

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4932

To amend the Magnuson Fishery Conservation and Management Act to require the Secretary of Commerce to prepare conservation and management measures for the northeast multispecies (groundfish) fishery under negotiated rulemaking procedures.

---

## IN THE HOUSE OF REPRESENTATIVES

AUGUST 10, 1994

Ms. SNOWE introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

---

## A BILL

To amend the Magnuson Fishery Conservation and Management Act to require the Secretary of Commerce to prepare conservation and management measures for the northeast multispecies (groundfish) fishery under negotiated rulemaking procedures.

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

1 **SECTION 1. REQUIREMENT TO INITIATE PREPARATION OF**  
2 **CONSERVATION AND MANAGEMENT MEAS-**  
3 **URES FOR NORTHEAST MULTISPECIES FISH-**  
4 **ERY.**

5 (a) REQUIREMENT.—Not later than 60 days after the  
6 date of the enactment of this Act, the Secretary of Com-  
7 merce in accordance with this section shall begin prepar-  
8 ing under section 304(c) of the Magnuson Fishery Con-  
9 servation and Management Act (16 U.S.C. 1854(c)) a  
10 fishery management plan or an amendment to an existing  
11 fishery management plan in effect under that Act, and  
12 proposed regulations to implement the plan or amend-  
13 ment, which establish conservation and management  
14 measures for the northeast multispecies (groundfish) fish-  
15 ery.

16 (b) PROCEDURES.—

17 (1) IN GENERAL.—Except as provided in para-  
18 graph (2), in preparing a fishery management plan  
19 or amendment and proposed regulations under sub-  
20 section (a), the Secretary of Commerce shall comply  
21 with the procedures for negotiated rulemaking estab-  
22 lished by subchapter III of chapter 5 of title 5,  
23 United States Code, including by—

24 (A) establishing a negotiated rulemaking  
25 committee in accordance with that subchapter

1 before the end of the 60-day period beginning  
2 on the date of the enactment of this Act; and

3 (B) publishing a notice in accordance with  
4 section 564(a) of that subchapter before the  
5 end of that period.

6 (2) PROVISIONS NOT APPLICABLE.—The follow-  
7 ing provisions shall not apply to the preparation  
8 under this section of a fishery management plan, an  
9 amendment to an existing fishery management plan,  
10 or proposed regulations:

11 (A) Subparagraphs (A) and (B) of section  
12 304(c)(1) of the Magnuson Fishery Conserva-  
13 tion Act (16 U.S.C. 1854(c)(1)(A) and (B)).

14 (B) The second sentence of section 563(a)  
15 of title 5, United States Code.

16 (C) Section 565(a)(2) of title 5, United  
17 States Code.

18 (c) SUBMISSION TO NEW ENGLAND FISHERY MAN-  
19 AGEMENT COUNCIL.—If a negotiated rulemaking commit-  
20 tee established pursuant to this section reaches a consen-  
21 sus (as that term is defined in section 562(2) of title 5,  
22 United States Code) on a fishery management plan or  
23 amendment and proposed regulations prepared under this  
24 section—

1           (1) the Secretary of Commerce may submit the  
2           plan or amendment and proposed regulations to the  
3           New England Fishery Management Council under  
4           section 304(c)(2) of the Magnuson Fishery Con-  
5           servation Act (16 U.S.C. 1854(c)(2)); and

6           (2) if the Secretary submits the plan or amend-  
7           ment and proposed regulations under paragraph (1),  
8           the plan or amendment and proposed regulations  
9           shall be treated under that Act as having been pre-  
10          pared by the Secretary.

○