

114TH CONGRESS
1ST SESSION

H. R. 1335

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. DEFINITIONS.**

6 In this Act, any term used that is defined in section
7 3 of the Magnuson-Stevens Fishery Conservation and
8 Management Act (16 U.S.C. 1802) shall have the same
9 meaning such term has under that section.

10 **SEC. 3. REFERENCES.**

11 Except as otherwise specifically provided, whenever in
12 this Act an amendment or repeal is expressed in terms
13 of an amendment to, or repeal of, a provision, the ref-
14 erence shall be considered to be made to a provision of
15 the Magnuson-Stevens Fishery Conservation and Manage-
16 ment Act (16 U.S.C. 1801 et seq.).

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

18 (a) GENERAL REQUIREMENTS.—Section 304(e) (16
19 U.S.C. 1854(e)) is amended—

20 (1) in paragraph (4)—

21 (A) in subparagraph (A)(i), by striking
22 “possible” and inserting “practicable”;

23 (B) by amending subparagraph (A)(ii) to
24 read as follows:

25 “(ii) may not exceed the time the
26 stock would be rebuilt without fishing oc-

1 curring plus one mean generation, except
2 in a case in which—

3 “(I) the biology of the stock of
4 fish, other environmental conditions,
5 or management measures under an
6 international agreement in which the
7 United States participates dictate oth-
8 erwise;

9 “(II) the Secretary determines
10 that the cause of the stock being de-
11 pleted is outside the jurisdiction of the
12 Council or the rebuilding program
13 cannot be effective only by limiting
14 fishing activities;

15 “(III) the Secretary determines
16 that one or more components of a
17 mixed-stock fishery is depleted but
18 cannot be rebuilt within that time-
19 frame without significant economic
20 harm to the fishery, or cannot be re-
21 built without causing another compo-
22 nent of the mixed-stock fishery to ap-
23 proach a depleted status;

24 “(IV) the Secretary determines
25 that recruitment, distribution, or life

1 history of, or fishing activities for, the
2 stock are affected by informal trans-
3 boundary agreements under which
4 management activities outside the ex-
5 clusive economic zone by another
6 country may hinder conservation and
7 management efforts by United States
8 fishermen; and

9 “(V) the Secretary determines
10 that the stock has been affected by
11 unusual events that make rebuilding
12 within the specified time period im-
13 probable without significant economic
14 harm to fishing communities;”;

15 (C) by striking “and” after the semicolon
16 at the end of subparagraph (B), by redesignig-
17 nating subparagraphs (B) and (C) as subpara-
18 graphs (C) and (D), and by inserting after sub-
19 paragraph (A) the following:

20 “(B) take into account environmental con-
21 dition including predator/prey relationships;”;
22 and

23 (D) by striking the period at the end of
24 subparagraph (D) (as so redesignated) and in-

1 serting “; and”, and by adding at the end the
2 following:

3 “(E) specify a schedule for reviewing the
4 rebuilding targets, evaluating environmental im-
5 pacts on rebuilding progress, and evaluating
6 progress being made toward reaching rebuilding
7 targets.”; and

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

9 “(8) A fishery management plan, plan amend-
10 ment, or proposed regulations may use alternative
11 rebuilding strategies, including harvest control rules
12 and fishing mortality-rate targets to the extent they
13 are in compliance with the requirements of this Act.

14 “(9) A Council may terminate the application of
15 paragraph (3) to a fishery if the Council’s scientific
16 and statistical committee determines and the Sec-
17 retary concurs that the original determination that
18 the fishery was depleted was erroneous, either—

19 “(A) within the 2-year period beginning on
20 the effective date a fishery management plan,
21 plan amendment, or proposed regulation for a
22 fishery under this subsection takes effect; or

23 “(B) within 90 days after the completion
24 of the next stock assessment after such deter-
25 mination.”.

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

8 **SEC. 5. MODIFICATIONS TO THE ANNUAL CATCH LIMIT RE-**
9 **QUIREMENT.**

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

12 “(m) CONSIDERATIONS FOR MODIFICATIONS TO AN-
13 NUAL CATCH LIMIT REQUIREMENTS.—

14 “(1) CONSIDERATION OF ECOSYSTEM AND ECO-
15 NOMIC IMPACTS.—In establishing annual catch lim-
16 its a Council may, consistent with section 302(h)(6),
17 consider changes in an ecosystem and the economic
18 needs of the fishing communities.

19 “(2) LIMITATIONS TO ANNUAL CATCH LIMIT
20 REQUIREMENT FOR SPECIAL FISHERIES.—Notwith-
21 standing subsection (h)(6), a Council is not required
22 to develop an annual catch limit for—

23 “(A) an ecosystem component species;

24 “(B) a fishery for a species that has a life
25 cycle of approximately 1 year, unless the Sec-

1 retary has determined the fishery is subject to
2 overfishing; or

3 “(C) a stock for which—

4 “(i) more than half of a single-year
5 class will complete their life cycle in less
6 than 18 months; and

7 “(ii) fishing mortality will have little
8 impact on the stock.

9 “(3) RELATIONSHIP TO INTERNATIONAL FISH-
10 ERY EFFORTS.—Each annual catch limit may, con-
11 sistent with section 302(h)(6), take into account—

12 “(A) management measures under inter-
13 national agreements in which the United States
14 participates;

15 “(B) informal transboundary agreements
16 under which fishery management activities by
17 another country outside the exclusive economic
18 zone may hinder conservation efforts by United
19 States fishermen for a fish species for which
20 any of the recruitment, distribution, life history,
21 or fishing activities are transboundary; and

22 “(C) in instances in which no transbound-
23 ary agreement exists, activities by another
24 country outside the exclusive economic zone
25 that may hinder conservation efforts by United

1 States fisherman for a fish species for which
2 any of the recruitment, distribution, life history,
3 or fishing activities are transboundary.

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

8 “(A) an annual catch limit for a stock
9 complex; or

10 “(B) annual catch limits for each year in
11 any continuous period that is not more than
12 three years in duration.

13 “(5) ECOSYSTEM COMPONENT SPECIES DE-
14 FINED.—In this subsection the term ‘ecosystem com-
15 ponent species’ means a stock of fish that is a non-
16 target, incidentally harvested stock of fish in a fish-
17 ery, or a nontarget, incidentally harvested stock of
18 fish that a Council or the Secretary has deter-
19 mined—

20 “(A) is not subject to overfishing, ap-
21 proaching a depleted condition or depleted; and

22 “(B) is not likely to become subject to
23 overfishing or depleted in the absence of con-
24 servation and management measures.”.

1 **SEC. 6. DISTINGUISHING BETWEEN OVERFISHED AND DE-**
2 **PLETED.**

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

5 (1) in paragraph (34), by striking “The terms
6 ‘overfishing’ and ‘overfished’ mean” and inserting
7 “The term ‘overfishing’ means”; and

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

10 “(8a) The term ‘depleted’ means, with respect
11 to a stock of fish or stock complex, that the stock
12 or stock complex has a biomass that has declined
13 below a level that jeopardizes the capacity of the
14 stock or stock complex to produce maximum sustain-
15 able yield on a continuing basis.”.

16 (b) SUBSTITUTION OF TERM.—The Magnuson-Ste-
17 vens Fishery Conservation and Management Act (16
18 U.S.C. 1801 et seq.) is amended—

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

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

23 (c) CLARITY IN ANNUAL REPORT.—Section
24 304(e)(1) (16 U.S.C. 1854(e)(1)) is amended by adding
25 at the end the following: “The report shall distinguish be-
26 tween fisheries that are depleted (or approaching that con-

1 dition) as a result of fishing and fisheries that are depleted
2 (or approaching that condition) as a result of factors other
3 than fishing. The report shall state, for each fishery iden-
4 tified as depleted or approaching that condition, whether
5 the fishery is the target of directed fishing.”.

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

7 (a) **ADVICE.**—Section 302(g)(1)(B) (16 U.S.C.
8 1852(g)(1)(B)) is amended by adding at the end the fol-
9 lowing: “Each scientific and statistical committee shall de-
10 velop such advice in a transparent manner and allow for
11 public involvement in the process.”.

12 (b) **MEETINGS.**—Section 302(i)(2) (16 U.S.C.
13 1852(i)(2)) is amended by adding at the end the following:

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

16 “(i) to the extent practicable, a Webcast,
17 an audio recording, or a live broadcast of each
18 meeting of the Council, and of the Council Co-
19 ordination Committee established under sub-
20 section (l), that is not closed in accordance with
21 paragraph (3); and

22 “(ii) audio, video (if the meeting was in
23 person or by video conference), or a searchable
24 audio or written transcript of each meeting of
25 the Council and of the meetings of committees

1 referred to in section 302(g)(1)(B) of the Coun-
2 cil by not later than 30 days after the conclu-
3 sion of the meeting.

4 “(H) The Secretary shall maintain and make
5 available to the public an archive of Council and sci-
6 entific and statistical committee meeting audios, vid-
7 eos, and transcripts made available under clauses (i)
8 and (ii) of subparagraph (G).”.

9 (c) FISHERY IMPACT STATEMENTS.—

10 (1) REQUIREMENT.—Section 303 (16 U.S.C.
11 1853) is amended—

12 (A) in subsection (a), by striking para-
13 graph (9) and redesignating paragraphs (10)
14 through (15) as paragraphs (9) through (14),
15 respectively; and

16 (B) by adding at the end the following:

17 “(d) FISHERY IMPACT STATEMENT.—

18 “(1) Any fishery management plan (or fishery
19 management plan amendment) prepared by any
20 Council or by the Secretary pursuant to subsection
21 (a) or (b), or proposed regulations deemed necessary
22 pursuant to subsection (c), shall include a fishery
23 impact statement which shall assess, specify and
24 analyze the likely effects and impact of the proposed
25 action on the quality of the human environment.

1 “(2) The fishery impact statement shall de-
2 scribe—

3 “(A) a purpose of the proposed action;

4 “(B) the environmental impact of the pro-
5 posed action;

6 “(C) any adverse environmental effects
7 which cannot be avoided should the proposed
8 action be implemented;

9 “(D) a reasonable range of alternatives to
10 the proposed action;

11 “(E) the relationship between short-term
12 use of fishery resources and the enhancement of
13 long-term productivity;

14 “(F) the cumulative conservation and man-
15 agement effects; and

16 “(G) economic, and social impacts of the
17 proposed action on—

18 “(i) participants in the fisheries and
19 fishing communities affected by the pro-
20 posed action;

21 “(ii) participants in the fisheries con-
22 ducted in adjacent areas under the author-
23 ity of another Council, after consultation
24 with such Council and representatives of
25 those participants; and

1 “(iii) the safety of human life at sea,
2 including whether and to what extent such
3 measures may affect the safety of partici-
4 pants in the fishery.

5 “(3) A substantially complete fishery impact
6 statement, which may be in draft form, shall be
7 available not less than 14 days before the beginning
8 of the meeting at which a Council makes its final de-
9 cision on the proposal (for plans, plan amendments,
10 or proposed regulations prepared by a Council pur-
11 suant to subsection (a) or (c)). Availability of this
12 fishery impact statement will be announced by the
13 methods used by the council to disseminate public
14 information and the public and relevant government
15 agencies will be invited to comment on the fishery
16 impact statement.

17 “(4) The completed fishery impact statement
18 shall accompany the transmittal of a fishery man-
19 agement plan or plan amendment as specified in sec-
20 tion 304(a), as well as the transmittal of proposed
21 regulations as specified in section 304(b).

22 “(5) The Councils shall, subject to approval by
23 the Secretary, establish criteria to determine actions
24 or classes of action of minor significance regarding
25 subparagraphs (A), (B), (D), (E), and (F) of para-

1 graph (2), for which preparation of a fishery impact
2 statement is unnecessary and categorically excluded
3 from the requirements of this section, and the docu-
4 mentation required to establish the exclusion.

5 “(6) The Councils shall, subject to approval by
6 the Secretary, prepare procedures for compliance
7 with this section that provide for timely, clear, and
8 concise analysis that is useful to decisionmakers and
9 the public, reduce extraneous paperwork and effec-
10 tively involve the public, including—

11 “(A) using Council meetings to determine
12 the scope of issues to be addressed and identi-
13 fying significant issues related to the proposed
14 action;

15 “(B) integration of the fishery impact
16 statement development process with preliminary
17 and final Council decisionmaking in a manner
18 that provides opportunity for comment from the
19 public and relevant government agencies prior
20 to these decision points; and

21 “(C) providing scientific, technical, and
22 legal advice at an early stage of the develop-
23 ment of the fishery impact statement to ensure
24 timely transmittal and Secretarial review of the

1 proposed fishery management plan, plan
2 amendment, or regulations to the Secretary.

3 “(7) Actions taken in accordance with this sec-
4 tion are deemed to fulfill the requirements of the
5 National Environmental Policy Act of 1969 (42
6 U.S.C. 4321 et seq.) and all related implementing
7 regulations.”.

8 (2) EVALUATION OF ADEQUACY.—Section
9 304(a)(2) (16 U.S.C. 1854(a)(2)) is amended by
10 striking “and” after the semicolon at the end of sub-
11 paragraph (B), striking the period at the end of sub-
12 paragraph (C) and inserting “; and”, and by adding
13 at the end the following:

14 “(D) evaluate the adequacy of the accom-
15 panying fishery impact statement as basis for
16 fully considering the environmental impacts of
17 implementing the fishery management plan or
18 plan amendment.”.

19 (3) REVIEW OF REGULATIONS.—Section 304(b)
20 (16 U.S.C. 1854(b)) is amended by striking so much
21 as precedes subparagraph (A) of paragraph (1) and
22 inserting the following:

23 “(b) REVIEW OF REGULATIONS.—

24 “(1) Upon transmittal by the Council to the
25 Secretary of proposed regulations prepared under

1 section 303(c), the Secretary shall immediately ini-
2 tiate an evaluation of the proposed regulations to de-
3 termine whether they are consistent with the fishery
4 management plan, plan amendment, this Act and
5 other applicable law. The Secretary shall also imme-
6 diately initiate an evaluation of the accompanying
7 fishery impact statement as a basis for fully consid-
8 ering the environmental impacts of implementing the
9 proposed regulations. Within 15 days of initiating
10 such evaluation the Secretary shall make a deter-
11 mination and—”.

12 (4) EFFECT ON TIME REQUIREMENTS.—Section
13 305(e) (16 U.S.C. 1855(e)) is amended by inserting
14 “the National Environmental Policy Act of 1969 (42
15 U.S.C. 4321 et seq.),” after “the Regulatory Flexi-
16 bility Act (5 U.S.C. 601 et seq.),”.

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

18 (a) CATCH SHARE DEFINED.—Section 3 (16 U.S.C.
19 1802) is amended by inserting after paragraph (2) the fol-
20 lowing:

21 “(2a) The term ‘catch share’ means any fishery
22 management program that allocates a specific per-
23 centage of the total allowable catch for a fishery, or
24 a specific fishing area, to an individual, cooperative,
25 community, processor, representative of a commer-

1 cial sector, or regional fishery association established
2 in accordance with section 303A(c)(4), or other enti-
3 ty.”.

4 (b) CATCH SHARE REFERENDUM PILOT PRO-
5 GRAM.—

6 (1) IN GENERAL.—Section 303A(c)(6)(D) (16
7 U.S.C. 1853a(c)(6)(D)) is amended to read as fol-
8 lows:

9 “(D) CATCH SHARE REFERENDUM PILOT
10 PROGRAM.—

11 “(i) The New England, Mid-Atlantic,
12 South Atlantic, and Gulf of Mexico Coun-
13 cils may not submit a fishery management
14 plan or amendment that creates a catch
15 share program for a fishery, and the Sec-
16 retary may not approve or implement such
17 a plan or amendment submitted by such a
18 Council or a secretarial plan or amendment
19 under section 304(c) that creates such a
20 program, unless the final program has
21 been approved, in a referendum in accord-
22 ance with this subparagraph, by a majority
23 of the permit holders eligible to participate
24 in the fishery. For multispecies permits in
25 the Gulf of Mexico, any permit holder with

1 landings from within the sector of the fish-
2 ery being considered for the catch share
3 program within the 5-year period pre-
4 ceding the date of the referendum and still
5 active in fishing in the fishery shall be eli-
6 gible to participate in such a referendum.
7 If a catch share program is not approved
8 by the requisite number of permit holders,
9 it may be revised and submitted for ap-
10 proval in a subsequent referendum.

11 “(ii) The Secretary may, at the re-
12 quest of the New England Fishery Man-
13 agement Council, allow participation in
14 such a referendum for a fishery under the
15 Council’s authority, by fishing vessel crew-
16 members who derive a significant portion
17 of their livelihood from such fishing.

18 “(iii) The Secretary shall conduct a
19 referendum under this subparagraph, in-
20 cluding notifying all permit holders eligible
21 to participate in the referendum and mak-
22 ing available to them—

23 “(I) a copy of the proposed pro-
24 gram;

1 “(II) an estimate of the costs of
2 the program, including costs to par-
3 ticipants;

4 “(III) an estimate of the amount
5 of fish or percentage of quota each
6 permit holder would be allocated; and

7 “(IV) information concerning the
8 schedule, procedures, and eligibility
9 requirements for the referendum proc-
10 ess.

11 “(iv) For the purposes of this sub-
12 paragraph, the term ‘permit holder eligible
13 to participate’ only includes the holder of
14 a permit for a fishery under which fishing
15 has occurred in 3 of the 5 years preceding
16 a referendum for the fishery, unless sick-
17 ness, injury, or other unavoidable hardship
18 prevented the permit holder from engaging
19 in such fishing.

20 “(v) The Secretary may not imple-
21 ment any catch share program for any
22 fishery managed exclusively by the Sec-
23 retary unless first petitioned by a majority
24 of those permit holders eligible to partici-
25 pate in the fishery.”.

1 (2) LIMITATION ON APPLICATION.—The amend-
2 ment made by paragraph (1) shall not apply to a
3 catch share program that is submitted to, or pro-
4 posed by, the Secretary of Commerce before the date
5 of enactment of this Act.

6 (3) REGULATIONS.—Before conducting a ref-
7 erendum under the amendment made by paragraph
8 (1), the Secretary of Commerce shall issue regula-
9 tions implementing such amendment after providing
10 an opportunity for submission by the public of com-
11 ments on the regulations.

12 **SEC. 9. REPORT ON FEE.**

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

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

19 “(i) Congress; and

20 “(ii) each Council from whose fisheries the
21 fee under this paragraph were collected.”.

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

23 (a) ELECTRONIC MONITORING.—

24 (1) ISSUANCE OF REGULATIONS.—

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

7 (B) CONTENT.—The regulations shall—

8 (i) distinguish between monitoring for
9 data collection and research purposes and
10 monitoring for compliance and enforcement
11 purposes; and

12 (ii) include minimum criteria, objec-
13 tives, or performance standards for elec-
14 tronic monitoring.

15 (C) PROCESS.—In issuing the regulations
16 the Secretary shall—

17 (i) consult with the Councils and fish-
18 ery management commissions;

19 (ii) publish the proposed regulations;
20 and

21 (iii) provide an opportunity for the
22 submission by the public of comments on
23 the proposed regulations.

24 (2) IMPLEMENTATION OF MONITORING.—

1 (A) IN GENERAL.—Subject to subpara-
2 graph (B), and after the issuance of the final
3 regulations, a Council, or the Secretary for fish-
4 eries referred to in section 302(a)(3) of the
5 Magnuson-Stevens Fishery Conservation and
6 Management Act (16 U.S.C. 1852(a)(3)), may,
7 in accordance with the regulations, on a fishery-
8 by-fishery basis and consistent with the existing
9 objectives and management goals of a fishery
10 management plan and the Act for a fishery
11 issued by the Council or the Secretary, respec-
12 tively, amend such plan—

13 (i) to incorporate electronic moni-
14 toring as an alternative tool for data col-
15 lection and monitoring purposes or for
16 compliance and enforcement purposes (or
17 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
3 fisheries referred to in section 302(a)(3), may, sub-
4 ject to the requirements of the Magnuson-Stevens
5 Fishery Conservation and Management Act, on a
6 fishery-by-fishery basis, and consistent with the ex-
7 isting objectives and management goals of a fishery
8 management plan for a fishery issued by the Council
9 or the Secretary, respectively, conduct a pilot project
10 for the use of electronic monitoring for the fishery.

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

14 (b) VIDEO AND ACOUSTIC SURVEY TECH-
15 NOLOGIES.—The Secretary shall work with the Regional
16 Fishery Management Councils and nongovernmental enti-
17 ties to develop and implement the use pursuant to the
18 Magnuson-Stevens Fishery Conservation and Manage-
19 ment Act (16 U.S.C. 1801 et seq.) of video survey tech-
20 nologies and expanded use 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 sys-
20 tem or other technology used onboard a
21 fishing vessel for enforcement or data col-
22 lection 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,
7 observer employers, and the Secretary prohib-
8 iting disclosure of the information by the ob-
9 servers or observer employers, in order—

10 “(i) to allow the sharing of observer
11 information among observers and between
12 observers and observer employers as nec-
13 essary to train and prepare observers for
14 deployments on specific vessels; or

15 “(ii) to validate the accuracy of the
16 observer 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
20 person on whose vessel the information was col-
21 lected, to release such information for reasons
22 not 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
2 following:

3 “(3) Any information submitted to the Sec-
4 retary, a State fisheries management agency, or a
5 Marine Fisheries Commission by any person in com-
6 pliance with the requirements of this Act, including
7 confidential information, may only be used for pur-
8 poses of fisheries management and monitoring and
9 enforcement 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 in-
13 formation to ensure safety of life at sea or for fish-
14 eries enforcement purposes, including information
15 obtained through a vessel monitoring system or
16 other electronic enforcement and monitoring sys-
17 tems, if—

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

20 “(B) the heads of the other Federal agen-
21 cies agree—

22 “(i) to maintain the confidentiality of
23 the information in accordance with the re-
24 quirements that apply to the Secretary
25 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 fish-
6 ery that is collected for monitoring and enforcement
7 purposes to any person for the purposes of coastal
8 and marine spatial planning under Executive Order
9 No. 13547, unless the Secretary determines that
10 providing such information is important for main-
11 taining or enhancing national security or for ensur-
12 ing fishermen continued access to fishing grounds.”.

13 (2) CONFIDENTIAL INFORMATION DEFINED.—
14 Section 3 (16 U.S.C. 1802) is further amended by
15 inserting 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
23 harm to the competitive position of the person
24 that submitted the information to the Sec-
25 retary.”.

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

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

7 “(1) IN GENERAL.—

8 “(A) The Secretary, subject to appropria-
9 tions, may obligate for data collection purposes
10 in accordance with prioritizations under para-
11 graph (3) a portion of amounts received by the
12 United States as fisheries enforcement pen-
13 alties.

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

17 “(2) INCLUDED PURPOSES.—The purposes re-
18 ferred to in paragraph (1) include—

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

24 “(B) cooperative research activities author-
25 ized under section 318 to improve or enhance

1 the fishery independent data used in fishery
2 stock assessments; and

3 “(C) fishery research and independent
4 stock assessments, conservation gear engineer-
5 ing, at-sea and shoreside monitoring, fishery
6 impact statements, and other priorities estab-
7 lished by the Council as necessary to rebuild or
8 maintain sustainable fisheries, ensure healthy
9 ecosystems, and maintain fishing communities.

10 “(3) DATA-POOR FISHERIES PRIORITY LISTS.—

11 Each Council shall—

12 “(A) identify those fisheries in its region
13 considered to be data-poor fisheries;

14 “(B) prioritize those fisheries based on the
15 need of each fishery for up-to-date information;
16 and

17 “(C) provide those priorities to the Sec-
18 retary.

19 “(4) DEFINITIONS.—In this subsection:

20 “(A) The term ‘data-poor fishery’ means a
21 fishery—

22 “(i) that has not been surveyed in the
23 preceding 5-year period;

1 “(ii) for which a fishery stock assess-
2 ment has not been performed within the
3 preceding 5-year period; or

4 “(iii) for which limited information on
5 the status of the fishery is available for
6 management purposes.

7 “(B) The term ‘fisheries enforcement pen-
8 alties’ means any fine or penalty imposed, or
9 proceeds of any property seized, for a violation
10 of this Act or of any other marine resource law
11 enforced by the Secretary.

12 “(5) AUTHORIZATION OF APPROPRIATIONS.—
13 There is authorized to be appropriated to the Sec-
14 retary for each fiscal year to carry out this sub-
15 section up to 80 percent of the fisheries enforcement
16 penalties collected during the preceding fiscal year.”.

17 **SEC. 11. COOPERATIVE RESEARCH AND MANAGEMENT**
18 **PROGRAM.**

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

20 (1) in subsection (a), by inserting “(1)” before
21 the first sentence, and by adding at the end the fol-
22 lowing:

23 “(2) Within one year after the date of enactment of
24 the Strengthening Fishing Communities and Increasing
25 Flexibility in Fisheries Management Act, and after con-

1 sultation with the Councils, the Secretary shall publish a
2 plan for implementing and conducting the program estab-
3 lished in paragraph (1). Such plan shall identify and de-
4 scribe critical regional fishery management and research
5 needs, possible projects that may address those needs, and
6 estimated costs for such projects. The plan shall be revised
7 and updated every 5 years, and updated plans shall in-
8 clude a brief description of projects that were funded in
9 the prior 5-year period and the research and management
10 needs that were addressed by those projects.”; and

11 (2) in subsection (c)—

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

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

17 “(A) the use of fishing vessels or acoustic
18 or other marine technology;

19 “(B) expanding the use of electronic catch
20 reporting programs and technology; and

21 “(C) improving monitoring and observer
22 coverage through the expanded use of electronic
23 monitoring devices.”.

1 **SEC. 12. COUNCIL JURISDICTION FOR OVERLAPPING FISH-**
2 **ERIES.**

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

4 (1) in subparagraph (A), in the second sen-
5 tence—

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

7 and

8 (B) by inserting before the period at the
9 end “and a liaison who is a member of the Mid-
10 Atlantic Fishery Management Council to rep-
11 resent the interests of fisheries under the juris-
12 diction of such Council”; and

13 (2) in subparagraph (B), in the second sen-
14 tence—

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

16 and

17 (B) by inserting before the period at the
18 end “and a liaison who is a member of the New
19 England Fishery Management Council to rep-
20 resent the interests of fisheries under the juris-
21 diction of such Council”.

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

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

1 (b) REPORTING AND DATA COLLECTION PRO-
2 GRAM.—The Secretary of Commerce shall—

3 (1) in conjunction with the States, the Gulf of
4 Mexico Fishery Management Council, and the rec-
5 reational fishing sectors, develop and implement a
6 real-time reporting and data collection program for
7 the Gulf of Mexico red snapper fishery using avail-
8 able technology; and

9 (2) make implementation of this subsection a
10 priority for funds received by the Secretary and allo-
11 cated to this region under section 2 of the Act of
12 August 11, 1939 (commonly known as the
13 “Saltonstall-Kennedy Act”) (15 U.S.C. 713c–3).

14 (c) FISHERIES COOPERATIVE RESEARCH PRO-
15 GRAM.—The Secretary of Commerce—

16 (1) shall, in conjunction with the States, the
17 Gulf States Marine Fisheries Commission and the
18 Atlantic States Marine Fisheries Commission, the
19 Gulf of Mexico and South Atlantic Fishery Manage-
20 ment Councils, and the commercial, charter, and
21 recreational fishing sectors, develop and implement a
22 cooperative research program authorized under sec-
23 tion 318 for the fisheries of the Gulf of Mexico and
24 South Atlantic regions, giving priority to those fish-
25 eries that are considered data-poor; and

1 (2) may, subject to the availability of appropria-
2 tions, use funds received by the Secretary under sec-
3 tion 2 of the Act of August 11, 1939 (commonly
4 known as the “Saltonstall-Kennedy Act”) (15 U.S.C.
5 713e-3) to implement this subsection.

6 (d) STOCK SURVEYS AND STOCK ASSESSMENTS.—
7 The Secretary of Commerce, acting through the National
8 Marine Fisheries Service Regional Administrator of the
9 Southeast Regional Office, shall for purposes of the Mag-
10 nuson-Stevens Fishery Conservation and Management Act
11 (16 U.S.C. 1801 et seq.)—

12 (1) develop a schedule of stock surveys and
13 stock assessments for the Gulf of Mexico Region and
14 the South Atlantic Region for the 5-year period be-
15 ginning on the date of the enactment of this Act and
16 for every 5-year period thereafter;

17 (2) direct the Southeast Science Center Direc-
18 tor to implement such schedule; and

19 (3) in such development and implementation—

20 (A) give priority to those stocks that are
21 commercially or recreationally important; and

22 (B) ensure that each such important stock
23 is surveyed at least every 5 years.

24 (e) USE OF FISHERIES INFORMATION IN STOCK AS-
25 SESSMENTS.—The Southeast Science Center Director

1 shall ensure that fisheries information made available
2 through fisheries programs funded under Public Law
3 112–141 is incorporated as soon as possible into any fish-
4 eries stock assessments conducted after the date of the
5 enactment of this Act.

6 (f) STATE FISHERIES MANAGEMENT IN THE GULF
7 OF MEXICO WITH RESPECT TO RED SNAPPER.—Section
8 306(b) (16 U.S.C. 1856(b)) is amended by adding at the
9 end the following:

10 “(4) Notwithstanding section 3(11), for the purposes
11 of managing the recreational sector of the Gulf of Mexico
12 red snapper fishery, the seaward boundary of a coastal
13 State in the Gulf of Mexico is a line 9 miles seaward from
14 the baseline from which the territorial sea of the United
15 States is measured.”.

16 (g) FUNDING OF STOCK ASSESSMENTS.—The Sec-
17 retary of Commerce and the Secretary of the Interior, act-
18 ing through the Bureau of Ocean Energy Management,
19 shall enter into a cooperative agreement for the funding
20 of stock assessments that are necessitated by any action
21 by the Bureau with respect to offshore oil rigs in the Gulf
22 of Mexico that adversely impacts red snapper.

1 **SEC. 14. NORTH PACIFIC FISHERY MANAGEMENT CLARI-**
2 **FICATION.**

3 Section 306(a)(3)(C) (16 U.S.C. 1856(a)(3)(C)) is
4 amended—

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

6 and

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

8 **SEC. 15. ENSURING CONSISTENT MANAGEMENT FOR FISH-**
9 **ERIES THROUGHOUT THEIR RANGE.**

10 (a) IN GENERAL.—The Act is amended by inserting
11 after section 4 the following:

12 **“SEC. 5. ENSURING CONSISTENT FISHERIES MANAGEMENT**
13 **UNDER CERTAIN OTHER FEDERAL LAWS.**

14 “(a) NATIONAL MARINE SANCTUARIES ACT AND AN-
15 TIQUITIES ACT OF 1906.—In any case of a conflict be-
16 tween this Act and the National Marine Sanctuaries Act
17 (16 U.S.C. 1431 et seq.) or the Antiquities Act of 1906
18 (16 U.S.C. 431 et seq.), this Act shall control.

19 “(b) FISHERIES RESTRICTIONS UNDER ENDAN-
20 GERED SPECIES ACT OF 1973.—To ensure transparency
21 and consistent management of fisheries throughout their
22 range, any restriction on the management of fish in the
23 exclusive economic zone that is necessary to implement a
24 recovery plan under the Endangered Species Act of 1973
25 (16 U.S.C. 1531 et seq.) shall be implemented—

26 “(1) using authority under this Act; and

1 **SEC. 17. RECREATIONAL FISHING DATA.**

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

6 “(4) FEDERAL-STATE PARTNERSHIPS.—

7 “(A) ESTABLISHMENT.—The Secretary
8 shall establish partnerships with States to de-
9 velop best practices for implementation of State
10 programs established pursuant to paragraph
11 (2).

12 “(B) GUIDANCE.—The Secretary shall de-
13 velop guidance, in cooperation with the States,
14 that details best practices for administering
15 State programs pursuant to paragraph (2), and
16 provide such guidance to the States.

17 “(C) BIENNIAL REPORT.—The Secretary
18 shall submit to the Congress and publish bien-
19 nial reports that include—

20 “(i) the estimated accuracy of the reg-
21 istry program established under paragraph
22 (1) and of State programs that are ex-
23 empted under paragraph (2);

24 “(ii) priorities for improving rec-
25 reational fishing data collection; and

1 “(iii) an explanation of any use of in-
2 formation collected by such State programs
3 and by the Secretary, including a descrip-
4 tion of any consideration given to the in-
5 formation by the Secretary.

6 “(D) STATES GRANT PROGRAM.—The Sec-
7 retary shall make grants to States to improve
8 implementation of State programs consistent
9 with this subsection. The Secretary shall
10 prioritize such grants based on the ability of the
11 grant to improve the quality and accuracy of
12 such programs.”.

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

16 “(6) STUDY ON PROGRAM IMPLEMENTATION.—

17 “(A) IN GENERAL.—Not later than 60
18 days after the enactment of this paragraph, the
19 Secretary shall enter into an agreement with
20 the National Research Council of the National
21 Academy of Sciences to study the implementa-
22 tion of the programs described in this section.
23 The study shall—

24 “(i) provide an updated assessment of
25 recreational survey methods established or

1 improved since the publication of the
2 Council’s report ‘Review of Recreational
3 Fisheries Survey Methods (2006)’;

4 “(ii) evaluate the extent to which the
5 recommendations made in that report were
6 implemented pursuant to paragraph
7 (3)(B); and

8 “(iii) examine any limitations of the
9 Marine Recreational Fishery Statistics
10 Survey and the Marine Recreational Infor-
11 mation Program established under para-
12 graph (1).

13 “(B) REPORT.—Not later than 1 year
14 after entering into an agreement under sub-
15 paragraph (A), the Secretary shall submit a re-
16 port to Congress on the results of the study
17 under subparagraph (A).”.

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

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

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

4 “(a) IN GENERAL.—The Gulf States Marine Fish-
5 eries Commission shall conduct all fishery stock assess-
6 ments used for management purposes by the Gulf of Mex-
7 ico Fishery Management Council for the fisheries man-
8 aged under the Council’s Reef Fish Management Plan.

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

10 “(1) IN GENERAL.—Such fishery assessments
11 shall—

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

14 “(B) to the extent practicable, use State,
15 university, and private assets to conduct fish-
16 eries surveys.

17 “(2) SURVEYS AT ARTIFICIAL REEFS.—Any
18 such fishery stock assessment conducted after the
19 date of the enactment of the Strengthening Fishing
20 Communities and Increasing Flexibility in Fisheries
21 Management Act shall incorporate fishery surveys
22 conducted, and other relevant fisheries information
23 collected, on and around natural and artificial reefs.

24 “(c) CONSTITUENT AND STAKEHOLDER PARTICIPA-
25 TION.—Each such fishery assessment shall—

1 “(1) emphasize constituent and stakeholder
2 participation in the development of the assessment;

3 “(2) contain all of the raw data used in the as-
4 sessment and a description of the methods used to
5 collect that data; and

6 “(3) employ an assessment process that is
7 transparent and includes—

8 “(A) includes a rigorous and independent
9 scientific review of the completed fishery stock
10 assessment; and

11 “(B) a panel of independent experts to re-
12 view the data and assessment and make rec-
13 ommendations on the most appropriate values
14 of critical population and management quan-
15 tities.”.

16 (b) CLERICAL AMENDMENT.—The table of contents
17 in the first section is amended by adding at the end of
18 the 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.”.

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

21 Section 312(a)(1) (16 U.S.C. 1861a(1)) is amend-
22 ed—

23 (1) by inserting “(A)” after “(1)”;

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

5 (3) by adding at the end the following:

6 “(B) The Secretary shall publish the estimated cost
7 of recovery from a fishery resource disaster no later than
8 30 days after the Secretary makes the determination
9 under subparagraph (A) with respect to such disaster.”.

10 **SEC. 20. DEADLINE FOR ACTION ON REQUEST BY GOV-**
11 **ERNOR FOR DETERMINATION REGARDING**
12 **FISHERY RESOURCE DISASTER.**

13 Section 312(a) (16 U.S.C. 1861a(a)) is amended by
14 redesignating paragraphs (2) through (4) as paragraphs
15 (3) through (5), and by inserting after paragraph (1) the
16 following:

17 “(2) The Secretary shall make a decision regarding
18 a request from a Governor under paragraph (1) within 90
19 days after receiving an estimate of the economic impact
20 of the fishery resource disaster from the entity requesting
21 the relief.”.

22 **SEC. 21. PROHIBITION ON CONSIDERING RED SNAPPER**
23 **KILLED DURING REMOVAL OF OIL RIGS.**

24 Any red snapper that are killed during the removal
25 of any offshore oil rig in the Gulf of Mexico shall not be

1 considered in determining under the Magnuson-Stevens
2 Fishery Conservation and Management Act (16 U.S.C.
3 1801 et seq.) whether the total allowable catch for red
4 snapper has been reached.

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

7 Any fish that are seized from a foreign vessel engaged
8 in illegal fishing activities in the Exclusive Economic Zone
9 shall not be considered in determining under the Magnu-
10 son-Stevens Fishery Conservation and Management Act
11 (16 U.S.C. 1801 et seq.) the total allowable catch for that
12 fishery.

13 **SEC. 23. SUBSISTENCE FISHING.**

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

16 “(43a)(A) The term ‘subsistence fishing’ means
17 fishing in which the fish harvested are intended for
18 customary and traditional uses, including for direct
19 personal or family consumption as food or clothing;
20 for the making or selling of handicraft articles out
21 of nonedible byproducts taken for personal or family
22 consumption, for barter, or sharing for personal or
23 family consumption; and for customary trade.

24 “(B) In this paragraph—

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

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

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

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

11 (b) COUNCIL SEAT.—Section 302(b)(2) (16 U.S.C.
12 1852(b)(2)) is amended—

13 (1) in subparagraph (A), by striking “or rec-
14 reational” and inserting “, recreational, or subsist-
15 ence fishing”; and

16 (2) in subparagraph (C), in the second sen-
17 tence, by inserting “, and in the case of the Gov-
18 ernor of Alaska with the subsistence fishing interests
19 of the State,” after “interests of the State”.

20 (c) PURPOSE.—Section 2(b)(3) (16 U.S.C.
21 1801(b)(3)) is amended by striking “and recreational”
22 and inserting “, recreational, and subsistence”.

1 **SEC. 24. INTER-SECTOR TRADING OF COMMERCIAL CATCH**
2 **SHARE ALLOCATIONS IN THE GULF OF MEX-**
3 **ICO.**

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

6 “(c) INTER-SECTOR TRADING OF COMMERCIAL
7 CATCH SHARE ALLOCATIONS IN THE GULF OF MEX-
8 ICO.—Notwithstanding any other provision of this Act,
9 any commercial fishing catch share allocation in a fishery
10 in the Gulf of Mexico may only be traded by sale or lease
11 within the same commercial fishing sector.”.

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

13 Section 313 (16 U.S.C. 1862) is amended by adding
14 at the end the following:

15 “(k) ARCTIC COMMUNITY DEVELOPMENT QUOTA.—
16 If the North Pacific Fishery Management Council issues
17 a fishery management plan for the exclusive economic zone
18 in the Arctic Ocean, or an amendment to the Fishery
19 Management Plan for Fish Resources of the Arctic Man-
20 agement Area issued by such Council, that makes avail-
21 able to commercial fishing, and establishes a sustainable
22 harvest level, for any part of such zone, the Council shall
23 set aside not less than 10 percent of the total allowable
24 catch therein as a community development quota for
25 coastal villages located north and east of the Bering
26 Strait.”.

1 **SEC. 26. PREFERENCE FOR STUDENTS STUDYING WATER**
2 **RESOURCE ISSUES.**

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

5 “(4) The Secretary shall, to the extent practicable,
6 when hiring individuals to collect information regarding
7 marine recreational fishing under this subsection, give
8 preference to students studying fisheries conservation and
9 management, water resource issues, or other relevant sub-
10 jects at an institution of higher education in the United
11 States.”.

12 **SEC. 27. PROCESS FOR ALLOCATION REVIEW FOR SOUTH**
13 **ATLANTIC AND GULF OF MEXICO MIXED-USE**
14 **FISHERIES.**

15 (a) STUDY OF ALLOCATIONS IN MIXED-USE FISH-
16 ERIES.—Not later than 60 days after the date of the en-
17 actment of this Act, the Secretary of Commerce shall enter
18 into an arrangement with the National Academy of
19 Sciences to conduct a study of the South Atlantic and Gulf
20 of Mexico mixed-use fisheries—

21 (1) to provide guidance to the South Atlantic
22 Fishery Management Council and Gulf of Mexico
23 Fishery Management Council on criteria that could
24 be used for allocating fishing privileges, including
25 consideration of the conservation and socioeconomic
26 benefits of the commercial, recreational, and charter

1 components of a fishery, in the preparation of a fish-
2 ery management plan under that Act;

3 (2) to identify sources of information that could
4 reasonably support the use of such criteria in alloca-
5 tion decisions; and

6 (3) to develop procedures for allocation reviews
7 and potential adjustments in allocations based on
8 the guidelines and requirements established by this
9 section.

10 (b) **PROCESS FOR ALLOCATION REVIEW AND ESTAB-**
11 **LISHMENT.**—The South Atlantic Fishery Management
12 Council and the Gulf of Mexico Fishery Management
13 Council shall—

14 (1) within 2 years after the date of the enact-
15 ment of this Act, review the allocations of all mixed-
16 use fisheries in the Councils' respective jurisdictions;

17 (2) every 3 years thereafter, perform subse-
18 quent reviews of such allocations; and

19 (3) consider the conservation and socioeconomic
20 benefits of each sector in any allocation decisions for
21 such fisheries.

22 **SEC. 28. REQUIREMENTS FOR LIMITED ACCESS PRIVI-**
23 **LEGES.**

24 Section 3303A(c)(1)(G) (16 U.S.C. 1853a(c)(1)(G))
25 is amended to read as follows:

1 “(G) include provisions for a formal and
2 detailed review 5 years after the implementation
3 of the program, and thereafter the regular mon-
4 itoring and review by the Council and the Sec-
5 retary of the operations and impacts of the pro-
6 gram, to coincide with scheduled Council review
7 of the relevant fishery management plan (but
8 no less frequently than once every 7 years) in-
9 cluding—

10 “(i) determining progress in meeting
11 the goals of the program and this Act;

12 “(ii) delineating the positive and nega-
13 tive economic effects of the program on
14 fishermen and processors who are part of
15 the program and the coastal communities
16 in which they reside; and

17 “(iii) any necessary modification of
18 the program to meet those goals, including
19 a formal schedule for action to be taken
20 within 2 years;”.

21 **SEC. 29. HEALTHY FISHERIES THROUGH BETTER SCIENCE.**

22 (a) DEFINITION OF STOCK ASSESSMENT.—Section 3
23 (16 U.S.C. 1802), as amended by section 23(a) of this
24 Act, is further amended by redesignating the paragraphs

1 after paragraph (42) in order as paragraphs (44) through
2 (53), and by inserting after paragraph (42) the following:

3 “(43) The term ‘stock assessment’ means an
4 evaluation of the past, present, and future status of
5 a stock of fish, that includes—

6 “(A) a range of life history characteristics
7 for such stock, including—

8 “(i) the geographical boundaries of
9 such stock; and

10 “(ii) information on age, growth, nat-
11 ural mortality, sexual maturity and repro-
12 duction, feeding habits, and habitat pref-
13 erences of such stock; and

14 “(B) fishing for the stock.”.

15 (b) STOCK ASSESSMENT PLAN.—

16 (1) IN GENERAL.—Section 404 (16 U.S.C.
17 1881c), as amended by section 10(d) of this Act, is
18 further amended by adding at the end the following:

19 “(f) STOCK ASSESSMENT PLAN.—

20 “(1) IN GENERAL.—The Secretary shall develop
21 and publish in the Federal Register, on the same
22 schedule as required for the strategic plan required
23 under subsection (b) of this section, a plan to con-
24 duct stock assessments for all stocks of fish for

1 which a fishery management plan is in effect under
2 this Act.

3 “(2) CONTENTS.—The plan shall—

4 “(A) for each stock of fish for which a
5 stock assessment has previously been con-
6 ducted—

7 “(i) establish a schedule for updating
8 the stock assessment that is reasonable
9 given the biology and characteristics of the
10 stock; and

11 “(ii) subject to the availability of ap-
12 propriations, require completion of a new
13 stock assessment, or an update of the most
14 recent stock assessment—

15 “(I) every 5 years; or

16 “(II) within such other time pe-
17 riod specified and justified by the Sec-
18 retary in the plan;

19 “(B) for each stock of fish for which a
20 stock assessment has not previously been con-
21 ducted—

22 “(i) establish a schedule for con-
23 ducting an initial stock assessment that is
24 reasonable given the biology and character-
25 istics of the stock; and

1 “(ii) subject to the availability of ap-
2 propriations, require completion of the ini-
3 tial stock assessment within 3 years after
4 the plan is published in the Federal Reg-
5 ister unless another time period is specified
6 and justified by the Secretary in the plan;
7 and

8 “(C) identify data and analysis, especially
9 concerning recreational fishing, that, if avail-
10 able, would reduce uncertainty in and improve
11 the accuracy of future stock assessments, in-
12 cluding whether such data and analysis could
13 be provided by fishermen, fishing communities,
14 universities, and research institutions.

15 “(3) WAIVER OF STOCK ASSESSMENT REQUIRE-
16 MENT.—Notwithstanding subparagraphs (A)(ii) and
17 (B)(ii), a stock assessment is not required for a
18 stock of fish in the plan if the Secretary determines
19 that such a stock assessment is not necessary and
20 justifies such determination in the Federal Register
21 notice required by this subsection.”.

22 (2) DEADLINE.—Notwithstanding paragraph
23 (1) of section 404(f) of the Magnuson-Stevens Fish-
24 ery Conservation and Management Act, as amended
25 by this section, the Secretary of Commerce shall

1 issue the first stock assessment plan under such sec-
2 tion by not later than 2 years after the date of en-
3 actment of this Act.

4 (c) IMPROVING SCIENCE.—

5 (1) INCORPORATION OF INFORMATION FROM
6 WIDE VARIETY OF SOURCES.—Section 2(a)(8) of the
7 Magnuson-Stevens Fishery Conservation and Man-
8 agement Act (16 U.S.C. 1801) is amended by add-
9 ing at the end the following: “Fisheries management
10 is most effective when it incorporates information
11 provided by governmental and nongovernmental
12 sources, including State and Federal agency staff,
13 fishermen, fishing communities, universities, and re-
14 search institutions. As appropriate, such information
15 should be considered the best scientific information
16 available and form the basis of conservation and
17 management measures as required by this Act.”.

18 (2) IMPROVING DATA COLLECTION AND ANAL-
19 YSIS.—Section 404 (16 U.S.C. 1881c), as amended
20 by this section, is further amended by adding at the
21 end the following:

22 “(g) IMPROVING DATA COLLECTION AND ANAL-
23 YSIS.—

24 “(1) IN GENERAL.—The Secretary, in consulta-
25 tion with the Councils acting in reliance on their

1 science and statistical committees established under
2 section 302(g), shall develop and publish in the Fed-
3 eral Register guidelines that will facilitate greater
4 incorporation of data, analysis, and stock assess-
5 ments from nongovernmental sources, including fish-
6 ermen, fishing communities, universities, and re-
7 search institutions, into fisheries management deci-
8 sions.

9 “(2) CONTENT.—The guidelines shall—

10 “(A) identify types of data and analysis,
11 especially concerning recreational fishing, that
12 can be reliably used as the basis for estab-
13 lishing conservation and management measures
14 as required by section 303(a)(1), including set-
15 ting standards for the collection and use of
16 such data and analysis in stock assessments
17 and for other purposes; and

18 “(B) provide specific guidance for col-
19 lecting data and performing analyses identified
20 as necessary to reduce the uncertainty referred
21 to in section 404(f)(2)(C).

22 “(3) ACCEPTANCE AND USE OF DATA AND
23 ANALYSES.—The Secretary and Regional Fishery
24 Management Councils shall—

1 “(A) use all data and analyses that meet
2 the guidelines published under paragraph (1) as
3 the best scientific information available for pur-
4 poses of this Act in fisheries management deci-
5 sions, unless otherwise determined by the
6 science and statistical committee of the Coun-
7 cils established pursuant to section 302(g) of
8 the Act; and

9 “(B) explain in the Federal Register notice
10 announcing the fishery management decision
11 how such data and analyses have been used to
12 establish conservation and management meas-
13 ures.”.

14 (3) DEADLINE.—The Secretary of Commerce
15 shall develop and publish guidelines under the
16 amendment made by paragraph (2) by not later
17 than 1 year after the date of enactment of this Act.

18 (d) COST REDUCTION REPORT.—Within 1 year after
19 the date of enactment of this Act, the Secretary of Com-
20 merce, in consultation with the Regional Fishery Manage-
21 ment Councils, shall submit a report to Congress that,
22 with respect to each fishery governed by a fishery manage-
23 ment plan in effect under the Magnuson-Stevens Fishery
24 Conservation and Management Act (16 U.S.C. 1801 et
25 seq.)—

1 (1) identifies the goals of the applicable pro-
2 grams governing monitoring and enforcement of
3 fishing that is subject to such plan;

4 (2) identifies methods to accomplish those
5 goals, including human observers, electronic moni-
6 toring, and vessel monitoring systems;

7 (3) certifies which such methods are most cost-
8 effective for fishing that is subject to such plan; and

9 (4) explains why such most-cost-effective meth-
10 ods are not required, if applicable.

11 **SEC. 30. AUTHORIZATION OF APPROPRIATIONS.**

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

13 (1) by striking “this Act” and all that follows
14 through “(7)” and inserting “this Act”; and

15 (2) by striking “fiscal year 2013” and inserting
16 “each of fiscal years 2015 through 2019”.

17 **SEC. 31. AUTHORITY TO USE ALTERNATIVE FISHERY MAN-**
18 **AGEMENT MEASURES.**

19 Section 302(h) (16 U.S.C. 1852(h)) is amended—

20 (1) by redesignating paragraph (8) as para-
21 graph (9); and

22 (2) by inserting after paragraph (7), the fol-
23 lowing:

24 “(8) have the authority to use alternative fish-
25 ery management measures in a recreational fishery

1 (or the recreational component of a mixed-use fish-
2 ery), including extraction rates, fishing mortality
3 targets, and harvest control rules, in developing a
4 fishery management plan, plan amendment, or pro-
5 posed regulations.”.

Passed the House of Representatives June 1, 2015.

Attest:

Clerk.

114TH CONGRESS
1ST SESSION

H. R. 1335

AN ACT

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