew members, fishing communities, other persons as specified by the Council
and United States fish processors under the jurisdiction of the North Pacific Fishery Management Council.

"(B) An individual who is not a citizen of the United States may not hold an individual quota issued under a fishery management plan.

"(C) A Federal agency or official may not hold, administer, or reallocate an individual quota issued under a fishery management plan, other than the Secretary and the Council having authority over the fishery for which the individual quota is issued.

"(D)(i) A fishing community may not hold individual quotas under an individual quota system established under this subsection for a fishery that authorize harvest of more than the lesser of—

"(I) 1 percent of the total authorized harvest in the fishery; or

"(II) a percentage of such total authorized harvest established by the Council having jurisdiction over the fishery.

"(ii) This subparagraph does not apply to a community that is eligible to participate in the western Alaska community development program or the western Pacific community development program, under section 305(i).
(5) Any fishery management plan that establishes an individual quota system for a fishery may include provisions that—

(A) allocate individual quotas under the system among categories of vessels; and

(B) provide a portion of the annual harvest in the fishery for entry-level fishermen, small vessel owners, or crew members who do not hold or qualify for individual quotas.

(6) An individual quota system established for a fishery may be limited or terminated at any time by the Secretary or through a fishery management plan or amendment developed by the Council having authority over the fishery for which it is established, if necessary for the conservation and management of the fishery.

(7)(A) A fishery management plan that establishes an individual quota system for a fishery—

(i) must include measurable conservation goals; and

(ii) to monitor achievement of such goals, may require greater observer coverage or electronic data collection technology on any vessel fishing under an individual quota issued under the system.

(B) Not later than 5 years after the date of the establishment of an individual quota system for a fishery
under this section by a Council or the Secretary, and every
5 years thereafter, the Council or Secretary, respectively,
shall review the effectiveness of the system in achieving
the conservation goals required under this paragraph.

“(8)(A) The Secretary or a Council—

“(i) may not develop a proposal to establish an
individual quota system for a fishery, unless develop-
ment of the proposal has been approved by a refer-
endum conducted in accordance with this para-
graph; and

“(ii) may not issue a proposed fishery manage-
ment plan or amendment to such a plan to establish
such a system unless the proposed plan or amend-
ment, respectively, has been approved by a refer-
endum conducted in accordance with this para-
graph.

“(B) The Secretary, at the request of a Council, shall
conduct the referenda required by subparagraph (A). Each
referendum with respect to a fishery shall be decided by
a 60-percent majority of the votes cast by persons who
are determined by the Council, based on guidelines devel-
oped by the Secretary, to be eligible to vote in the ref-
erendum.

“(C) The Secretary shall develop guidelines to deter-
mine procedures and voting eligibility requirements for
1 referenda and to conduct such referenda in a fair and equitable manner.

“(9) Any individual quota system established under section 303(b)(6) after the date of enactment of the Magnuson-Stevens Act Amendments of 2003, and any individual quota issued under such a system, shall not apply after the end of the 10-year period beginning on the date the system is established, or after the end of any 10-year period thereafter, unless the Council has reviewed and taken affirmative action to continue the system before the end of each such 10-year period.”.

(c) FEES.—Section 304(d) is amended—

(1) in paragraph (2)(A) by striking “any” and all that follows through “(ii)” and inserting “any”; and

(2) by adding at the end the following:

“(3)(A) Notwithstanding paragraph (1), the Secretary shall collect from a person that holds or transfers an individual quota issued under a limited access system established under section 303(b)(6) fees established by the Secretary in accordance with this section and section 9701(b) of title 31, United States Code.

“(B) The fees required to be established and collected by the Secretary under this paragraph are the following:
“(i) With respect to any initial allocation under a limited access system established after the date of the enactment of the Magnuson-Stevens Act Amendments of 2003, an initial allocation fee in an amount, determined by the Secretary, equal to 1 percent of the ex-vessel value of fish authorized in one year under an individual quota, that shall be collected from the person to whom the individual quota is first issued.

“(ii) An annual fee in an amount, determined by the Secretary, not to exceed 3 percent of the ex-vessel value of fish authorized each year under an individual quota share, that shall be collected from the holder of the individual quota share.

“(iii) A transfer fee in an amount, determined by the Secretary, equal to 1 percent of the ex-vessel value of fish authorized each year under an individual quota share, that shall be collected from a person who permanently transfers the individual quota share to another person.

“(C) In determining the amount of a fee under this paragraph, the Secretary shall ensure that the amount is commensurate with the cost of managing the fishery with respect to which the fee is collected, including reasonable
costs for salaries, data analysis, and other costs directly related to fishery management and enforcement.

“(D) The Secretary, in consultation with the Councils, shall promulgate regulations prescribing the method of determining under this paragraph the ex-vessel value of fish authorized under an individual quota share, the amount of fees, and the method of collecting fees.

“(E) Fees collected under this paragraph from holders of individual quotas in a fishery shall be an offsetting collection and shall be available to the Secretary only for the purposes of administering and implementing this Act with respect to that fishery.”.

(d) Approval of Fishery Management Plans

Establishing Individual Quota Systems.—Section 304 (16 U.S.C. 1854) is further amended by adding at the end the following:

“(j) Action on Limited Access Systems.—(1) In addition to the other requirements of this Act, after the date of the enactment of the Magnuson-Stevens Act Amendments of 2003 the Secretary may not approve a fishery management plan that establishes a limited access system that provides for the allocation of individual quotas (in this subsection referred to as an ‘individual quota system’) unless the plan complies with section 303(d).
“(2) The Secretary shall issue regulations that establish requirements for establishing an individual quota system. The regulations shall—

(A) specify factors that shall be considered by a Council in determining whether a fishery should be managed under an individual quota system;

(B) ensure that any individual quota system is consistent with the requirements of sections 303(a) and 303(d), and require the collection of fees in accordance with subsection (d)(3) of this section;

(C) provide for appropriate penalties for violations of individual quotas systems, including the suspension or revocation of individual quotas for such violations;

(D) include recommendations for potential management options related to individual quotas, including the authorization of individual quotas that may not be transferred by the holder, and the use of leases or auctions by the Federal Government in the establishment or allocation of individual quotas; and

(E) establish a central lien registry system for the identification, perfection, and determination of lien priorities, and nonjudicial foreclosure of encumbrances, on individual quotas.”.
(e) **Restriction on New Individual Quota Systems Pending Regulations.**—

(1) **Restriction.**—The Secretary of Commerce may not approve any covered quota system plan, and no covered quota system plan shall take effect, under title III of the Magnuson-Stevens Fishery Conservation and Management Act, before the effective date of regulations issued by the Secretary under section 304(j) of that Act, as added by subsection (d) of this section.

(2) **Covered Quota System Plan Defined.**—In this subsection, the term “covered quota system plan” means a fishery management plan or amendment to a fishery management plan, that—

(A) proposes establishment of an individual quota system (as that term is used in section 303(d) of the Magnuson-Stevens Fishery Conservation and Management Act, as amended by this section); and

(B) is not approved by the Secretary before May 1, 2002.

(f) **Existing Quota Plans.**—Nothing in this Act or the amendments made by this Act shall be construed to require a reallocation of individual fishing quotas under
any individual fishing quota program approved by the Secretary of Commerce before May 1, 2002.

SEC. 13. COOPERATIVE EDUCATION AND RESEARCH.

(a) DISCRETIONARY PROVISIONS IN FISHERY MANAGEMENT PLANS.—Section 303(b) (16 U.S.C. 1853(b)) is further amended by adding after paragraph (14) the following:

“(15) include provisions to create a cooperative research component including the use of commercial or charter vessels for the gathering of data on stock abundance, composition, distribution, or other relevant information important for the implementation of the plan; and”.

(b) BLACK SEA BASS.—Section 404 (16 U.S.C. 1881e) is further amended by adding at the end the following:

“(f) BLACK SEA BASS COOPERATIVE RESEARCH PROGRAM.—The Secretary, through the New England Fisheries Science Center, shall develop and implement a cooperative stock assessment program, using vessels from the commercial black sea bass fishing industry if appropriate and available. This cooperative program shall include research on the range of the stock, a determination as to whether there is more than one stock, and a black sea bass genetic study to determine whether there is more
than one stock of such species requiring different management regimes.”.

SEC. 14. REPORT ON HIGHLY MIGRATORY SPECIES.

(a) ANNUAL REPORT.—Section 102 (16 U.S.C. 1812) is amended—

(1) by inserting “(a) In General.—” before “The United States”; and

(2) by adding at the end the following:

“(b) ANNUAL REPORT.—The Secretary shall, within one year after the date of the enactment of this subsection and annually thereafter, report to the Congress on—

“(1) any nation that is fishing for Atlantic highly migratory species and is not in compliance with the fishery conservation and management provisions or any rebuilding recommendations or provisions enacted by the international body charged with developing such measures; and

“(2) any recommendations for addressing those nations identified under paragraph (1) and actions the United States might take to ensure such compliance by such nations.”.

(b) NATIONAL ACADEMY OF SCIENCES REVIEW.—

(1) IN GENERAL.—The Secretary of Commerce shall enter into an arrangement with the National
Academy of Sciences under which the Academy shall—

(A) review the adequacy of existing measures (including closures) to protect Atlantic white marlin; and

(B) make recommendations to the Congress and the Secretary, regarding future conservation measures for Atlantic white marlin, if warranted.

(2) Fishing in Mid-Atlantic Bight.—The review shall examine, in particular, the effects of fishing in the Mid-Atlantic Bight.

(3) Report.—The Academy shall report to the Congress and the Secretary regarding the review and recommendations under this subsection within 2 years after the date of the enactment of this Act.

SEC. 15. PROHIBITED ACTS.

Section 307 (16 U.S.C. 1857) is amended by striking “and” after the semicolon at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting “; and”, and by adding at the end the following:

“(6) to sell or purchase any fish caught in recreational fishing.”.
SEC. 16. MEMBERSHIP OF FISHERY MANAGEMENT COUNCILS.

(a) NEW ENGLAND COUNCIL.—Section 302(a)(1)(A) (16 U.S.C. 1852(a)(1)(A)) is amended by—

(1) inserting “New York,” after “Massachusetts,”; and

(2) striking “18” and inserting “19”.

(b) ADDITIONAL MEMBER OF EACH COUNCIL.—Section 302 (16 U.S.C. 1852) is further amended as follows:

(1) In the last sentence of subsection (a)(1)(A)—

(A) by striking “19” and inserting “20”;

(B) by striking “12” and inserting “13”;

and

(C) by inserting before the period the following: “and including one appointed by the Secretary in accordance with subsection (b)(6)”.

(2) In the last sentence of subsection (a)(1)(B)—

(A) by striking “21” and inserting “22”;

(B) by striking “13” and inserting “14”;

and

(C) by inserting before the period the following: “and including one appointed by the
Secretary in accordance with subsection (b)(6)".

(3) In the last sentence of subsection (a)(1)(C)—

(A) by striking “13” and inserting “14”;

(B) by striking “8” and inserting “9”; and

(C) by inserting before the period the following: “and including one appointed by the Secretary in accordance with subsection (b)(6)”.  

(4) In the last sentence of subsection (a)(1)(D)—

(A) by striking “7” and inserting “8”;

(B) by striking “4” and inserting “5”; and

(C) by inserting before the period the following: “and including one appointed by the Secretary in accordance with subsection (b)(6)”.  

(5) In the last sentence of subsection (a)(1)(E)—

(A) by striking “17” and inserting “18”;

(B) by striking “11” and inserting “12”; and

(C) by inserting before the period the following: “and including one appointed by the
Secretary in accordance with subsection (b)(6)".

(6) In the last sentence of subsection (a)(1)(F)—

(A) by striking "14" and inserting "15";

(B) by striking "8" and inserting "9";

(C) by inserting "by the Secretary" after "including one appointed"; and

(D) by inserting before the period the following: "and one appointed by the Secretary in accordance with subsection (b)(6)".

(7) In the last sentence of subsection (a)(1)(H)—

(A) by striking "13" and inserting "14";

(B) by striking "8" and inserting "9"; and

(C) by inserting before the period the following: "and including one appointed by the Secretary in accordance with subsection (b)(6)".

(8) In subsection (b)—

(A) by redesignating paragraph (6) as paragraph (7);

(B) in paragraph (7), as so redesignated, by striking "paragraphs (2) or (5)" and inserting "paragraph (2), (5), or (6)"; and
(C) by inserting after paragraph (5) the following:

"(6) The member of each Council who is required to be appointed in accordance with this paragraph—

"(A) shall not be an individual who is directly employed by, or receives a majority of his or her livelihood from, the commercial, charter, or recreational fishing community; and

"(B) shall be appointed without regard to sub-

paragraphs (B) and (C) of paragraph (2)."

SEC. 17. MISCELLANEOUS AMENDMENTS TO PURPOSES AND POLICY.

Section 2 (16 U.S.C. 1801) is amended—

(1) in subsection (b)(6) by inserting "ecologically sound" after "to encourage the"; and

· (2) in subsection (c)(6) by inserting ", restore," after "to foster".

SEC. 18. FOREIGN FISHING.

Section 201(e)(1)(E) (16 U.S.C. 1821(e)(1)(E)) is amended—

(1) in clause (iii) by inserting "and compliance with and enforcement of international fishing agreements and treaties" after "fishing regulations"; and

(2) in clause (vii) by inserting ", conservation," after "fishery research".
SEC. 19. DRIFTNETS.

Section 206(e)(1) (16 U.S.C. 1826(e)(1)) is amended by inserting before the semicolon at the end the following: “and comply with any further action or resolution adopted by the United Nations on large-scale driftnet fishing to which the United States is a signatory”.

SEC. 20. SOURCES FOR DATA IN FISHERIES RESEARCH.

Section 404(a) (16 U.S.C. 1881c(a)) is amended by adding at the end the following: “The program shall acquire such knowledge and data using both fishery-dependent and fishery-independent data sources.”.

SEC. 21. MISCELLANEOUS FISHERY PROTECTIONS IN FISHERY MANAGEMENT PLANS.

Section 303(b) (16 U.S.C. 1853(b)) is further amended by adding after paragraph (15) the following:

“(16) designate closed areas, seasonal closures, time/area closures, gear restrictions, or other methods for limiting impacts on habitat, limiting bycatch impacts of gear, or limiting fishing impact on spawning congregations in specific geographic areas.”.

SEC. 22. COOPERATIVE MARINE EDUCATION AND RESEARCH PROGRAM.

(a) PROGRAM.—The Secretary of Commerce may enter into cooperative agreements with universities and institutions of higher learning in order to conduct research
in areas that support conservation and management of living marine resources.

(b) INCLUDED RESEARCH.—Research conducted under the program may include biological research concerning—

(1) the abundance and life history parameters of stocks of fish;

(2) the interdependence of fisheries or stocks of fish and other ecosystem components; and

(3) the linkages between fish habitat and fish production and abundance.

SEC. 23. ASSESSMENT OF CUMULATIVE IMPACTS OF CONSERVATION AND MANAGEMENT MEASURES FOR A FISHERY.

Section 303(a)(9)(A) (16 U.S.C. 1853(a)(9)(A)) is amended by inserting before the semicolon the following: “, as well as the cumulative impacts on such participants and communities of conservation and management measures for that fishery under other fishery management plans and regulations”.

SEC. 24. REGIONAL STOCK ASSESSMENTS.

(a) IN GENERAL.—Title IV (16 U.S.C. 1881 et seq.) is further amended by adding at the end the following:
"SEC. 409. REGIONAL STOCK ASSESSMENTS.

(a) In General.—The Secretary shall conduct periodic regional assessments of stocks of fish.

(b) Independent Review.—The Secretary shall ensure that each periodic assessment under this section is independently reviewed in a manner that—

“(1) will not delay the process of providing to Regional Fishery Management Councils current assessments for use in managing fisheries; and

“(2) is as transparent as possible, so that the regulated community can provide input during the review process.”.

(b) Clerical Amendment.—The table of contents in the first section is further amended by adding at the end of the items relating to title IV the following:

“409. Regional stock assessments.”.

SEC. 25. NATIONAL ACADEMY OF SCIENCES GUIDANCE AND STANDARDS REGARDING BEST SCIENTIFIC INFORMATION AVAILABLE.

(a) In General.—The Secretary of Commerce shall enter into an arrangement with the National Academy of Sciences under which the Academy shall by not later than 1 year after the date of the enactment of this Act, develop guidance and standards for determining what should be considered the best scientific information available for purposes of sections 2(c)(3) and 301(a)(2) of the Magnu-
son-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801(c)(3), 1851(a)(2)).

(b) FACTORS CONSIDERED.—Guidance and standards developed under subsection (a) shall take into consideration—

(1) the need for relevance and timeliness of information; and

(2) how to treat the use of gray literature and anecdotal information.

(c) PUBLICATION AND OPPORTUNITY FOR COMMENT.—The Secretary shall publish the results of the activities of the Academy under subsection (a) and provide an opportunity for the submission of comments regarding the definition developed under subsection (a)(1).

SEC. 26. NATIONAL ACADEMY OF SCIENCES DEFINITION OF MAXIMUM SUSTAINABLE YIELD.

(a) IN GENERAL.—The Secretary of Commerce shall enter into an arrangement with the National Academy of Sciences under which the Academy shall—

(1) develop a definition of the term “maximum sustainable yield” for purposes of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), that considers environmental variability; and
(2) examine the use of alternatives for calculating sustainable harvest levels in cases in which maximum sustainable yield cannot be calculated or is not appropriate.

(b) **Publication and Opportunity for Comment.**—The Secretary shall publish the results of the activities of the Academy under subsection (a) and provide an opportunity for the submission of comments regarding the definition developed under subsection (a)(1).

**SEC. 27. ADMINISTRATION OF PACIFIC INSULAR AREA FISHERY AGREEMENTS.**

Section 204(e)(6) (16 U.S.C. 1824(e)(6)) is amended in the matter preceding subparagraph (A) by striking “into” and all that follows through “to the” the first place it appears and inserting “into the”.

**SEC. 28. HIGHLY MIGRATORY SPECIES BYCATCH MORTALITY REDUCTION RESEARCH PROGRAM.**

(a) **Establishment of a Program.**—(1) There is established within the National Marine Fisheries Service a pelagic longline highly migratory species bycatch and mortality reduction research program. The Program shall be developed by a design team established by the Secretary of Commerce. The Program design shall be submitted to the Secretary no later than 120 days after the first meeting of the design team and shall include a statistically sig-
significant recommendation for the level of observer coverage on pelagic longline fishing vessels that is necessary to monitor the fishery effectively and participate in the research program. The design team shall be available as a resource to the Secretary throughout the research and the development of the recommendations.

(2) The program shall identify and test a variety of pelagic longline fishing gear configurations and uses and determine which of those configurations and uses are the most effective in reducing highly migratory species mortality. The program shall place an emphasis on determining the gear configurations and uses that are the most effective in reducing blue and white marlin mortality in the exclusive economic zone of the United States in the Atlantic Ocean. The program shall also include a provision for observers to be placed on pelagic longline fishing vessels for the purposes of monitoring the fishery and participating in the research program.

(3) The highly migratory species program shall conduct research to determine the impact of existing time and area closures designed to reduce the bycatch of longline vessels. The program shall focus on whether existing closures should be modified to decrease bycatch by longline vessels and shall determine what adjustments to the existing boundaries and temporal constraints should be made.
as a result of any research. Any vessel participating in
the program shall be provided an observer by the National
Marine Fisheries Service. The full cost of the observer and
any incidental costs to the vessel as a result of being in-
cluded in the research program shall be paid for by the
National Marine Fisheries Service. The National Marine
Fisheries Service may authorize, without notice and com-
ment, scientific research permits authorizing a vessel to
enter and fish in any closed area in the Atlantic Ocean
so long as there is 100 percent observer coverage and the
activities of the vessel are in furtherance of the research
program. Access to any closed area may be granted only
after consideration of the scientific need for access.

(b) **Design Team.**—(1) Knowledgeable members of
the pelagic longline fishing sector, the recreational billfish
and tuna sector, and the conservation community, along
with scientists associated with each such entity, shall be
appointed by the Secretary to the program design team.
Each of the sectors shall to the extent practicable be fairly
represented on the design team. The design team shall not
exceed nine members only one of which may be an em-
ployee of the Federal Government. The design team shall
select a chairman and establish its own rules of operation.
Each member of the design team who is not employed by
the Federal Government shall be compensated in the man-
ner provided for members of a Fishery Management Council under section 302(d) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(d)).

(2) The design team shall not be considered to be an advisory committee for the purposes of the Federal Advisory Committee Act (5 U.S.C. App.), but shall hold its deliberations in meetings for which prior noticed is published in the Federal Register and that are open to the public.

(c) **Mid-Atlantic Conservation Zone for Highly Migratory Species.**—Section 304(g) (16 U.S.C. 1854(g)) is amended by adding at the end the following:

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"(3) Mid-Atlantic conservation zone for highly migratory species.—

"(A) No person shall engage in pelagic longline fishing—

"(i) in the lower mid-Atlantic Conservation Zone in the period beginning August 15 and ending October 1 each year; or

"(ii) in the upper mid-Atlantic Conservation Zone in the period beginning July 15 and ending September 1 each year.
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"(B) In this paragraph the term ‘lower mid-Atlantic Conservation Zone’ means the area that is enclosed by a series of geodesics connecting in succession the points at the following coordinates:

“(i) 36 degrees 30 minutes north latitude, 75 degrees 0 minutes west longitude.

“(ii) 37 degrees 0 minutes north latitude, 75 degrees 0 minutes west longitude.

“(iii) 38 degrees 0 minutes north latitude, 74 degrees 0 minutes west longitude.

“(iv) 38 degrees 0 minutes north latitude, 73 degrees 0 minutes west longitude.

“(v) 37 degrees 0 minutes north latitude, 74 degrees 0 minutes west longitude.

“(vi) 36 degrees 30 minutes north latitude, 75 degrees 0 minutes west longitude.

“(C) In this paragraph the term ‘upper mid-Atlantic Conservation Zone’ means the area that is enclosed by a series of geodesics connecting in succession the points at the following coordinates:

“(i) 38 degrees 0 minutes north latitude, 74 degrees 0 minutes west longitude.
“(ii) 40 degrees 0 minutes north latitude, 72 degrees 0 minutes west longitude.

“(iii) 39 degrees 0 minutes north latitude, 72 degrees 0 minutes west longitude.

“(iv) 38 degrees 0 minutes north latitude, 73 degrees 0 minutes west longitude.

“(v) 38 degrees 0 minutes north latitude, 74 degrees 0 minutes west longitude.

“(D) This paragraph shall not apply after the end of the 4-year period beginning on the date of the enactment of this paragraph.”.

(d) REPORT TO CONGRESS.—The Secretary of Commerce shall submit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) an interim report of the findings of the research conducted under this section within two years after the date of enactment of this Act; and

(2) a final report with the necessary regulatory documents to initiate implementation of any adjustments to time and area closures, gear configurations, or fishing techniques warranted as a result of the research.

(e) AUTHORIZATION OF APPROPRIATIONS.—For research under this section there is authorized to be appro-
appropriated to the Secretary of Commerce $5,000,000 for fiscal years 2003 through 2007.

SEC. 29. AUTHORIZATION OF APPROPRIATIONS.

Section 4 (16 U.S.C. 1893) is amended to read as follows:

"SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary for the purposes of carrying out the provisions of this Act, not to exceed the following:

"(1) $200,500,000 for fiscal year 2003;

"(2) $214,000,000 for fiscal year 2004;

"(3) $222,000,000 for fiscal year 2005;

"(4) $230,000,000 for fiscal year 2006; and

"(5) $238,000,000 for fiscal year 2007."