H. R. 200

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

JANUARY 3, 2017

Mr. Young of Alaska 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 provide flexibility for fishery managers and stability for fishermen, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act”.

SEC. 2. DEFINITIONS.

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

SEC. 3. REFERENCES.

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

SEC. 4. FLEXIBILITY IN REBUILDING FISH STOCKS.

(a) General Requirements.—Section 304(e) (16 U.S.C. 1854(e)) is amended—

(1) in paragraph (4)—

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

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

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

“(I) the biology of the stock of fish, other environmental conditions, or management measures under an international agreement in which the
United States participates dictate otherwise;

“(II) the Secretary determines that the cause of the stock being depleted is outside the jurisdiction of the Council or the rebuilding program cannot be effective only by limiting fishing activities;

“(III) the Secretary determines that one or more components of a mixed-stock fishery is depleted but cannot be rebuilt within that time-frame without significant economic harm to the fishery, or cannot be rebuilt without causing another component of the mixed-stock fishery to approach a depleted status;

“(IV) the Secretary determines that recruitment, distribution, or life history of, or fishing activities for, the stock are affected by informal trans-boundary agreements under which management activities outside the exclusive economic zone by another country may hinder conservation and
management efforts by United States fishermen; and

“(V) the Secretary determines that the stock has been affected by unusual events that make rebuilding within the specified time period improbable without significant economic harm to fishing communities;”;

(C) by striking “and” after the semicolon at the end of subparagraph (B), by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), and by inserting after subparagraph (A) the following:

“(B) take into account environmental condition including predator/prey relationships;”;

and

(D) by striking the period at the end of subparagraph (D) (as so redesignated) and inserting “; and”, and by adding at the end the following:

“(E) specify a schedule for reviewing the rebuilding targets, evaluating environmental impacts on rebuilding progress, and evaluating progress being made toward reaching rebuilding targets.”; and
(2) by adding at the end the following:

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

“(9) A Council may terminate the application of paragraph (3) to a fishery if the Council’s scientific and statistical committee determines and the Secretary concurs that the original determination that the fishery was depleted was erroneous, either—

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

“B. within 90 days after the completion of the next stock assessment after such determination.”.

(b) Emergency Regulations and Interim Measures.—Section 305(e)(3)(B) (16 U.S.C. 1855(e)(3)(B)) is amended by striking “180 days after” and all that follows through “provided” and inserting “1 year after the date of publication, and may be extended by publication in the Federal Register for one additional period of not more than 1 year, if”.

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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, 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) 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 for which there is no informal transboundary agreement with that country in effect, then—
“(i) notwithstanding subsection (h)(6), no annual catch limit is required to be developed for the species by 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 is not subject to the jurisdiction of the 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.”.

SEC. 6. DISTINGUISHING BETWEEN OVERFISHED AND DEPLETED.

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

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

(2) by inserting after paragraph (8) the following:

“(8a) The term ‘depleted’ means, with respect to a stock of fish or stock complex, that the stock or stock complex has a biomass that has declined below a level that jeopardizes the capacity of the stock or stock complex to produce maximum sustainable yield on a continuing basis.”.

(b) Substitution of Term.—The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) is amended—
(1) in the heading of section 304(e), by striking “OVERFISHED” and inserting “DEPLETED”; and

(2) by striking “overfished” each place it appears and inserting “depleted”.

(c) CLARITY IN ANNUAL REPORT.—Section 304(e)(1) (16 U.S.C. 1854(e)(1)) is amended by adding at the end the following: “The report shall distinguish between fisheries that are depleted (or approaching that condition) as a result of fishing and fisheries that are depleted (or approaching that condition) as a result of factors other than fishing. The report shall state, for each fishery identified as depleted or approaching that condition, whether the fishery is the target of directed fishing.”.

SEC. 7. TRANSPARENCY AND PUBLIC PROCESS.

(a) ADVICE.—Section 302(g)(1)(B) (16 U.S.C. 1852(g)(1)(B)) is amended by adding at the end the following: “Each scientific and statistical committee shall develop such advice in a transparent manner and allow for public involvement in the process.”.

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

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

“(i) to the extent practicable, a Webcast, an audio recording, or a live broadcast of each
meeting of the Council, and of the Council Coordination Committee established under subsection (l), that is not closed in accordance with paragraph (3); and

“(ii) audio, video (if the meeting was in person or by video conference), or a searchable audio or written transcript of each meeting of the Council and of the meetings of committees referred to in section 302(g)(1)(B) of the Council by not later than 30 days after the conclusion of the meeting.

“(H) The Secretary shall maintain and make available to the public an archive of Council and scientific and statistical committee meeting audios, videos, and transcripts made available under clauses (i) and (ii) of subparagraph (G).”.

(c) Fishery Impact Statements.—

(1) Requirement.—Section 303 (16 U.S.C. 1853) is amended—

(A) in subsection (a), by striking paragraph (9) and redesignating paragraphs (10) through (15) as paragraphs (9) through (14), respectively; and

(B) by adding at the end the following:

“(d) Fishery Impact Statement.—
“(1) Any fishery management plan (or fishery management plan amendment) prepared by any Council or by the Secretary pursuant to subsection (a) or (b), or proposed regulations deemed necessary pursuant to subsection (c), shall include a fishery impact statement which shall assess, specify and analyze the likely effects and impact of the proposed action on the quality of the human environment.

“(2) The fishery impact statement shall describe—

“(A) a purpose of the proposed action;

“(B) the environmental impact of the proposed action;

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

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

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

“(F) the cumulative conservation and management effects; and

“(G) economic, and social impacts of the proposed action on—
“(i) participants in the fisheries and fishing communities affected by the proposed action;

“(ii) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants; and

“(iii) the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants in the fishery.

“(3) A substantially complete fishery impact statement, which may be in draft form, shall be available not less than 14 days before the beginning of the meeting at which a Council makes its final decision on the proposal (for plans, plan amendments, or proposed regulations prepared by a Council pursuant to subsection (a) or (c)). Availability of this fishery impact statement will be announced by the methods used by the council to disseminate public information and the public and relevant government agencies will be invited to comment on the fishery impact statement.
“(4) The completed fishery impact statement shall accompany the transmittal of a fishery management plan or plan amendment as specified in section 304(a), as well as the transmittal of proposed regulations as specified in section 304(b).

“(5) The Councils shall, subject to approval by the Secretary, establish criteria to determine actions or classes of action of minor significance regarding subparagraphs (A), (B), (D), (E), and (F) of paragraph (2), for which preparation of a fishery impact statement is unnecessary and categorically excluded from the requirements of this section, and the documentation required to establish the exclusion.

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

“(A) using Council meetings to determine the scope of issues to be addressed and identifying significant issues related to the proposed action;

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

“(C) providing scientific, technical, and legal advice at an early stage of the development of the fishery impact statement to ensure timely transmittal and Secretarial review of the proposed fishery management plan, plan amendment, or regulations to the Secretary.

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

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

“(D) evaluate the adequacy of the accompanying fishery impact statement as basis for fully considering the environmental impacts of
implementing the fishery management plan or
plan amendment.”.

(3) Review of Regulations.—Section 304(b)
(16 U.S.C. 1854(b)) is amended by striking so much
as precedes subparagraph (A) of paragraph (1) and
inserting the following:

“(b) Review of Regulations.—

“(1) Upon transmittal by the Council to the
Secretary of proposed regulations prepared under
section 303(c), the Secretary shall immediately ini-
tiate an evaluation of the proposed regulations to de-
termine whether they are consistent with the fishery
management plan, plan amendment, this Act and
other applicable law. The Secretary shall also imme-
diately initiate an evaluation of the accompanying
fishery impact statement as a basis for fully consid-
ering the environmental impacts of implementing the
proposed regulations. Within 15 days of initiating
such evaluation the Secretary shall make a deter-
mination and—”.

(4) Effect on Time Requirements.—Section
305(e) (16 U.S.C. 1855(e)) is amended by inserting
“the National Environmental Policy Act of 1969 (42
U.S.C. 4321 et seq.),” after “the Regulatory Flexi-
bility Act (5 U.S.C. 601 et seq.),”.
SEC. 8. LIMITATION ON FUTURE CATCH SHARE PROGRAMS.

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

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

(b) CATCH SHARE REFERENDUM PILOT PROGRAM.—

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

“(D) CATCH SHARE REFERENDUM PILOT PROGRAM.—

“(i) The New England, Mid-Atlantic, South Atlantic, and Gulf of Mexico Councils may not submit a fishery management plan or amendment that creates a catch share program for a fishery, and the Secretary may not approve or implement such a plan or amendment submitted by such a
Council or a secretarial plan or amendment under section 304(c) that creates such a program, unless the final program has been approved, in a referendum in accordance with this subparagraph, by a majority of the permit holders eligible to participate in the fishery. For multispecies permits in the Gulf of Mexico, any permit holder with landings from within the sector of the fishery being considered for the catch share program within the 5-year period preceding the date of the referendum and still active in fishing in the fishery shall be eligible to participate in such a referendum. If a catch share program is not approved by the requisite number of permit holders, it may be revised and submitted for approval in a subsequent referendum.

“(ii) The Secretary may, at the request of the New England Fishery Management Council, allow participation in such a referendum for a fishery under the Council’s authority, by fishing vessel crewmembers who derive a significant portion of their livelihood from such fishing.
“(iii) The Secretary shall conduct a referendum under this subparagraph, including notifying all permit holders eligible to participate in the referendum and making available to them—

“(I) a copy of the proposed program;

“(II) an estimate of the costs of the program, including costs to participants;

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

“(IV) information concerning the schedule, procedures, and eligibility requirements for the referendum process.

“(iv) For the purposes of this subparagraph, the term ‘permit holder eligible to participate’ only includes the holder of a permit for a fishery under which fishing has occurred in 3 of the 5 years preceding a referendum for the fishery, unless sickness, injury, or other unavoidable hardship
prevented the permit holder from engaging in such fishing.

“(v) The Secretary may not implement any catch share program for any fishery managed exclusively by the Secretary unless first petitioned by a majority of those permit holders eligible to participate in the fishery.”.

(2) LIMITATION ON APPLICATION.—The amendment made by paragraph (1) shall not apply to a catch share program that is submitted to, or proposed by, the Secretary of Commerce before the date of enactment of this Act.

(3) REGULATIONS.—Before conducting a referendum under the amendment made by paragraph (1), the Secretary of Commerce shall issue regulations implementing such amendment after providing an opportunity for submission by the public of comments on the regulations.

SEC. 9. REPORT ON FEE.

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

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

“(i) Congress; and

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

SEC. 10. COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM.

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

(1) in subsection (a), by inserting “(1)” before the first sentence, and by adding at the end the following:

“(2) Within one year after the date of enactment of the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act, and after consultation with the Councils, the Secretary shall publish a plan for implementing and conducting the program established in paragraph (1). Such plan shall identify and describe critical regional fishery management and research needs, possible projects that may address those needs, and estimated costs for such projects. The plan shall be revised and updated every 5 years, and updated plans shall include a brief description of projects that were funded in the prior 5-year period and the research and management needs that were addressed by those projects.”; and

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

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

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

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

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

SEC. 11. COUNCIL JURISDICTION FOR OVERLAPPING FISH-ERIES.

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

(1) in subparagraph (A), in the second sentence—

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

(B) by inserting before the period at the end “and a liaison who is a member of the Mid-Atlantic Fishery Management Council to represent the interests of fisheries under the jurisdiction of such Council”; and
(2) in subparagraph (B), in the second sentence—

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

and

(B) by inserting before the period at the end “and a liaison who is a member of the New England Fishery Management Council to represent the interests of fisheries under the jurisdiction of such Council”.

SEC. 12. GULF OF MEXICO FISHERIES COOPERATIVE RESEARCH AND RED SNAPPER MANAGEMENT.

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

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

(1) in conjunction with the States, the Gulf of Mexico Fishery Management Council, and the recreational fishing sectors, develop and implement a real-time reporting and data collection program for the Gulf of Mexico red snapper fishery using available technology; and

(2) make implementation of this subsection a priority for funds received by the Secretary and allocated to this region under section 2 of the Act of

(c) Fisheries Cooperative Research Program.—The Secretary of Commerce—

(1) shall, in conjunction with the States, the Gulf States Marine Fisheries Commission and the Atlantic States Marine Fisheries Commission, the Gulf of Mexico and South Atlantic Fishery Management Councils, and the commercial, charter, and recreational fishing sectors, develop and implement a cooperative research program authorized under section 318 for the fisheries of the Gulf of Mexico and South Atlantic regions, giving priority to those fisheries that are considered data-poor; and

(2) may, subject to the availability of appropriations, use funds received by the Secretary under section 2 of the Act of August 11, 1939 (commonly known as the “Saltonstall-Kennedy Act”) (15 U.S.C. 713c–3) to implement this subsection.

(d) Stock Surveys and Stock Assessments.—The Secretary of Commerce, acting through the National Marine Fisheries Service Regional Administrator of the Southeast Regional Office, shall for purposes of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)—
(1) develop a schedule of stock surveys and stock assessments for the Gulf of Mexico Region and the South Atlantic Region for the 5-year period beginning on the date of the enactment of this Act and for every 5-year period thereafter;

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

(3) in such development and implementation—

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

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

(e) Use of Fisheries Information in Stock Assessments.—The Southeast Science Center Director shall ensure that fisheries information made available through fisheries programs funded under Public Law 112–141 is incorporated as soon as possible into any fisheries stock assessments conducted after the date of the enactment of this Act.

(f) State Fisheries Management in the Gulf of Mexico With Respect to Red Snapper.—Section 306(b) (16 U.S.C. 1856(b)) is amended by adding at the end the following:

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

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

SEC. 13. NORTH PACIFIC FISHERY MANAGEMENT CLARIFICATION.

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

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

and

(2) by striking “on August 1, 1996”.

SEC. 14. ENSURING CONSISTENT MANAGEMENT FOR FISHERIES THROUGHOUT THEIR RANGE.

(a) IN GENERAL.—The Act is amended by inserting after section 4 the following:
“SEC. 5. ENSURING CONSISTENT FISHERIES MANAGEMENT UNDER CERTAIN OTHER FEDERAL LAWS.

“(a) NATIONAL MARINE SANCTUARIES ACT AND ANTIQUITIES ACT OF 1906.—In any case of a conflict between this Act and the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) or the Antiquities Act of 1906 (16 U.S.C. 431 et seq.), this Act shall control.

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

“(1) using authority under this Act; and

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

(b) CLERICAL AMENDMENT.—The table of contents in the first section is amended by inserting after the item

relating to section 3 the following:

“Sec. 4. Authorization of appropriations.

“Sec. 5. Ensuring consistent fisheries management under certain other Federal laws.”.
SEC. 15. LIMITATION ON HARVEST IN NORTH PACIFIC DIRECTED POLLOCK FISHERY.

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

“(1) HARVESTING.—

“(A) LIMITATION.—No particular individual, corporation, or other entity may harvest, through a fishery cooperative or otherwise, a percentage of the pollock available to be harvested in the directed pollock fishery that exceeds the percentage established for purposes of this paragraph by the North Pacific Council.

“(B) MAXIMUM PERCENTAGE.—The percentage established by the North Pacific Council shall not exceed 24 percent of the pollock available to be harvested in the directed pollock fishery.”.

SEC. 16. RECREATIONAL FISHING DATA.

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

“(4) FEDERAL-STATE PARTNERSHIPS.—

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

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

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

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

“(ii) priorities for improving recre-
ational fishing data collection; and

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

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

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

“(6) STUDY ON PROGRAM IMPLEMENTATION.—

“(A) IN GENERAL.—Not later than 60 days after the enactment of this paragraph, the Secretary shall enter into an agreement with the National Research Council of the National Academy of Sciences to study the implementation of the programs described in this section. The study shall—

“(i) provide an updated assessment of recreational survey methods established or improved since the publication of the Council’s report ‘Review of Recreational Fisheries Survey Methods (2006)’;

“(ii) evaluate the extent to which the recommendations made in that report were implemented pursuant to paragraph (3)(B); and
“(iii) examine any limitations of the Marine Recreational Fishery Statistics Survey and the Marine Recreational Information Program established under paragraph (1).

“(B) REPORT.—Not later than 1 year after entering into an agreement under subparagraph (A), the Secretary shall submit a report to Congress on the results of the study under subparagraph (A).”.

SEC. 17. STOCK ASSESSMENTS USED FOR FISHERIES MANAGED UNDER GULF OF MEXICO COUNCIL’S REEF FISH MANAGEMENT PLAN.

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

“SEC. 409. STOCK ASSESSMENTS USED FOR FISHERIES MANAGED UNDER GULF OF MEXICO COUNCIL’S REEF FISH MANAGEMENT PLAN.

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

“(b) USE OF OTHER INFORMATION AND ASSETS.—
“(1) IN GENERAL.—Such fishery assessments shall—

“(A) incorporate fisheries survey information collected by university researchers; and

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

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

“(c) CONSTITUENT AND STAKEHOLDER PARTICIPATION.—Each such fishery assessment shall—

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

“(2) contain all of the raw data used in the assessment and a description of the methods used to collect that data; and

“(3) employ an assessment process that is transparent and includes—
“(A) includes a rigorous and independent scientific review of the completed fishery stock assessment; and

“(B) a panel of independent experts to review the data and assessment and make recommendations on the most appropriate values of critical population and management quantities.”.

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

SEC. 18. ESTIMATION OF COST OF RECOVERY FROM FISHERY RESOURCE DISASTER.

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

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

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

(3) by adding at the end the following:

“(B) The Secretary shall publish the estimated cost of recovery from a fishery resource disaster no later than

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30 days after the Secretary makes the determination under subparagraph (A) with respect to such disaster.”.

SEC. 19. DEADLINE FOR ACTION ON REQUEST BY GOVERNOR FOR DETERMINATION REGARDING FISHERY RESOURCE DISASTER.

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

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

SEC. 20. PROHIBITION ON CONSIDERING RED SNAPPER KILLED DURING REMOVAL OF OIL RIGS.

Any red snapper that are killed during the removal of any offshore oil rig in the Gulf of Mexico shall not be considered in determining under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) whether the total allowable catch for red snapper has been reached.
SEC. 21. PROHIBITION ON CONSIDERING FISH SEIZED FROM FOREIGN FISHING.

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

SEC. 22. SUBSISTENCE FISHING.

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

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

“(B) In this paragraph—

“(i) the term ‘family’ means all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and

“(ii) the term ‘barter’ means the exchange of a fish or fish part—
“(I) for another fish or fish part; or
“(II) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature.”.

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

(1) in subparagraph (A), by striking “or recreational” and inserting “recreational, or subsistence fishing”; and

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

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

SEC. 23. INTER-SECTOR TRADING OF COMMERCIAL CATCH SHARE ALLOCATIONS IN THE GULF OF MEXICO.

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

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

SEC. 24. ARCTIC COMMUNITY DEVELOPMENT QUOTA.

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

“(k) Arctic Community Development Quota.—

If the North Pacific Fishery Management Council issues a fishery management plan for the exclusive economic zone in the Arctic Ocean, or an amendment to the Fishery Management Plan for Fish Resources of the Arctic Management Area issued by such Council, that makes available to commercial fishing, and establishes a sustainable harvest level, for any part of such zone, the Council shall set aside not less than 10 percent of the total allowable catch therein as a community development quota for coastal villages located north and east of the Bering Strait.”.

SEC. 25. PREFERENCE FOR STUDENTS STUDYING WATER RESOURCE ISSUES.

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

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

SEC. 26. REQUIREMENTS FOR LIMITED ACCESS PRIVI-
LEGES.

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

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

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

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

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

SEC. 27. HEALTHY FISHERIES THROUGH BETTER SCIENCE.

(a) Definition of Stock Assessment.—Section 3
(16 U.S.C. 1802), as amended by section 22(a) of this
Act, is further amended by redesignating the paragraphs
after paragraph (42) in order as paragraphs (44) through
(53), and by inserting after paragraph (42) the following:
“(43) The term ‘stock assessment’ means an
evaluation of the past, present, and future status of
a stock of fish, that includes—
“(A) a range of life history characteristics
for such stock, including—
“(i) the geographical boundaries of
such stock; and
“(ii) information on age, growth, nat-
ural mortality, sexual maturity and repro-
duction, feeding habits, and habitat pref-
ersences of such stock; and
“(B) fishing for the stock.”.

(b) Stock Assessment Plan.—
(1) In General.—Section 404 (16 U.S.C.
1881c), as amended by section 9(d) of this Act, is
further amended by adding at the end the following:
“(f) Stock Assessment Plan.—
“(1) IN GENERAL.—The Secretary shall develop and publish in the Federal Register, on the same schedule as required for the strategic plan required under subsection (b) of this section, a plan to conduct stock assessments for all stocks of fish for which a fishery management plan is in effect under this Act.

“(2) CONTENTS.—The plan shall—

“(A) for each stock of fish for which a stock assessment has previously been conducted—

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

“(ii) subject to the availability of appropriations, require completion of a new stock assessment, or an update of the most recent stock assessment—

“(I) every 5 years; or

“(II) within such other time period specified and justified by the Secretary in the plan;
“(B) for each stock of fish for which a stock assessment has not previously been conducted—

“(i) establish a schedule for conducting an initial stock assessment that is reasonable given the biology and characteristics of the stock; and

“(ii) subject to the availability of appropriations, require completion of the initial stock assessment within 3 years after the plan is published in the Federal Register unless another time period is specified and justified by the Secretary in the plan; and

“(C) identify data and analysis, especially concerning recreational fishing, that, if available, would reduce uncertainty in and improve the accuracy of future stock assessments, including whether such data and analysis could be provided by fishermen, fishing communities, universities, and research institutions.

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

(2) DEADLINE.—Notwithstanding paragraph
(1) of section 404(f) of the Magnuson-Stevens Fish-
ery Conservation and Management Act, as amended
by this section, the Secretary of Commerce shall
issue the first stock assessment plan under such sec-
tion by not later than 2 years after the date of en-
actment of this Act.

(c) IMPROVING SCIENCE.—

(1) INCORPORATION OF INFORMATION FROM
WIDE VARIETY OF SOURCES.—Section 2(a)(8) of the
Magnuson-Stevens Fishery Conservation and Man-
agement Act (16 U.S.C. 1801) is amended by add-
ing at the end the following: “Fisheries management
is most effective when it incorporates information
provided by governmental and nongovernmental
sources, including State and Federal agency staff,
fishermen, fishing communities, universities, and re-
search institutions. As appropriate, such information
should be considered the best scientific information
available and form the basis of conservation and
management measures as required by this Act.”.
(2) IMPROVING DATA COLLECTION AND ANALYSIS.—Section 404 (16 U.S.C. 1881c), as amended by this section, is further amended by adding at the end the following:

“(g) IMPROVING DATA COLLECTION AND ANALYSIS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Councils acting in reliance on their science and statistical committees established under section 302(g), shall develop and publish in the Federal Register guidelines that will facilitate greater incorporation of data, analysis, and stock assessments from nongovernmental sources, including fishermen, fishing communities, universities, and research institutions, into fisheries management decisions.

“(2) CONTENT.—The guidelines shall—

“(A) identify types of data and analysis, especially concerning recreational fishing, that can be reliably used as the basis for establishing conservation and management measures as required by section 303(a)(1), including setting standards for the collection and use of such data and analysis in stock assessments and for other purposes; and
“(B) provide specific guidance for collecting data and performing analyses identified as necessary to reduce the uncertainty referred to in section 404(f)(2)(C).

“(3) Acceptance and use of data and analyses.—The Secretary and Regional Fishery Management Councils shall—

“(A) use all data and analyses that meet the guidelines published under paragraph (1) as the best scientific information available for purposes of this Act in fisheries management decisions, unless otherwise determined by the science and statistical committee of the Councils established pursuant to section 302(g) of the Act; and

“(B) explain in the Federal Register notice announcing the fishery management decision how such data and analyses have been used to establish conservation and management measures.”.

(3) Deadline.—The Secretary of Commerce shall develop and publish guidelines under the amendment made by paragraph (2) by not later than 1 year after the date of enactment of this Act.
(d) Cost Reduction Report.—Within 1 year after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Regional Fishery Management Councils, shall submit a report to Congress that, with respect to each fishery governed by a fishery management plan in effect under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)—

(1) identifies the goals of the applicable programs governing monitoring and enforcement of fishing that is subject to such plan;

(2) identifies methods to accomplish those goals, including human observers, electronic monitoring, and vessel monitoring systems;

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

(4) explains why such most-cost-effective methods are not required, if applicable.

SEC. 28. AUTHORIZATION OF APPROPRIATIONS.

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

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

(2) by striking “fiscal year 2013” and inserting “each of fiscal years 2018 through 2022”.

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SEC. 29. AUTHORITY TO USE ALTERNATIVE FISHERY MANAGEMENT MEASURES.

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

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7), the following:

“(8) have the authority to use alternative fishery management measures in a recreational fishery (or the recreational component of a mixed-use fishery), including extraction rates, fishing mortality targets, and harvest control rules, in developing a fishery management plan, plan amendment, or proposed regulations.”.