

112TH CONGRESS
1ST SESSION

H. R. 2772

To amend the Magnuson-Stevens Fishery Conservation and Management Act to permit eligible fishermen to approve certain limited access privilege programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2011

Mr. RUNYAN (for himself, Mr. JONES, and Ms. ROS-LEHTINEN) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to permit eligible fishermen to approve certain limited access privilege programs, 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 “Saving Fishing Jobs
5 Act of 2011”.

1 **SEC. 2. APPROVAL OF CERTAIN LIMITED ACCESS PRIVI-**
2 **LEGE PROGRAMS.**

3 (a) **ELIGIBILITY TO SIGN PETITION.**—Section
4 303A(c)(6)(B) of the Magnuson-Stevens Fishery Con-
5 servation and Management Act (16 U.S.C.
6 1853a(c)(6)(B)) is amended by striking “For multispecies
7 permits” and all that follows through “this subpara-
8 graph”.

9 (b) **INITIATION BY ELIGIBLE FISHERMEN UNDER**
10 **CERTAIN COUNCILS.**—Section 303A(c)(6)(D) of the Mag-
11 nuson-Stevens Fishery Conservation and Management Act
12 (16 U.S.C. 1853a(c)(6)(D)) is amended to read as follows:

13 “(D) **NEW ENGLAND, MID-ATLANTIC,**
14 **SOUTH ATLANTIC, AND GULF INITIATION.**—

15 “(i) **IN GENERAL.**—In the case of a
16 fishery under the authority of the New
17 England, Mid-Atlantic, South Atlantic, or
18 Gulf of Mexico Fishery Management Coun-
19 cil, a fishery management plan or an
20 amendment to a fishery management plan
21 that would establish a limited access privi-
22 lege program to harvest fish may not take
23 effect unless—

24 “(I) a petition requesting devel-
25 opment of such program is submitted

1 in accordance with clause (ii) and cer-
2 tified under clause (iii);

3 “(II) the Council makes available
4 to eligible fishermen an estimate of
5 the amount of the fee that would be
6 collected under section 304(d)(2) if
7 such program were established; and

8 “(III) not earlier than 90 days
9 after the estimate required under sub-
10 clause (II) has been made available,
11 the proposed plan or amendment is
12 approved by a vote of two-thirds of el-
13 igible fishermen in the fishery for
14 which the program would be estab-
15 lished.

16 “(ii) PETITION.—A group of fisher-
17 men constituting more than 50 percent of
18 eligible fishermen in a fishery may submit
19 a petition to the Secretary requesting the
20 development of a limited access privilege
21 program for the fishery. Any such petition
22 shall clearly state the fishery to which the
23 limited access privilege program would
24 apply.

1 “(iii) CERTIFICATION BY SEC-
2 RETARY.—Upon the receipt of any such
3 petition, the Secretary shall review all of
4 the signatures on the petition and, if the
5 Secretary determines that the signatures
6 on the petition are those of more than 50
7 percent of eligible fishermen in the fishery
8 for which the program would be estab-
9 lished, the Secretary shall certify the peti-
10 tion.

11 “(iv) DEFINITION OF ELIGIBLE FISH-
12 ERMEN.—For purposes of this subpara-
13 graph, the term ‘eligible fishermen’ means
14 holders of permits issued under a fishery
15 management plan.”.

16 **SEC. 3. TERMINATION OF CERTAIN LIMITED ACCESS PRIVI-**
17 **LEGE PROGRAMS.**

18 Section 303A of the Magnuson-Stevens Fishery Con-
19 servation and Management Act (16 U.S.C. 1853a) is
20 amended by adding at the end the following:

21 “(j) TERMINATION.—

22 “(1) IN GENERAL.—The Secretary shall termi-
23 nate a limited access privilege program established
24 after the date of the enactment of the Saving Fish-
25 ing Jobs Act of 2011 for a fishery under the author-

1 ity of the New England, Mid-Atlantic, South Atlan-
2 tic, or Gulf of Mexico Fishery Management Council,
3 on the first date on which the Secretary determines
4 that the number of eligible fishermen in the fishery
5 in a year is at least 15 percent less than the number
6 of eligible fishermen in the fishery in the year pre-
7 ceding the year in which the program was estab-
8 lished.

9 “(2) DEFINITION OF ELIGIBLE FISHERMEN.—
10 In this subsection, the term ‘eligible fishermen’ has
11 the meaning given the term in subsection
12 (c)(6)(D)(iv).”.

13 **SEC. 4. FEES RECOVERED FOR CERTAIN LIMITED ACCESS**
14 **PRIVILEGE PROGRAMS.**

15 Section 304(d)(2) of the Magnuson-Stevens Fishery
16 Conservation and Management Act (16 U.S.C.
17 1854(d)(2)) is amended by adding at the end the fol-
18 lowing:

19 “(D) In the case of a fee collected under sub-
20 paragraph (A) for a limited access privilege program
21 established under section 303A(c)(6)(D) after the
22 date of the enactment of the Saving Fishing Jobs
23 Act of 2011—

1 “(i) the fee shall be in an amount suffi-
2 cient to recover all costs of such program, in-
3 cluding observer costs; and

4 “(ii) the 3-percent limitation in subpara-
5 graph (B) shall not apply with respect to such
6 fee.”.

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