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Union Calendar No. 82

114TH CONGRESS
1ST SESSION

H. R. 1335

[Report No. 114–116]

To amend the Magnuson-Stevens Fishery Conservation and Management Act to provide flexibility for fishery managers and stability for fishermen, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2015

Mr. YOUNG of Alaska (for himself, Mr. BISHOP of Utah, Mrs. RADEWAGEN, and Mr. BYRNE) introduced the following bill; which was referred to the Committee on Natural Resources

MAY 15, 2015

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on March 4, 2015]

A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to provide flexibility for fishery managers and stability for fishermen, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Strengthening Fishing*
5 *Communities and Increasing Flexibility in Fisheries Man-*
6 *agement Act”.*

7 **SEC. 2. DEFINITIONS.**

8 *In this Act, any term used that is defined in section*
9 *3 of the Magnuson-Stevens Fishery Conservation and Man-*
10 *agement Act (16 U.S.C. 1802) shall have the same meaning*
11 *such term has under that section.*

12 **SEC. 3. REFERENCES.**

13 *Except as otherwise specifically provided, whenever in*
14 *this Act an amendment or repeal is expressed in terms of*
15 *an amendment to, or repeal of, a provision, the reference*
16 *shall be considered to be made to a provision of the Magnu-*
17 *son-Stevens Fishery Conservation and Management Act (16*
18 *U.S.C. 1801 et seq.).*

19 **SEC. 4. FLEXIBILITY IN REBUILDING FISH STOCKS.**

20 (a) **GENERAL REQUIREMENTS.**—*Section 304(e) (16*
21 *U.S.C. 1854(e)) is amended—*

22 (1) *in paragraph (4)—*

23 (A) *in subparagraph (A)(i), by striking*
24 *“possible” and inserting “practicable”;*

1 (B) by amending subparagraph (A)(ii) to
2 read as follows:

3 “(ii) may not exceed the time the stock
4 would be rebuilt without fishing occurring
5 plus one mean generation, except in a case
6 in which—

7 “(I) the biology of the stock of
8 fish, other environmental conditions, or
9 management measures under an inter-
10 national agreement in which the
11 United States participates dictate oth-
12 erwise;

13 “(II) the Secretary determines
14 that the cause of the stock being de-
15 pleted is outside the jurisdiction of the
16 Council or the rebuilding program can-
17 not be effective only by limiting fishing
18 activities;

19 “(III) the Secretary determines
20 that one or more components of a
21 mixed-stock fishery is depleted but can-
22 not be rebuilt within that time- frame
23 without significant economic harm to
24 the fishery, or cannot be rebuilt with-
25 out causing another component of the

1 *mixed-stock fishery to approach a de-*
2 *pleted status;*

3 “(IV) *the Secretary determines*
4 *that recruitment, distribution, or life*
5 *history of, or fishing activities for, the*
6 *stock are affected by informal trans-*
7 *boundary agreements under which*
8 *management activities outside the ex-*
9 *clusive economic zone by another coun-*
10 *try may hinder conservation and man-*
11 *agement efforts by United States fish-*
12 *ermen; and*

13 “(V) *the Secretary determines that*
14 *the stock has been affected by unusual*
15 *events that make rebuilding within the*
16 *specified time period improbable with-*
17 *out significant economic harm to fish-*
18 *ing communities;”;*

19 (C) *by striking “and” after the semicolon at*
20 *the end of subparagraph (B), by redesignating*
21 *subparagraphs (B) and (C) as subparagraphs*
22 *(C) and (D), and by inserting after subpara-*
23 *graph (A) the following:*

1 “(B) take into account environmental con-
2 dition including predator/prey relationships;”;
3 and

4 (D) by striking the period at the end of sub-
5 paragraph (D) (as so redesignated) and insert-
6 ing “; and”, and by adding at the end the fol-
7 lowing:

8 “(E) specify a schedule for reviewing the re-
9 building targets, evaluating environmental im-
10 pacts on rebuilding progress, and evaluating
11 progress being made toward reaching rebuilding
12 targets.”; and

13 (2) by adding at the end the following:

14 “(8) A fishery management plan, plan amend-
15 ment, or proposed regulations may use alternative re-
16 building strategies, including harvest control rules
17 and fishing mortality-rate targets to the extent they
18 are in compliance with the requirements of this Act.

19 “(9) A Council may terminate the application of
20 paragraph (3) to a fishery if the Council’s scientific
21 and statistical committee determines and the Sec-
22 retary concurs that the original determination that
23 the fishery was depleted was erroneous, either—

24 “(A) within the 2-year period beginning on
25 the effective date a fishery management plan,

1 *plan amendment, or proposed regulation for a*
 2 *fishery under this subsection takes effect; or*

3 *“(B) within 90 days after the completion of*
 4 *the next stock assessment after such determina-*
 5 *tion.”.*

6 *(b) EMERGENCY REGULATIONS AND INTERIM MEAS-*
 7 *URES.—Section 305(c)(3)(B) (16 U.S.C. 1855(c)(3)(B)) is*
 8 *amended by striking “180 days after” and all that follows*
 9 *through “provided” and inserting “1 year after the date of*
 10 *publication, and may be extended by publication in the*
 11 *Federal Register for one additional period of not more than*
 12 *1 year, if”.*

13 **SEC. 5. MODIFICATIONS TO THE ANNUAL CATCH LIMIT RE-**
 14 **QUIREMENT.**

15 *Section 302 (16 U.S.C. 1852) is amended by adding*
 16 *at the end the following:*

17 *“(m) CONSIDERATIONS FOR MODIFICATIONS TO AN-*
 18 *NUAL CATCH LIMIT REQUIREMENTS.—*

19 *“(1) CONSIDERATION OF ECOSYSTEM AND ECO-*
 20 *NOMIC IMPACTS.—In establishing annual catch limits*
 21 *a Council may, consistent with section 302(h)(6), con-*
 22 *sider changes in an ecosystem and the economic needs*
 23 *of the fishing communities.*

24 *“(2) LIMITATIONS TO ANNUAL CATCH LIMIT RE-*
 25 *QUIREMENT FOR SPECIAL FISHERIES.—Notwith-*

1 *standing subsection (h)(6), a Council is not required*
2 *to develop an annual catch limit for—*

3 *“(A) an ecosystem component species;*

4 *“(B) a fishery for a species that has a life*
5 *cycle of approximately 1 year, unless the Sec-*
6 *retary has determined the fishery is subject to*
7 *overfishing; or*

8 *“(C) a stock for which—*

9 *“(i) more than half of a single-year*
10 *class will complete their life cycle in less*
11 *than 18 months; and*

12 *“(ii) fishing mortality will have little*
13 *impact on the stock.*

14 *“(3) RELATIONSHIP TO INTERNATIONAL FISHERY*
15 *EFFORTS.—Each annual catch limit may, consistent*
16 *with section 302(h)(6), take into account—*

17 *“(A) management measures under inter-*
18 *national agreements in which the United States*
19 *participates;*

20 *“(B) informal transboundary agreements*
21 *under which fishery management activities by*
22 *another country outside the exclusive economic*
23 *zone may hinder conservation efforts by United*
24 *States fishermen for a fish species for which any*

1 *of the recruitment, distribution, life history, or*
2 *fishing activities are transboundary; and*

3 “(C) *in instances in which no transbound-*
4 *ary agreement exists, activities by another coun-*
5 *try outside the exclusive economic zone that may*
6 *hinder conservation efforts by United States fish-*
7 *erman for a fish species for which any of the re-*
8 *ruitment, distribution, life history, or fishing*
9 *activities are transboundary.*

10 “(4) *AUTHORIZATION FOR MULTISPECIES COM-*
11 *PLEXES AND MULTIYEAR ANNUAL CATCH LIMITS.—*
12 *For purposes of subsection (h)(6), a Council may es-*
13 *tablish—*

14 “(A) *an annual catch limit for a stock com-*
15 *plex; or*

16 “(B) *annual catch limits for each year in*
17 *any continuous period that is not more than*
18 *three years in duration.*

19 “(5) *ECOSYSTEM COMPONENT SPECIES DE-*
20 *FINED.—In this subsection the term ‘ecosystem com-*
21 *ponent species’ means a stock of fish that is a nontar-*
22 *get, incidentally harvested stock of fish in a fishery,*
23 *or a nontarget, incidentally harvested stock of fish*
24 *that a Council or the Secretary has determined—*

1 “(A) is not subject to overfishing, approach-
2 ing a depleted condition or depleted; and

3 “(B) is not likely to become subject to over-
4 fishing or depleted in the absence of conservation
5 and management measures.”.

6 **SEC. 6. DISTINGUISHING BETWEEN OVERFISHED AND DE-**
7 **PLETED.**

8 (a) *DEFINITIONS.*—Section 3 (16 U.S.C. 1802) is
9 amended—

10 (1) in paragraph (34), by striking “The terms
11 ‘overfishing’ and ‘overfished’ mean” and inserting
12 “‘The term ‘overfishing’ means’”; and

13 (2) by inserting after paragraph (8) the fol-
14 lowing:

15 “(8a) The term ‘depleted’ means, with respect to
16 a stock of fish or stock complex, that the stock or stock
17 complex has a biomass that has declined below a level
18 that jeopardizes the capacity of the stock or stock com-
19 plex to produce maximum sustainable yield on a con-
20 tinuing basis.”.

21 (b) *SUBSTITUTION OF TERM.*—The Magnuson-Stevens
22 Fishery Conservation and Management Act (16 U.S.C.
23 1801 et seq.) is amended—

24 (1) in the heading of section 304(e), by striking
25 “OVERFISHED” and inserting “DEPLETED”; and

1 (2) by striking “overfished” each place it ap-
2 pears and inserting “depleted”.

3 (c) *CLARITY IN ANNUAL REPORT.*—Section 304(e)(1)
4 (16 U.S.C. 1854(e)(1)) is amended by adding at the end
5 the following: “The report shall distinguish between fisheries
6 that are depleted (or approaching that condition) as a re-
7 sult of fishing and fisheries that are depleted (or approach-
8 ing that condition) as a result of factors other than fishing.
9 The report shall state, for each fishery identified as depleted
10 or approaching that condition, whether the fishery is the
11 target of directed fishing.”.

12 **SEC. 7. TRANSPARENCY AND PUBLIC PROCESS.**

13 (a) *ADVICE.*—Section 302(g)(1)(B) (16 U.S.C.
14 1852(g)(1)(B)) is amended by adding at the end the fol-
15 lowing: “Each scientific and statistical committee shall de-
16 velop such advice in a transparent manner and allow for
17 public involvement in the process.”.

18 (b) *MEETINGS.*—Section 302(i)(2) (16 U.S.C.
19 1852(i)(2)) is amended by adding at the end the following:

20 “(G) Each Council shall make available on the
21 Internet Web site of the Council—

22 “(i) to the extent practicable, a Webcast, an
23 audio recording, or a live broadcast of each meet-
24 ing of the Council, and of the Council Coordina-
25 tion Committee established under subsection (l),

1 *that is not closed in accordance with paragraph*
2 *(3); and*

3 *“(i) audio, video (if the meeting was in*
4 *person or by video conference), or a searchable*
5 *audio or written transcript of each meeting of*
6 *the Council and of the meetings of committees re-*
7 *ferred to in section 302(g)(1)(B) of the Council*
8 *by not later than 30 days after the conclusion of*
9 *the meeting.*

10 *“(H) The Secretary shall maintain and make*
11 *available to the public an archive of Council and sci-*
12 *entific and statistical committee meeting audios, vid-*
13 *eos, and transcripts made available under clauses (i)*
14 *and (ii) of subparagraph (G).”.*

15 *(c) FISHERY IMPACT STATEMENTS.—*

16 *(1) REQUIREMENT.—Section 303 (16 U.S.C.*
17 *1853) is amended—*

18 *(A) in subsection (a), by striking paragraph*
19 *(9) and redesignating paragraphs (10) through*
20 *(15) as paragraphs (9) through (14), respec-*
21 *tively; and*

22 *(B) by adding at the end the following:*

23 *“(d) FISHERY IMPACT STATEMENT.—*

24 *“(1) Any fishery management plan (or fishery*
25 *management plan amendment) prepared by any*

1 *Council or by the Secretary pursuant to subsection*
2 *(a) or (b), or proposed regulations deemed necessary*
3 *pursuant to subsection (c), shall include a fishery im-*
4 *act statement which shall assess, specify and analyze*
5 *the likely effects and impact of the proposed action on*
6 *the quality of the human environment.*

7 *“(2) The fishery impact statement shall de-*
8 *scribe—*

9 *“(A) a purpose of the proposed action;*

10 *“(B) the environmental impact of the pro-*
11 *posed action;*

12 *“(C) any adverse environmental effects*
13 *which cannot be avoided should the proposed ac-*
14 *tion be implemented;*

15 *“(D) a reasonable range of alternatives to*
16 *the proposed action;*

17 *“(E) the relationship between short-term use*
18 *of fishery resources and the enhancement of long-*
19 *term productivity;*

20 *“(F) the cumulative conservation and man-*
21 *agement effects; and*

22 *“(G) economic, and social impacts of the*
23 *proposed action on—*

1 “(i) participants in the fisheries and
2 fishing communities affected by the pro-
3 posed action;

4 “(ii) participants in the fisheries con-
5 ducted in adjacent areas under the author-
6 ity of another Council, after consultation
7 with such Council and representatives of
8 those participants; and

9 “(iii) the safety of human life at sea,
10 including whether and to what extent such
11 measures may affect the safety of partici-
12 pants in the fishery.

13 “(3) A substantially complete fishery impact
14 statement, which may be in draft form, shall be avail-
15 able not less than 14 days before the beginning of the
16 meeting at which a Council makes its final decision
17 on the proposal (for plans, plan amendments, or pro-
18 posed regulations prepared by a Council pursuant to
19 subsection (a) or (c)). Availability of this fishery im-
20 pact statement will be announced by the methods used
21 by the council to disseminate public information and
22 the public and relevant government agencies will be
23 invited to comment on the fishery impact statement.

24 “(4) The completed fishery impact statement
25 shall accompany the transmittal of a fishery manage-

1 *ment plan or plan amendment as specified in section*
2 *304(a), as well as the transmittal of proposed regula-*
3 *tions as specified in section 304(b).*

4 *“(5) The Councils shall, subject to approval by*
5 *the Secretary, establish criteria to determine actions*
6 *or classes of action of minor significance regarding*
7 *subparagraphs (A), (B), (D), (E), and (F) of para-*
8 *graph (2), for which preparation of a fishery impact*
9 *statement is unnecessary and categorically excluded*
10 *from the requirements of this section, and the docu-*
11 *mentation required to establish the exclusion.*

12 *“(6) The Councils shall, subject to approval by*
13 *the Secretary, prepare procedures for compliance with*
14 *this section that provide for timely, clear, and concise*
15 *analysis that is useful to decisionmakers and the pub-*
16 *lic, reduce extraneous paperwork and effectively in-*
17 *volve the public, including—*

18 *“(A) using Council meetings to determine*
19 *the scope of issues to be addressed and identi-*
20 *fying significant issues related to the proposed*
21 *action;*

22 *“(B) integration of the fishery impact state-*
23 *ment development process with preliminary and*
24 *final Council decisionmaking in a manner that*
25 *provides opportunity for comment from the pub-*

1 *lic and relevant government agencies prior to*
2 *these decision points; and*

3 “(C) *providing scientific, technical, and*
4 *legal advice at an early stage of the development*
5 *of the fishery impact statement to ensure timely*
6 *transmittal and Secretarial review of the pro-*
7 *posed fishery management plan, plan amend-*
8 *ment, or regulations to the Secretary.*

9 “(7) *Actions taken in accordance with this sec-*
10 *tion are deemed to fulfill the requirements of the Na-*
11 *tional Environmental Policy Act of 1969 (42 U.S.C.*
12 *4321 et seq.) and all related implementing regula-*
13 *tions.”.*

14 (2) *EVALUATION OF ADEQUACY.—Section*
15 *304(a)(2) (16 U.S.C. 1854(a)(2)) is amended by strik-*
16 *ing “and” after the semicolon at the end of subpara-*
17 *graph (B), striking the period at the end of subpara-*
18 *graph (C) and inserting “; and”, and by adding at*
19 *the end the following:*

20 “(D) *evaluate the adequacy of the accom-*
21 *panying fishery impact statement as basis for*
22 *fully considering the environmental impacts of*
23 *implementing the fishery management plan or*
24 *plan amendment.”.*

1 (3) *REVIEW OF REGULATIONS.*—Section 304(b)
2 (16 U.S.C. 1854(b)) is amended by striking so much
3 as precedes subparagraph (A) of paragraph (1) and
4 inserting the following:

5 “(b) *REVIEW OF REGULATIONS.*—

6 “(1) Upon transmittal by the Council to the Sec-
7 retary of proposed regulations prepared under section
8 303(c), the Secretary shall immediately initiate an
9 evaluation of the proposed regulations to determine
10 whether they are consistent with the fishery manage-
11 ment plan, plan amendment, this Act and other ap-
12 plicable law. The Secretary shall also immediately
13 initiate an evaluation of the accompanying fishery
14 impact statement as a basis for fully considering the
15 environmental impacts of implementing the proposed
16 regulations. Within 15 days of initiating such evalua-
17 tion the Secretary shall make a determination and—
18 ”.

19 (4) *EFFECT ON TIME REQUIREMENTS.*—Section
20 305(e) (16 U.S.C. 1855(e)) is amended by inserting
21 “the National Environmental Policy Act of 1969 (42
22 U.S.C. 4321 et seq.),” after “the Regulatory Flexi-
23 bility Act (5 U.S.C. 601 et seq.),”.

1 **SEC. 8. LIMITATION ON FUTURE CATCH SHARE PROGRAMS.**

2 (a) *CATCH SHARE DEFINED.*—Section 3 (16 U.S.C.
3 1802) is amended by inserting after paragraph (2) the fol-
4 lowing:

5 “(2a) The term ‘catch share’ means any fishery
6 management program that allocates a specific per-
7 centage of the total allowable catch for a fishery, or
8 a specific fishing area, to an individual, cooperative,
9 community, processor, representative of a commercial
10 sector, or regional fishery association established in
11 accordance with section 303A(c)(4), or other entity.”.

12 (b) *CATCH SHARE REFERENDUM PILOT PROGRAM.*—

13 (1) *IN GENERAL.*—Section 303A(c)(6)(D) (16
14 U.S.C. 1853a(c)(6)(D)) is amended to read as follows:

15 “(D) *CATCH SHARE REFERENDUM PILOT*
16 *PROGRAM.*—

17 “(i) *The New England, Mid-Atlantic,*
18 *South Atlantic, and Gulf of Mexico Councils*
19 *may not submit a fishery management plan*
20 *or amendment that creates a catch share*
21 *program for a fishery, and the Secretary*
22 *may not approve or implement such a plan*
23 *or amendment submitted by such a Council*
24 *or a secretarial plan or amendment under*
25 *section 304(c) that creates such a program,*
26 *unless the final program has been approved,*

1 *in a referendum in accordance with this*
2 *subparagraph, by a majority of the permit*
3 *holders eligible to participate in the fishery.*
4 *For multispecies permits in the Gulf of*
5 *Mexico, any permit holder with landings*
6 *from within the sector of the fishery being*
7 *considered for the catch share program*
8 *within the 5-year period preceding the date*
9 *of the referendum and still active in fishing*
10 *in the fishery shall be eligible to participate*
11 *in such a referendum. If a catch share pro-*
12 *gram is not approved by the requisite num-*
13 *ber of permit holders, it may be revised and*
14 *submitted for approval in a subsequent ref-*
15 *erendum.*

16 *“(ii) The Secretary may, at the request*
17 *of the New England Fishery Management*
18 *Council, allow participation in such a ref-*
19 *erendum for a fishery under the Council’s*
20 *authority, by fishing vessel crewmembers*
21 *who derive a significant portion of their*
22 *livelihood from such fishing.*

23 *“(iii) The Secretary shall conduct a*
24 *referendum under this subparagraph, in-*
25 *cluding notifying all permit holders eligible*

1 to participate in the referendum and mak-
2 ing available to them—

3 “(I) a copy of the proposed pro-
4 gram;

5 “(II) an estimate of the costs of
6 the program, including costs to partici-
7 pants;

8 “(III) an estimate of the amount
9 of fish or percentage of quota each per-
10 mit holder would be allocated; and

11 “(IV) information concerning the
12 schedule, procedures, and eligibility re-
13 quirements for the referendum process.

14 “(iv) For the purposes of this subpara-
15 graph, the term ‘permit holder eligible to
16 participate’ only includes the holder of a
17 permit for a fishery under which fishing
18 has occurred in 3 of the 5 years preceding
19 a referendum for the fishery, unless sickness,
20 injury, or other unavoidable hardship pre-
21 vented the permit holder from engaging in
22 such fishing.

23 “(v) The Secretary may not implement
24 any catch share program for any fishery
25 managed exclusively by the Secretary unless

1 *first petitioned by a majority of those per-*
2 *mit holders eligible to participate in the*
3 *fishery.”.*

4 (2) *LIMITATION ON APPLICATION.—The amend-*
5 *ment made by paragraph (1) shall not apply to a*
6 *catch share program that is submitted to, or proposed*
7 *by, the Secretary of Commerce before the date of en-*
8 *actment of this Act.*

9 (3) *REGULATIONS.—Before conducting a ref-*
10 *erendum under the amendment made by paragraph*
11 *(1), the Secretary of Commerce shall issue regulations*
12 *implementing such amendment after providing an op-*
13 *portunity for submission by the public of comments*
14 *on the regulations.*

15 **SEC. 9. REPORT ON FEE.**

16 *Section 304(d)(2) (16 U.S.C. 1854(d)(2)) is amended*
17 *by adding at the end the following:*

18 “(D) *The Secretary shall report annually on the*
19 *amount collected under this paragraph from each*
20 *fishery and detail how the funds were spent in the*
21 *prior year on a fishery-by-fishery basis, to—*

22 “(i) *Congress; and*

23 “(ii) *each Council from whose fisheries the*
24 *fee under this paragraph were collected.”.*

1 **SEC. 10. DATA COLLECTION AND DATA CONFIDENTIALITY.**

2 (a) *ELECTRONIC MONITORING.*—

3 (1) *ISSUANCE OF REGULATIONS.*—

4 (A) *REQUIREMENT.*—*The Secretary shall*
5 *issue regulations governing the use of electronic*
6 *monitoring for the purposes of monitoring fish-*
7 *eries that are subject to the Magnuson-Stevens*
8 *Fishery Conservation and Management Act (16*
9 *U.S.C. 1801 et seq.).*

10 (B) *CONTENT.*—*The regulations shall—*

11 (i) *distinguish between monitoring for*
12 *data collection and research purposes and*
13 *monitoring for compliance and enforcement*
14 *purposes; and*

15 (ii) *include minimum criteria, objec-*
16 *tives, or performance standards for elec-*
17 *tronic monitoring.*

18 (C) *PROCESS.*—*In issuing the regulations*
19 *the Secretary shall—*

20 (i) *consult with the Councils and fish-*
21 *ery management commissions;*

22 (ii) *publish the proposed regulations;*
23 *and*

24 (iii) *provide an opportunity for the*
25 *submission by the public of comments on*
26 *the proposed regulations.*

1 (2) *IMPLEMENTATION OF MONITORING.*—

2 (A) *IN GENERAL.*—*Subject to subparagraph*
3 *(B), and after the issuance of the final regula-*
4 *tions, a Council, or the Secretary for fisheries re-*
5 *ferred to in section 302(a)(3) of the Magnuson-*
6 *Stevens Fishery Conservation and Management*
7 *Act (16 U.S.C. 1852(a)(3)), may, in accordance*
8 *with the regulations, on a fishery-by-fishery basis*
9 *and consistent with the existing objectives and*
10 *management goals of a fishery management plan*
11 *and the Act for a fishery issued by the Council*
12 *or the Secretary, respectively, amend such*
13 *plan—*

14 (i) *to incorporate electronic monitoring*
15 *as an alternative tool for data collection*
16 *and monitoring purposes or for compliance*
17 *and enforcement purposes (or both); and*

18 (ii) *to allow for the replacement of a*
19 *percentage of on-board observers with elec-*
20 *tronic monitoring.*

21 (B) *COMPARABILITY.*—*Subparagraph (A)*
22 *shall apply to a fishery only if the Council or*
23 *Secretary, respectively, determines that such*
24 *monitoring will yield comparable data collection*
25 *and compliance results.*

1 (3) *PILOT PROJECTS.*—*Before the issuance of*
2 *final regulations, a Council, or the Secretary for fish-*
3 *eries referred to in section 302(a)(3), may, subject to*
4 *the requirements of the Magnuson-Stevens Fishery*
5 *Conservation and Management Act, on a fishery-by-*
6 *fishery basis, and consistent with the existing objec-*
7 *tives and management goals of a fishery management*
8 *plan for a fishery issued by the Council or the Sec-*
9 *retary, respectively, conduct a pilot project for the use*
10 *of electronic monitoring for the fishery.*

11 (4) *DEADLINE.*—*The Secretary shall issue final*
12 *regulations under this subsection by not later than 12*
13 *months after the date of enactment of this Act.*

14 (b) *VIDEO AND ACOUSTIC SURVEY TECHNOLOGIES.*—
15 *The Secretary shall work with the Regional Fishery Man-*
16 *agement Councils and nongovernmental entities to develop*
17 *and implement the use pursuant to the Magnuson-Stevens*
18 *Fishery Conservation and Management Act (16 U.S.C.*
19 *1801 et seq.) of video survey technologies and expanded use*
20 *of acoustic survey technologies.*

21 (c) *CONFIDENTIALITY OF INFORMATION.*—

22 (1) *IN GENERAL.*—*Section 402(b) (16 U.S.C.*
23 *1881a(b)) is amended—*

24 (A) *in paragraph (1)—*

1 (i) by amending subparagraph (B) to
2 read as follows:

3 “(B) to State or Marine Fisheries Commis-
4 sion employees as necessary for achievement of
5 the purposes of this Act, subject to a confiden-
6 tiality agreement between the State or Commis-
7 sion, respectively, and the Secretary that pro-
8 hibits public disclosure of the identity of any
9 person and of confidential information;”;

10 (ii) in subparagraph (E), by striking
11 “limited access” and inserting “catch
12 share”; and

13 (iii) in subparagraph (G), by striking
14 “limited access” and inserting “catch
15 share”;

16 (B) in paragraph (2)—

17 (i) in the matter preceding subpara-
18 graph (A), by inserting “, and information
19 obtained through a vessel monitoring system
20 or other technology used onboard a fishing
21 vessel for enforcement or data collection
22 purposes,” after “information”;

23 (ii) by striking “or” after the semi-
24 colon at the end of subparagraph (B); and

1 (iii) by striking subparagraph (C) and
2 inserting the following:

3 “(C) as authorized by any regulations
4 issued under paragraph (6) allowing the collec-
5 tion of observer information, pursuant to a con-
6 fidentiality agreement between the observers, ob-
7 server employers, and the Secretary prohibiting
8 disclosure of the information by the observers or
9 observer employers, in order—

10 “(i) to allow the sharing of observer in-
11 formation among observers and between ob-
12 servers and observer employers as necessary
13 to train and prepare observers for deploy-
14 ments on specific vessels; or

15 “(ii) to validate the accuracy of the ob-
16 server information collected; or

17 “(D) to other persons if the Secretary has
18 obtained written authorization from the person
19 who submitted such information or from the per-
20 son on whose vessel the information was col-
21 lected, to release such information for reasons not
22 otherwise provided for in this subsection.”;

23 (C) by redesignating paragraph (3) as
24 paragraph (6); and

1 (D) by inserting after paragraph (2) the fol-
2 lowing:

3 “(3) Any information submitted to the Secretary,
4 a State fisheries management agency, or a Marine
5 Fisheries Commission by any person in compliance
6 with the requirements of this Act, including confiden-
7 tial information, may only be used for purposes of
8 fisheries management and monitoring and enforce-
9 ment under this Act.

10 “(4) The Secretary may enter into a memo-
11 randum of understanding with the heads of other
12 Federal agencies for the sharing of confidential infor-
13 mation to ensure safety of life at sea or for fisheries
14 enforcement purposes, including information obtained
15 through a vessel monitoring system or other electronic
16 enforcement and monitoring systems, if—

17 “(A) the Secretary determines there is a
18 compelling need to do so; and

19 “(B) the heads of the other Federal agencies
20 agree—

21 “(i) to maintain the confidentiality of
22 the information in accordance with the re-
23 quirements that apply to the Secretary
24 under this section; and

1 “(ii) to use the information only for
2 the purposes for which it was shared with
3 the agencies.

4 “(5) The Secretary may not provide any vessel-
5 specific or aggregate vessel information from a fishery
6 that is collected for monitoring and enforcement pur-
7 poses to any person for the purposes of coastal and
8 marine spatial planning under Executive Order
9 13547, unless the Secretary determines that providing
10 such information is important for maintaining or en-
11 hancing national security or for ensuring fishermen
12 continued access to fishing grounds.”.

13 (2) *CONFIDENTIAL INFORMATION DEFINED.*—
14 Section 3 (16 U.S.C. 1802) is further amended by in-
15 serting after paragraph (4) the following:

16 “(4a) The term ‘confidential information’
17 means—

18 “(A) trade secrets;

19 “(B) proprietary information;

20 “(C) observer information; and

21 “(D) commercial or financial information
22 the disclosure of which is likely to result in harm
23 to the competitive position of the person that
24 submitted the information to the Secretary.”.

1 (d) *INCREASED DATA COLLECTION AND ACTIONS TO*
2 *ADDRESS DATA-POOR FISHERIES.*—Section 404 (16 U.S.C.
3 1881c) is amended by adding at the end the following:

4 “(e) *USE OF THE ASSET FORFEITURE FUND FOR*
5 *FISHERY INDEPENDENT DATA COLLECTION.*—

6 “(1) *IN GENERAL.*—

7 “(A) *The Secretary, subject to appropri-*
8 *ations, may obligate for data collection purposes*
9 *in accordance with prioritizations under para-*
10 *graph (3) a portion of amounts received by the*
11 *United States as fisheries enforcement penalties.*

12 “(B) *Amounts may be obligated under this*
13 *paragraph only in the fishery management re-*
14 *gion with respect to which they are collected.*

15 “(2) *INCLUDED PURPOSES.*—*The purposes re-*
16 *ferred to in paragraph (1) include—*

17 “(A) *the use of State personnel and re-*
18 *sources, including fishery survey vessels owned*
19 *and maintained by States to survey or assess*
20 *data-poor fisheries for which fishery management*
21 *plans are in effect under this Act; and*

22 “(B) *cooperative research activities author-*
23 *ized under section 318 to improve or enhance the*
24 *fishery independent data used in fishery stock*
25 *assessments.*

1 “(3) *DATA-POOR FISHERIES PRIORITY LISTS.*—
2 *Each Council shall—*

3 “(A) *identify those fisheries in its region*
4 *considered to be data-poor fisheries;*

5 “(B) *prioritize those fisheries based on the*
6 *need of each fishery for up-to-date information;*
7 *and*

8 “(C) *provide those priorities to the Sec-*
9 *retary.*

10 “(4) *DEFINITIONS.*—*In this subsection:*

11 “(A) *The term ‘data-poor fishery’ means a*
12 *fishery—*

13 “(i) *that has not been surveyed in the*
14 *preceding 5-year period;*

15 “(ii) *for which a fishery stock assess-*
16 *ment has not been performed within the*
17 *preceding 5-year period; or*

18 “(iii) *for which limited information on*
19 *the status of the fishery is available for*
20 *management purposes.*

21 “(B) *The term ‘fisheries enforcement pen-*
22 *alties’ means any fine or penalty imposed, or*
23 *proceeds of any property seized, for a violation*
24 *of this Act or of any other marine resource law*
25 *enforced by the Secretary.*

1 “(5) *AUTHORIZATION OF APPROPRIATIONS.*—
2 *There is authorized to be appropriated to the Sec-*
3 *retary for each fiscal year to carry out this subsection*
4 *up to 80 percent of the fisheries enforcement penalties*
5 *collected during the preceding fiscal year.”.*

6 **SEC. 11. COOPERATIVE RESEARCH AND MANAGEMENT PRO-**
7 **GRAM.**

8 *Section 318 (16 U.S.C. 1867) is amended—*

9 (1) *in subsection (a), by inserting “(1)” before*
10 *the first sentence, and by adding at the end the fol-*
11 *lowing:*

12 “(2) *Within one year after the date of enactment of*
13 *the Strengthening Fishing Communities and Increasing*
14 *Flexibility in Fisheries Management Act, and after con-*
15 *sultation with the Councils, the Secretary shall publish a*
16 *plan for implementing and conducting the program estab-*
17 *lished in paragraph (1). Such plan shall identify and de-*
18 *scribe critical regional fishery management and research*
19 *needs, possible projects that may address those needs, and*
20 *estimated costs for such projects. The plan shall be revised*
21 *and updated every 5 years, and updated plans shall include*
22 *a brief description of projects that were funded in the prior*
23 *5-year period and the research and management needs that*
24 *were addressed by those projects.”; and*

25 (2) *in subsection (c)—*

1 (A) in the heading, by striking “FUNDING”
2 and inserting “PRIORITIES”; and

3 (B) in paragraph (1), by striking all after
4 “including” and inserting an em dash, followed
5 on the next line by the following:

6 “(A) the use of fishing vessels or acoustic or
7 other marine technology;

8 “(B) expanding the use of electronic catch
9 reporting programs and technology; and

10 “(C) improving monitoring and observer
11 coverage through the expanded use of electronic
12 monitoring devices.”.

13 **SEC. 12. COUNCIL JURISDICTION FOR OVERLAPPING FISH-**
14 **ERIES.**

15 Section 302(a)(1) (16 U.S.C. 1852(a)) is amended—

16 (1) in subparagraph (A), in the second sen-
17 tence—

18 (A) by striking “18” and inserting “19”;

19 and

20 (B) by inserting before the period at the end
21 “and a liaison who is a member of the Mid-At-
22 lantic Fishery Management Council to represent
23 the interests of fisheries under the jurisdiction of
24 such Council”; and

1 (2) *in subparagraph (B), in the second sen-*
2 *tence—*

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

5 (B) *by inserting before the period at the end*
6 *“and a liaison who is a member of the New Eng-*
7 *land Fishery Management Council to represent*
8 *the interests of fisheries under the jurisdiction of*
9 *such Council”.*

10 **SEC. 13. GULF OF MEXICO FISHERIES COOPERATIVE RE-**
11 **SEARCH AND RED SNAPPER MANAGEMENT.**

12 (a) *REPEAL.—Section 407 (16 U.S.C. 1883), and the*
13 *item relating to such section in the table of contents in the*
14 *first section, are repealed.*

15 (b) *REPORTING AND DATA COLLECTION PROGRAM.—*
16 *The Secretary of Commerce shall—*

17 (1) *in conjunction with the States, the Gulf of*
18 *Mexico Fishery Management Council, and the rec-*
19 *reational fishing sectors, develop and implement a*
20 *real-time reporting and data collection program for*
21 *the Gulf of Mexico red snapper fishery using available*
22 *technology; and*

23 (2) *make implementation of this subsection a*
24 *priority for funds received by the Secretary and allo-*
25 *cated to this region under section 2 of the Act of Au-*

1 *gust 11, 1939 (commonly known as the “Saltonstall-*
2 *Kennedy Act”)* (15 U.S.C. 713c–3).

3 (c) *FISHERIES COOPERATIVE RESEARCH PROGRAM.*—

4 *The Secretary of Commerce—*

5 (1) *shall, in conjunction with the States, the Gulf*
6 *States Marine Fisheries Commission and the Atlantic*
7 *States Marine Fisheries Commission, the Gulf of Mex-*
8 *ico and South Atlantic Fishery Management Coun-*
9 *cils, and the commercial, charter, and recreational*
10 *fishing sectors, develop and implement a cooperative*
11 *research program authorized under section 318 for the*
12 *fisheries of the Gulf of Mexico and South Atlantic re-*
13 *gions, giving priority to those fisheries that are con-*
14 *sidered data-poor; and*

15 (2) *may, subject to the availability of appropri-*
16 *ations, use funds received by the Secretary under sec-*
17 *tion 2 of the Act of August 11, 1939 (commonly*
18 *known as the “Saltonstall-Kennedy Act”)* (15 U.S.C.
19 *713c–3) to implement this subsection.*

20 (d) *STOCK SURVEYS AND STOCK ASSESSMENTS.*—*The*
21 *Secretary of Commerce, acting through the National Marine*
22 *Fisheries Service Regional Administrator of the Southeast*
23 *Regional Office, shall for purposes of the Magnuson-Stevens*
24 *Fishery Conservation and Management Act (16 U.S.C.*
25 *1801 et seq.)—*

1 (1) *develop a schedule of stock surveys and stock*
2 *assessments for the Gulf of Mexico Region and the*
3 *South Atlantic Region for the 5-year period beginning*
4 *on the date of the enactment of this Act and for every*
5 *5-year period thereafter;*

6 (2) *direct the Southeast Science Center Director*
7 *to implement such schedule; and*

8 (3) *in such development and implementation—*

9 (A) *give priority to those stocks that are*
10 *commercially or recreationally important; and*

11 (B) *ensure that each such important stock is*
12 *surveyed at least every 5 years.*

13 (e) *USE OF FISHERIES INFORMATION IN STOCK AS-*
14 *SESSMENTS.—The Southeast Science Center Director shall*
15 *ensure that fisheries information made available through*
16 *fisheries programs funded under Public Law 112–141 is in-*
17 *corporated as soon as possible into any fisheries stock as-*
18 *sessments conducted after the date of the enactment of this*
19 *Act.*

20 (f) *STATE FISHERIES MANAGEMENT IN THE GULF OF*
21 *MEXICO WITH RESPECT TO RED SNAPPER.—Section*
22 *306(b) (16 U.S.C. 1856(b)) is amended by adding at the*
23 *end the following:*

24 “(4) *Notwithstanding section 3(11), for the purposes*
25 *of managing the recreational sector of the Gulf of Mexico*

1 *red snapper fishery, the seaward boundary of a coastal*
 2 *State in the Gulf of Mexico is a line 9 miles seaward from*
 3 *the baseline from which the territorial sea of the United*
 4 *States is measured.”.*

5 *(g) FUNDING OF STOCK ASSESSMENTS.—The Sec-*
 6 *retary of Commerce and the Secretary of the Interior, acting*
 7 *through the Bureau of Ocean Energy Management, shall*
 8 *enter into a cooperative agreement for the funding of stock*
 9 *assessments that are necessitated by any action by the Bu-*
 10 *reau with respect to offshore oil rigs in the Gulf of Mexico*
 11 *that adversely impacts red snapper.*

12 **SEC. 14. NORTH PACIFIC FISHERY MANAGEMENT CLARI-**
 13 **FICATION.**

14 *Section 306(a)(3)(C) (16 U.S.C. 1856(a)(3)(C)) is*
 15 *amended—*

16 *(1) by striking “was no” and inserting “is no”;*

17 *and*

18 *(2) by striking “on August 1, 1996”.*

19 **SEC. 15. ENSURING CONSISTENT MANAGEMENT FOR FISH-**
 20 **ERIES THROUGHOUT THEIR RANGE.**

21 *(a) IN GENERAL.—The Magnuson-Stevens Fishery*
 22 *Conservation and Management Act (16 U.S.C. 1801 et seq.)*
 23 *is amended by inserting after section 4 the following:*

1 **“SEC. 5. ENSURING CONSISTENT FISHERIES MANAGEMENT**
2 **UNDER CERTAIN OTHER FEDERAL LAWS.**

3 “(a) *NATIONAL MARINE SANCTUARIES ACT AND AN-*
4 *TIQUITIES ACT OF 1906.*—*In any case of a conflict between*
5 *this Act and the National Marine Sanctuaries Act (16*
6 *U.S.C. 1431 et seq.) or the Antiquities Act of 1906 (16*
7 *U.S.C. 431 et seq.), this Act shall control.*

8 “(b) *FISHERIES RESTRICTIONS UNDER ENDANGERED*
9 *SPECIES ACT OF 1973.*—*To ensure transparency and con-*
10 *sistent management of fisheries throughout their range, any*
11 *restriction on the management of fish in the exclusive eco-*
12 *nomie zone that is necessary to implement a recovery plan*
13 *under the Endangered Species Act of 1973 (16 U.S.C. 1531*
14 *et seq.) shall be implemented—*

15 “(1) *using authority under this Act; and*

16 “(2) *in accordance with processes and time*
17 *schedules required under this Act.”.*

18 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
19 *the first section is amended by inserting after the item relat-*
20 *ing to section 3 the following:*

“Sec. 4. *Authorization of appropriations.*

“Sec. 5. *Ensuring consistent fisheries management under certain other Federal*
laws.”.

1 **SEC. 16. LIMITATION ON HARVEST IN NORTH PACIFIC DI-**
2 **RECTED POLLOCK FISHERY.**

3 *Section 210(e)(1) of the American Fisheries Act (title*
4 *II of division C of Public Law 105–277; 16 U.S.C. 1851*
5 *note) is amended to read as follows:*

6 “(1) *HARVESTING.*—

7 “(A) *LIMITATION.*—No particular indi-
8 *vidual, corporation, or other entity may harvest,*
9 *through a fishery cooperative or otherwise, a per-*
10 *centage of the pollock available to be harvested in*
11 *the directed pollock fishery that exceeds the per-*
12 *centage established for purposes of this para-*
13 *graph by the North Pacific Council.*

14 “(B) *MAXIMUM PERCENTAGE.*—*The percent-*
15 *age established by the North Pacific Council*
16 *shall not exceed 24 percent of the pollock avail-*
17 *able to be harvested in the directed pollock fish-*
18 *ery.”.*

19 **SEC. 17. RECREATIONAL FISHING DATA.**

20 (a) *RECREATIONAL DATA COLLECTION.*—*Section*
21 *401(g) (16 U.S.C. 1881(g)) is amended by redesignating*
22 *paragraph (4) as paragraph (5), and by inserting after*
23 *paragraph (3) the following:*

24 “(4) *FEDERAL-STATE PARTNERSHIPS.*—

25 “(A) *ESTABLISHMENT.*—*The Secretary shall*
26 *establish partnerships with States to develop best*

1 *practices for implementation of State programs*
2 *established pursuant to paragraph (2).*

3 “(B) *GUIDANCE.*—*The Secretary shall de-*
4 *velop guidance, in cooperation with the States,*
5 *that details best practices for administering*
6 *State programs pursuant to paragraph (2), and*
7 *provide such guidance to the States.*

8 “(C) *BIENNIAL REPORT.*—*The Secretary*
9 *shall submit to the Congress and publish bien-*
10 *nial reports that include—*

11 “(i) *the estimated accuracy of the reg-*
12 *istry program established under paragraph*
13 *(1) and of State programs that are exempt-*
14 *ed under paragraph (2);*

15 “(ii) *priorities for improving rec-*
16 *reational fishing data collection; and*

17 “(iii) *an explanation of any use of in-*
18 *formation collected by such State programs*
19 *and by the Secretary, including a descrip-*
20 *tion of any consideration given to the infor-*
21 *mation by the Secretary.*

22 “(D) *STATES GRANT PROGRAM.*—*The Sec-*
23 *retary shall make grants to States to improve*
24 *implementation of State programs consistent*
25 *with this subsection. The Secretary shall*

1 *prioritize such grants based on the ability of the*
2 *grant to improve the quality and accuracy of*
3 *such programs.”.*

4 **(b) STUDY ON RECREATIONAL FISHERIES DATA.—**
5 *Section 401(g) (16 U.S.C. 1881(g)) is further amended by*
6 *adding at the end the following:*

7 **“(6) STUDY ON PROGRAM IMPLEMENTATION.—**

8 **“(A) IN GENERAL.—***Not later than 60 days*
9 *after the enactment of this paragraph, the Sec-*
10 *retary shall enter into an agreement with the*
11 *National Research Council of the National Acad-*
12 *emy of Sciences to study the implementation of*
13 *the programs described in this section. The study*
14 *shall—*

15 **“(i) provide an updated assessment of**
16 *recreational survey methods established or*
17 *improved since the publication of the Coun-*
18 *cil’s report ‘Review of Recreational Fish-*
19 *eries Survey Methods (2006)’;*

20 **“(ii) evaluate the extent to which the**
21 *recommendations made in that report were*
22 *implemented pursuant to paragraph (3)(B);*
23 *and*

24 **“(iii) examine any limitations of the**
25 *Marine Recreational Fishery Statistics Sur-*

1 *vey and the Marine Recreational Informa-*
 2 *tion Program established under paragraph*
 3 *(1).*

4 “(B) *REPORT.*—Not later than 1 year after
 5 *entering into an agreement under subparagraph*
 6 *(A), the Secretary shall submit a report to Con-*
 7 *gress on the results of the study under subpara-*
 8 *graph (A).”.*

9 **SEC. 18. STOCK ASSESSMENTS USED FOR FISHERIES MAN-**
 10 **AGED UNDER GULF OF MEXICO COUNCIL’S**
 11 **REEF FISH MANAGEMENT PLAN.**

12 *(a) IN GENERAL.*—Title IV (16 U.S.C. 1881 et seq.)
 13 *is amended by adding at the end the following:*

14 **“SEC. 409. STOCK ASSESSMENTS USED FOR FISHERIES**
 15 **MANAGED UNDER GULF OF MEXICO COUN-**
 16 **CIL’S REEF FISH MANAGEMENT PLAN.**

17 “(a) *IN GENERAL.*—The Gulf States Marine Fisheries
 18 *Commission shall conduct all fishery stock assessments used*
 19 *for management purposes by the Gulf of Mexico Fishery*
 20 *Management Council for the fisheries managed under the*
 21 *Council’s Reef Fish Management Plan.*

22 “(b) *USE OF OTHER INFORMATION AND ASSETS.*—

23 “(1) *IN GENERAL.*—Such fishery assessments
 24 *shall—*

1 “(A) incorporate fisheries survey informa-
2 tion collected by university researchers; and

3 “(B) to the extent practicable, use State,
4 university, and private assets to conduct fisheries
5 surveys.

6 “(2) *SURVEYS AT ARTIFICIAL REEFS.*—Any such
7 fishery stock assessment conducted after the date of the
8 enactment of the *Strengthening Fishing Communities*
9 *and Increasing Flexibility in Fisheries Management*
10 *Act* shall incorporate fishery surveys conducted, and
11 other relevant fisheries information collected, on and
12 around natural and artificial reefs.

13 “(c) *CONSTITUENT AND STAKEHOLDER PARTICIPA-*
14 *TION.*—Each such fishery assessment shall—

15 “(1) emphasize constituent and stakeholder par-
16 ticipation in the development of the assessment;

17 “(2) contain all of the raw data used in the as-
18 sessment and a description of the methods used to col-
19 lect that data; and

20 “(3) employ an assessment process that is trans-
21 parent and includes—

22 “(A) includes a rigorous and independent
23 scientific review of the completed fishery stock
24 assessment; and

1 “(B) a panel of independent experts to re-
 2 view the data and assessment and make rec-
 3 ommendations on the most appropriate values of
 4 critical population and management quan-
 5 tities.”.

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

“Sec. 408. *Deep sea coral research and technology program.*

“Sec. 409. *Stock assessments used for fisheries managed under Gulf of Mexico Council’s Reef Fish Management Plan.*”.

9 **SEC. 19. ESTIMATION OF COST OF RECOVERY FROM FISH-**
 10 **ERY RESOURCE DISASTER.**

11 *Section 312(a)(1) (16 U.S.C. 1861a(1)) is amended—*

12 (1) *by inserting “(A)” after “(1)”;*

13 (2) *by redesignating existing subparagraphs (A)*
 14 *through (C) as clauses (i) through (iii), respectively,*
 15 *of subparagraph (A) (as designated by the amend-*
 16 *ment made by paragraph (1)); and*

17 (3) *by adding at the end the following:*

18 “(B) *The Secretary shall publish the estimated cost of*
 19 *recovery from a fishery resource disaster no later than 30*
 20 *days after the Secretary makes the determination under*
 21 *subparagraph (A) with respect to such disaster.*”.

1 **SEC. 20. DEADLINE FOR ACTION ON REQUEST BY GOV-**
2 **ERNOR FOR DETERMINATION REGARDING**
3 **FISHERY RESOURCE DISASTER.**

4 *Section 312(a) (16 U.S.C. 1861a(a)) is amended by*
5 *redesignating paragraphs (2) through (4) as paragraphs (3)*
6 *through (5), and by inserting after paragraph (1) the fol-*
7 *lowing:*

8 *“(2) The Secretary shall make a decision regarding a*
9 *request from a Governor under paragraph (1) within 90*
10 *days after receiving an estimate of the economic impact of*
11 *the fishery resource disaster from the entity requesting the*
12 *relief.”.*

13 **SEC. 21. PROHIBITION ON CONSIDERING RED SNAPPER**
14 **KILLED DURING REMOVAL OF OIL RIGS.**

15 *Any red snapper that are killed during the removal*
16 *of any offshore oil rig in the Gulf of Mexico shall not be*
17 *considered in determining under the Magnuson-Stevens*
18 *Fishery Conservation and Management Act (16 U.S.C.*
19 *1801 et seq.) whether the total allowable catch for red snap-*
20 *per has been reached.*

21 **SEC. 22. PROHIBITION ON CONSIDERING FISH SEIZED**
22 **FROM FOREIGN FISHING.**

23 *Any fish that are seized from a foreign vessel engaged*
24 *in illegal fishing activities in the Exclusive Economic Zone*
25 *shall not be considered in determining under the Magnuson-*
26 *Stevens Fishery Conservation and Management Act (16*

1 *U.S.C. 1801 et seq.) the total allowable catch for that fish-*
2 *ery.*

3 **SEC. 23. SUBSISTENCE FISHING.**

4 (a) *DEFINITION.*—Section 3 (16 U.S.C. 1802) is
5 amended by inserting after paragraph (43) the following:

6 “(43a)(A) The term ‘subsistence fishing’ means
7 fishing in which the fish harvested are intended for
8 customary and traditional uses, including for direct
9 personal or family consumption as food or clothing;
10 for the making or selling of handicraft articles out of
11 nonedible byproducts taken for personal or family
12 consumption, for barter, or sharing for personal or
13 family consumption; and for customary trade.

14 “(B) In this paragraph—

15 “(i) the term ‘family’ means all persons re-
16 lated by blood, marriage, or adoption, or any
17 person living within the household on a perma-
18 nent basis; and

19 “(ii) the term ‘barter’ means the exchange of
20 a fish or fish part—

21 “(I) for another fish or fish part; or

22 “(II) for other food or for nonedible
23 items other than money if the exchange is of
24 a limited and noncommercial nature.”.

1 (b) *COUNCIL SEAT.*—Section 302(b)(2) (16 U.S.C.
2 1852(b)(2)) is amended—

3 (1) in subparagraph (A), by striking “or rec-
4 reational” and inserting “, recreational, or subsist-
5 ence fishing”; and

6 (2) in subparagraph (C), in the second sentence,
7 by inserting “, and in the case of the Governor of
8 Alaska with the subsistence fishing interests of the
9 State,” after “interests of the State”.

10 (c) *PURPOSE.*—Section 2(b)(3) (16 U.S.C. 1801(b)(3))
11 is amended by striking “and recreational” and inserting
12 “, recreational, and subsistence”.

13 **SEC. 24. INTER-SECTOR TRADING OF COMMERCIAL CATCH**
14 **SHARE ALLOCATIONS IN THE GULF OF MEX-**
15 **ICO.**

16 Section 301 (16 U.S.C. 1851) is amended by adding
17 at the end the following:

18 “(c) *INTER-SECTOR TRADING OF COMMERCIAL CATCH*
19 *SHARE ALLOCATIONS IN THE GULF OF MEXICO.*—Notwith-
20 standing any other provision of this Act, any commercial
21 fishing catch share allocation in a fishery in the Gulf of
22 Mexico may only be traded by sale or lease within the same
23 commercial fishing sector.”.

1 **SEC. 25. ARCTIC COMMUNITY DEVELOPMENT QUOTA.**

2 *Section 313 (16 U.S.C. 1862) is amended by adding*
3 *at the end the following:*

4 *“(k) ARCTIC COMMUNITY DEVELOPMENT QUOTA.—If*
5 *the North Pacific Fishery Management Council issues a*
6 *fishery management plan for the exclusive economic zone*
7 *in the Arctic Ocean, or an amendment to the Fishery Man-*
8 *agement Plan for Fish Resources of the Arctic Management*
9 *Area issued by such Council, that makes available to com-*
10 *mercial fishing, and establishes a sustainable harvest level,*
11 *for any part of such zone, the Council shall set aside not*
12 *less than 10 percent of the total allowable catch therein as*
13 *a community development quota for coastal villages located*
14 *north and east of the Bering Strait.”.*

15 **SEC. 26. PREFERENCE FOR STUDENTS STUDYING WATER**
16 **RESOURCE ISSUES.**

17 *Section 402(e) (16 U.S.C. 1881a(e)) is amended by*
18 *adding at the end the following:*

19 *“(4) The Secretary shall require that in the hiring of*
20 *individuals to collect information regarding marine rec-*
21 *reational fishing under this subsection, preference shall be*
22 *given to individuals who are students studying water re-*
23 *source issues at an institution of higher education.”.*

1 **SEC. 27. PROCESS FOR ALLOCATION REVIEW FOR SOUTH**
2 **ATLANTIC AND GULF OF MEXICO MIXED-USE**
3 **FISHERIES.**

4 (a) *STUDY OF ALLOCATIONS IN MIXED-USE FISH-*
5 *ERIES.*—Not later than 60 days after the date of the enact-
6 ment of this Act, the Secretary of Commerce shall enter into
7 an arrangement with the National Academy of Sciences to
8 conduct a study of the South Atlantic and Gulf of Mexico
9 mixed-use fisheries—

10 (1) *to provide guidance to Regional Fishery*
11 *Management Councils established under section 302 of*
12 *the Magnuson-Stevens Fishery Conservation and*
13 *Management Act (16 U.S.C. 1852) on criteria that*
14 *could be used for allocating fishing privileges, includ-*
15 *ing consideration of the conservation and socio-*
16 *economic benefits of the commercial, recreational, and*
17 *charter components of a fishery, in the preparation of*
18 *a fishery management plan under that Act;*

19 (2) *to identify sources of information that could*
20 *reasonably support the use of such criteria in alloca-*
21 *tion decisions; and*

22 (3) *to develop procedures for allocation reviews*
23 *and potential adjustments in allocations based on the*
24 *guidelines and requirements established by this sec-*
25 *tion.*

1 (b) *PROCESS FOR ALLOCATION REVIEW AND ESTAB-*
2 *LISHMENT.—The South Atlantic Fishery Management*
3 *Council and the Gulf of Mexico Fishery Management Coun-*
4 *cil shall—*

5 (1) *within 2 years after the date of the enact-*
6 *ment of this Act, review the allocations of all mixed-*
7 *use fisheries in the Councils’ respective jurisdictions;*
8 *and*

9 (2) *every 3 years thereafter, perform subsequent*
10 *reviews of such allocations; and*

11 (3) *consider the conservation and socioeconomic*
12 *benefits of each sector in any allocation decisions for*
13 *such fisheries.*

14 **SEC. 28. AUTHORIZATION OF APPROPRIATIONS.**

15 Section 4 (16 U.S.C. 1803) is amended—

16 (1) *by striking “this Act” and all that follows*
17 *through “(7)” and inserting “this Act”; and*

18 (2) *by striking “fiscal year 2013” and inserting*
19 *“each of fiscal years 2015 through 2019”.*

Union Calendar No. 82

114TH CONGRESS
1ST Session

H. R. 1335

[Report No. 114-116]

A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to provide flexibility for fishery managers and stability for fishermen, and for other purposes.

MAY 15, 2015

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed