

**CHANGES TO MAGNUSON-STEVENSON ACT PROPOSED IN
HR 200 (115TH CONGRESS) AND HR 1335 (114TH CONGRESS)**

Note: underlined text is new in HR 200. Crossed-out text was in HR 1335. HR 1335 and HR 200 add the entire section below to Section 302 of the MSA. In addition to these changes, the entire Data Collection and Confidentiality section suggested in HR 1335 was not included in HR 200.

Sec 5. Modifications to the annual catch limit requirement

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

- (m) Considerations for modifications to annual catch limit requirements
(1) Consideration of ecosystem and economic impacts

In establishing annual catch limits a Council may, consistent with section 302(h)(6), consider changes in an ecosystem and the economic needs of the fishing communities.

- (2) Limitations to annual catch limit requirement for special fisheries.—

Notwithstanding subsection (h)(6), a Council is not required to develop an annual catch limit for—

- (A) an ecosystem component species;
 - (B) a fishery for a species that has a life cycle of approximately 1 year, unless the Secretary has determined the fishery is subject to overfishing; or
 - (C) a stock for which—
 - (i) more than half of a single-year class will complete their life cycle in less than 18 months; and
 - (ii) fishing mortality will have little impact on the stock.
- (3) Relationship to international fishery efforts

(A) In general

Each annual catch limit ~~may~~, consistent with section 302(h)(6), ~~—~~

- (i) may take into account—

management measures under international agreements in which the United States participates; and

- (ii) in the case of an annual catch limit developed by a Council for a species, shall take into account fishing for the species outside the

exclusive economic zone and the life-history characteristics of the species that are not subject to the jurisdiction of the Council.

(B) ~~informal transboundary agreements under which~~ Exception to annual catch limit requirement

If fishery management activities by another country— with respect to fishing outside the exclusive economic zone may hinder conservation efforts by United States fishermen for a fish species for which any of the recruitment, distribution, life history, or fishing activities are transboundary; ~~and, and for which there is no informal transboundary agreement with that country in effect, then—~~

- (C) ~~in instances in which~~ notwithstanding subsection (h)(6), no transboundary agreement exists, activities annual catch limit is required to be developed for the species by another country a Council; and
- (ii) if an annual catch limit is developed by a Council for the species, the catch limit shall take into account fishing for the species outside the exclusive economic zone that ~~may hinder conservation efforts by United States fisherman for a fish species for which any is not subject to the jurisdiction of the recruitment, distribution, life history, or fishing activities are transboundary~~ Council.

(4) Authorization for multispecies complexes and multiyear annual catch limits

For purposes of subsection (h)(6), a Council may establish—

- (A) an annual catch limit for a stock complex; or
- (B) annual catch limits for each year in any continuous period that is not more than three years in duration.

(5) Ecosystem component species defined

In this subsection the term ecosystem component species means a stock of fish that is a nontarget, incidentally harvested stock of fish in a fishery, or a nontarget, incidentally harvested stock of fish that a Council or the Secretary has determined—

- (A) is not subject to overfishing, approaching a depleted condition or depleted; and
- (B) is not likely to become subject to overfishing or depleted in the absence of conservation and management measures.

