

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

**TO H.R. 200**

**OFFERED BY** *Mr. Young of Alaska*

Strike all after the enacting clause and insert the following:

**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. TABLE OF CONTENTS.**

6 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. References.

**TITLE I—MAGNUSON-STEVENS ACT AMENDMENTS AND  
REAUTHORIZATION**

- Sec. 101. References.
- Sec. 102. Amendments to definitions.
- Sec. 103. Authorization of appropriations.

**TITLE II—FISHERIES MANAGEMENT FLEXIBILITY AND  
MODERNIZATION**

- Sec. 201. Definitions.
- Sec. 202. Process for allocation review for South Atlantic and Gulf of Mexico mixed-use fisheries.
- Sec. 203. Alternative fishery management measures.
- Sec. 204. Modifications to the annual catch limit requirement.
- Sec. 205. Limitation on future catch share programs.
- Sec. 206. Study of limited access privilege programs for mixed-use fisheries.
- Sec. 207. Cooperative data collection.
- Sec. 208. Recreational fishing data.
- Sec. 209. Miscellaneous amendments relating to fishery management councils.

**TITLE III—HEALTHY FISHERIES THROUGH BETTER SCIENCE**

- Sec. 301. Healthy fisheries through better science.
- Sec. 302. Transparency and public process.
- Sec. 303. Flexibility in rebuilding fish stocks.
- Sec. 304. Exempted fishing permits.
- Sec. 305. Cooperative research and management program.
- Sec. 306. Gulf of Mexico fisheries cooperative research and red snapper management.
- Sec. 307. Ensuring consistent management for fisheries throughout their range.

#### TITLE IV— STRENGTHENING FISHING COMMUNITIES

- Sec. 401. Estimation of cost of recovery from fishery resource disaster.
- Sec. 402. Deadline for action on request by Governor for determination regarding fishery resource disaster.
- Sec. 403. North Pacific Fishery management clarification.
- Sec. 404. Limitation on harvest in North Pacific directed pollock fishery.
- Sec. 405. Arctic community development quota.
- Sec. 406. Reallocation of certain unused harvest allocation.

### 1 **SEC. 3. DEFINITIONS.**

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

### 6 **SEC. 4. REFERENCES.**

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

1 **TITLE I—MAGNUSON-STEVENSON**  
2 **ACT AMENDMENTS AND RE-**  
3 **AUTHORIZATION**

4 **SEC. 101. REFERENCES.**

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

11 **SEC. 102. AMENDMENTS TO DEFINITIONS.**

12 (a) **DEFINITIONS.**—Section 3 (16 U.S.C. 1802) is  
13 amended—

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

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

19 “(8a) The term ‘depleted’ means, with respect  
20 to a stock of fish or stock complex, that the stock  
21 or stock complex has a biomass that has declined  
22 below a level that jeopardizes the capacity of the  
23 stock or stock complex to produce maximum sustain-  
24 able yield on a continuing basis.”; and

1           (3) by inserting after paragraph (43) the fol-  
2           lowing:

3           “(43a)(A) The term ‘subsistence fishing’ means  
4           fishing in which the fish harvested are intended for  
5           customary and traditional uses, including for direct  
6           personal or family consumption as food or clothing;  
7           for the making or selling of handicraft articles out  
8           of nonedible byproducts taken for personal or family  
9           consumption, for barter, or sharing for personal or  
10          family consumption; and for customary trade.

11          “(B) In this paragraph—

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

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

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

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

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



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

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

5 (c) CLARITY IN ANNUAL REPORT.—Section  
6 304(e)(1) (16 U.S.C. (e)(1)) is amended by adding at the  
7 end the following: “The report shall distinguish between  
8 fisheries that are depleted (or approaching that condition)  
9 as a result of fishing and fisheries that are depleted (or  
10 approaching that condition) as a result of factors other  
11 than fishing. The report shall state, for each fishery iden-  
12 tified as depleted or approaching that condition, whether  
13 the fishery is the target of directed fishing.”.

14 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

20 **TITLE II—FISHERIES MANAGE-**  
21 **MENT FLEXIBILITY AND MOD-**  
22 **ERNIZATION**

23 **SEC. 201. DEFINITIONS.**

24 For the purposes of implementing this title:

1           (1) APPROPRIATE COMMITTEES OF CON-  
2           GRESS.—The term “appropriate committees of Con-  
3           gress” means—

4                   (A) the Committee on Commerce, Science,  
5                   and Transportation of the Senate; and

6                   (B) the Committee on Natural Resources  
7                   of the House of Representatives.

8           (2) LIMITED ACCESS PRIVILEGE PROGRAM.—

9           The term “limited access privilege program” means  
10           a program that meets the requirements of section  
11           303A of the Magnuson-Stevens Fishery Conserva-  
12           tion and Management Act (16 U.S.C. 1853a).

13           (3) MIXED-USE FISHERY.—The term “mixed-  
14           used fishery” means a Federal fishery in which two  
15           or more of the following occur:

16                   (A) Recreational fishing.

17                   (B) Charter fishing.

18                   (C) Commercial fishing.

19   **SEC. 202. PROCESS FOR ALLOCATION REVIEW FOR SOUTH**  
20                   **ATLANTIC AND GULF OF MEXICO MIXED-USE**  
21                   **FISHERIES.**

22           (a) STUDY OF ALLOCATIONS IN MIXED-USE FISH-  
23           ERIES.—Not later than 60 days after the date of enact-  
24           ment of this Act, the Secretary of Commerce shall seek  
25           to enter into an arrangement with the National Academy

1 of Sciences to conduct a study of South Atlantic and Gulf  
2 of Mexico mixed-use fisheries—

3 (1) to provide guidance to each applicable  
4 Council on criteria that could be used for allocating  
5 fishing privileges, including consideration of the con-  
6 servation and socioeconomic benefits of the commer-  
7 cial, recreational, and charter components of a fish-  
8 ery, in the preparation of a fishery management  
9 plan;

10 (2) to identify sources of information that could  
11 reasonably support the use of such criteria in alloca-  
12 tion decisions;

13 (3) to develop procedures for allocation reviews  
14 and potential adjustments in allocations; and

15 (4) that shall consider the ecological, economic  
16 and social factors relevant to each component of the  
17 mixed-use fishery including but not limited to: fair-  
18 ness and equitability of all current allocations; per-  
19 cent utilization of available allocations by each com-  
20 ponent; consumer and public access to the resource;  
21 and the application of economic models for fully esti-  
22 mating the direct and indirect value-added contribu-  
23 tions of the various commercial and recreational  
24 fishing industry market sectors throughout chain of  
25 custody.

1 (b) REPORT.—Not later than 1 year after the date  
2 an arrangement is entered into under subsection (a), the  
3 National Academy of Sciences shall submit to the appro-  
4 priate committees of Congress a report on the study con-  
5 ducted under that subsection.

6 (c) PROCESS FOR ALLOCATION REVIEW AND ESTAB-  
7 LISHMENT.—

8 (1) IN GENERAL.—Not later than 2 years after  
9 the date of enactment of this Act, and every 5 years  
10 thereafter, an applicable Council shall perform a re-  
11 view of the allocations to the commercial fishing sec-  
12 tor and the recreational fishing sector of all applica-  
13 ble fisheries in its jurisdiction.

14 (2) CONSIDERATIONS.—In conducting a review  
15 under paragraph (1), an applicable Council shall  
16 consider, in each allocation decision, the conserva-  
17 tion and socioeconomic benefits of—

18 (A) the commercial fishing sector; and

19 (B) the recreational fishing sector.

20 (d) DEFINITION OF APPLICABLE COUNCIL.—In this  
21 section, the term “applicable Council” means—

22 (1) the South Atlantic Fishery Management  
23 Council; or

24 (2) the Gulf of Mexico Fishery Management  
25 Council.

1 **SEC. 203. ALTERNATIVE FISHERY MANAGEMENT MEAS-**  
2 **URES.**

3 (a) **MANAGEMENT.**—Section 302(h) (16 U.S.C.  
4 1852(h)) is amended—

5 (1) in paragraph (7)(C), by striking “; and”  
6 and inserting a semicolon;

7 (2) by redesignating paragraph (8) as para-  
8 graph (9); and

9 (3) by inserting after paragraph (7), the fol-  
10 lowing:

11 “(8) have the authority to use alternative fish-  
12 ery management measures in a recreational fishery  
13 (or the recreational component of a mixed-use fish-  
14 ery), including extraction rates, fishing mortality  
15 targets, and harvest control rules, in developing a  
16 fishery management plan, plan amendment, or pro-  
17 posed regulations.”

18 **SEC. 204. MODIFICATIONS TO THE ANNUAL CATCH LIMIT**  
19 **REQUIREMENT.**

20 (a) **REGIONAL FISHERY MANAGEMENT COUNCILS.**—  
21 Section 302 (16 U.S.C. 1852) is amended by adding at  
22 the end the following:

23 “(m) **CONSIDERATIONS FOR MODIFICATIONS TO AN-**  
24 **NUAL CATCH LIMIT REQUIREMENTS.**—

25 “(1) **ANNUAL CATCH LIMIT REQUIREMENT FOR**  
26 **CERTAIN DATA-POOR FISHERIES.**—Notwithstanding

1 subsection (h)(6), in the case of a stock of fish for  
2 which the total annual catch limit is 25 percent or  
3 more below the overfishing limit, a peer-reviewed  
4 stock survey and stock assessment have not been  
5 performed during the preceding 5 fishing years, and  
6 the stock is not subject to overfishing, a Council  
7 may, after notifying the Secretary, maintain the cur-  
8 rent annual catch limit for the stock until a peer-re-  
9 viewed stock survey and stock assessment are con-  
10 ducted and the results are considered by the Council  
11 and its scientific and statistical committee.

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

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

21 “(A) an ecosystem-component species;

22 “(B) a fishery for a species that has a life  
23 cycle of approximately 1 year, unless the Sec-  
24 retary has determined the fishery is subject to  
25 overfishing; or

1 “(C) a stock for which—

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

5 “(ii) fishing mortality will have little  
6 impact on the stock.

7 “(4) RELATIONSHIP TO INTERNATIONAL FISH-  
8 ERY EFFORTS.—

9 “(A) IN GENERAL.—Each annual catch  
10 limit, consistent with section 302(h)(6)—

11 “(i) may take into account manage-  
12 ment measures under international agree-  
13 ments in which the United States partici-  
14 pates; and

15 “(ii) in the case of an annual catch  
16 limit developed by a Council for a species,  
17 shall take into account fishing for the spe-  
18 cies outside the exclusive economic zone  
19 and the life-history characteristics of the  
20 species that are not subject to the jurisdic-  
21 tion of the Council.

22 “(B) EXCEPTION TO ANNUAL CATCH LIMIT  
23 REQUIREMENT.—If fishery management activi-  
24 ties by another country with respect to fishing  
25 outside the exclusive economic zone may hinder

1 conservation efforts by United States fishermen  
2 for a fish species for which any of the recruit-  
3 ment, distribution, life history, or fishing activi-  
4 ties are transboundary, and for which there is  
5 no informal transboundary agreement with that  
6 country in effect, then—

7 “(i) notwithstanding subsection  
8 (h)(6), no annual catch limit is required to  
9 be developed for the species by a Council;  
10 and

11 “(ii) if an annual catch limit is devel-  
12 oped by a Council for the species, the catch  
13 limit shall take into account fishing for the  
14 species outside the exclusive economic zone  
15 that is not subject to the jurisdiction of the  
16 Council.

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

21 “(A) an annual catch limit for a stock  
22 complex; or

23 “(B) annual catch limits for each year in  
24 any continuous period that is not more than  
25 three years in duration.



1           “(6) ECOSYSTEM-COMPONENT SPECIES DE-  
2           FINED.—In this subsection the term ‘ecosystem-com-  
3           ponent species’ means a stock of fish that is a non-  
4           target, incidentally harvested stock of fish in a fish-  
5           ery, or a nontarget, incidentally harvested stock of  
6           fish that a Council or the Secretary has deter-  
7           mined—

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

10                   “(B) is not likely to become subject to  
11                   overfishing or depleted in the absence of con-  
12                   servaion and management measures.”.

13           “(7) RULE OF CONSTRUCTION.—Nothing in  
14           this subsection shall be construed as providing an  
15           exemption from the requirements of section 301(a)  
16           of this Act.”.

17           (b) ACTION BY THE SECRETARY.—Section 304 (16  
18           U.S.C. 1854) is amended—

19                   (1) by striking “(i) INTERNATIONAL OVER-  
20                   FISHING.—” and inserting “(j) INTERNATIONAL  
21                   OVERFISHING.—”;

22                   (2) in subsection (j)(1), as redesignated, by in-  
23                   serting “shall” before “immediately”; and

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

1       “(k) STOCK SURVEYS AND ASSESSMENTS.—Not later  
2 than 2 years after the date that the Secretary receives no-  
3 tice from a Council under section 302(m), the Secretary  
4 shall complete a peer-reviewed stock survey and stock as-  
5 sessment of the applicable stock of fish and transmit the  
6 results of the survey and assessment to the Council.”.

7 **SEC. 205. LIMITATION ON FUTURE CATCH SHARE PRO-**  
8 **GRAMS.**

9       (a) CATCH SHARE DEFINED.—Section 3 (16 U.S.C.  
10 1802) is amended by inserting after paragraph (2) the fol-  
11 lowing:

12               “(2a) The term ‘catch share’ means any fishery  
13 management program that allocates a specific per-  
14 centage of the total allowable catch for a fishery, or  
15 a specific fishing area, to an individual, cooperative,  
16 community, processor, representative of a commer-  
17 cial sector, or regional fishery association established  
18 in accordance with section 303A(c)(4), or other enti-  
19 ty.”.

20       (b) CATCH SHARE REFERENDUM PILOT PRO-  
21 GRAM.—

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

24                       “(D) CATCH SHARE REFERENDUM PILOT  
25 PROGRAM.—

1           “(i) The New England, Mid-Atlantic,  
2           South Atlantic, and Gulf of Mexico Coun-  
3           cils may not submit a fishery management  
4           plan or amendment that creates a catch  
5           share program for a fishery, and the Sec-  
6           retary may not approve or implement such  
7           a plan or amendment submitted by such a  
8           Council or a secretarial plan or amendment  
9           under section 304(c) that creates such a  
10          program, unless the final program has  
11          been approved, in a referendum in accord-  
12          ance with this subparagraph, by a majority  
13          of the permit holders eligible to participate  
14          in the fishery. For multispecies permits in  
15          the Gulf of Mexico, any permit holder with  
16          landings from within the sector of the fish-  
17          ery being considered for the catch share  
18          program within the 5-year period pre-  
19          ceding the date of the referendum and still  
20          active in fishing in the fishery shall be eli-  
21          gible to participate in such a referendum.  
22          If a catch share program is not approved  
23          by the requisite number of permit holders,  
24          it may be revised and submitted for ap-  
25          proval in a subsequent referendum.

1           “(ii) The Secretary may, at the re-  
2           quest of the New England Fishery Man-  
3           agement Council, allow participation in  
4           such a referendum for a fishery under the  
5           Council’s authority, by fishing vessel crew-  
6           members who derive a significant portion  
7           of their livelihood from such fishing.

8           “(iii) The Secretary shall conduct a  
9           referendum under this subparagraph, in-  
10          cluding notifying all permit holders eligible  
11          to participate in the referendum and mak-  
12          ing available to them—

13                   “(I) a copy of the proposed pro-  
14                   gram;

15                   “(II) an estimate of the costs of  
16                   the program, including costs to par-  
17                   ticipants;

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

21                   “(IV) information concerning the  
22                   schedule, procedures, and eligibility  
23                   requirements for the referendum proc-  
24                   ess.

1           “(iv) For the purposes of this sub-  
2           paragraph, the term ‘permit holder eligible  
3           to participate’ only includes the holder of  
4           a permit for a fishery under which fishing  
5           has occurred in 3 of the 5 years preceding  
6           a referendum for the fishery, unless sick-  
7           ness, injury, or other unavoidable hardship  
8           prevented the permit holder from engaging  
9           in such fishing.

10           “(v) The Secretary may not imple-  
11           ment any catch share program for any  
12           fishery managed exclusively by the Sec-  
13           retary unless first petitioned by a majority  
14           of those permit holders eligible to partici-  
15           pate in the fishery.”.

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

21           (3) REGULATIONS.—Before conducting a ref-  
22           erendum under the amendment made by paragraph  
23           (1), the Secretary of Commerce shall issue regula-  
24           tions implementing such amendment after providing

1 an opportunity for submission by the public of com-  
2 ments on the regulations.

3 **SEC. 206. STUDY OF LIMITED ACCESS PRIVILEGE PRO-**  
4 **GRAMS FOR MIXED-USE FISHERIES.**

5 (a) STUDY ON LIMITED ACCESS PRIVILEGE PRO-  
6 GRAMS.—

7 (1) IN GENERAL.—Not later than 1 year after  
8 the date of enactment of this Act, the Secretary of  
9 Commerce shall seek to enter into an arrangement  
10 under which the Ocean Studies Board of the Na-  
11 tional Academies of Sciences, Engineering, and Med-  
12 icine shall—

13 (A) study the use of limited access privi-  
14 lege programs in mixed-use fisheries, includ-  
15 ing—

16 (i) identifying any inequities caused  
17 by a limited access privilege program;

18 (ii) recommending policies to address  
19 the inequities identified in clause (i); and

20 (iii) identifying and recommending the  
21 different factors and information a mixed-  
22 use fishery should consider when design-  
23 ing, establishing, or maintaining a limited  
24 access privilege program to mitigate any  
25 inequities identified in clause (i); and

1 (B) submit to the appropriate committees  
2 of Congress a report on the study under sub-  
3 paragraph (A), including the recommendations  
4 under clauses (ii) and (iii) of subparagraph (A).

5 (b) TEMPORARY MORATORIUM.—

6 (1) IN GENERAL.—Except as provided in para-  
7 graph (2), there shall be a moratorium on the sub-  
8 mission and approval of a limited access privilege  
9 program for a mixed-used fishery until the date that  
10 the report is submitted under subsection (a)(1)(B).

11 (2) EXCEPTION.—Subject to paragraph (3), a  
12 Council may submit, and the Secretary of Commerce  
13 may approve, for a mixed- use fishery that is man-  
14 aged under a limited access system, a limited access  
15 privilege program if such program was part of a  
16 pending fishery management plan or plan amend-  
17 ment before the date of enactment of this Act.

18 (3) MANDATORY REVIEW.—A Council that ap-  
19 proves a limited access privilege program under  
20 paragraph (2) shall, upon issuance of the report re-  
21 quired under subparagraph (a), review and, to the  
22 extent practicable, revise the limited access privilege  
23 program to be consistent with the recommendations  
24 of the report or any subsequent statutory or regu-

1 latory requirements designed to implement the rec-  
2 ommendations of the report.

3 (4) RULE OF CONSTRUCTION.—Nothing in this  
4 section may be construed to affect a limited access  
5 privilege program approved by the Secretary of  
6 Commerce before the date of enactment of this Act.

7 **SEC. 207. COOPERATIVE DATA COLLECTION.**

8 (a) IMPROVING DATA COLLECTION AND ANALYSIS.—  
9 Section 404 (16 U.S.C.) is amended by adding at the end  
10 the following:

11 “(e) IMPROVING DATA COLLECTION AND ANAL-  
12 YSIS.—

13 “(1) IN GENERAL.—Not later than 1 year after  
14 the date of enactment of this Act, the Secretary  
15 shall develop, in consultation with the science and  
16 statistical committees of the Councils established  
17 under section 302(g) and the Marine Fisheries Com-  
18 missions, and submit to the Committee on Com-  
19 merce, Science, and Transportation of the Senate  
20 and the Committee on Natural Resources of the  
21 House of Representatives a report on facilitating  
22 greater incorporation of data, analysis, stock assess-  
23 ments, and surveys from State agencies and non-  
24 governmental sources described in paragraph (2)  
25 into fisheries management decisions.



1           “(2) NONGOVERNMENTAL SOURCES.—Non-  
2 governmental sources referred to in paragraph (1)  
3 include the following:

4           “(A) Fishermen.

5           “(B) Fishing communities.

6           “(C) Universities.

7           “(D) Research and philanthropic institu-  
8 tions.

9           “(3) CONTENT.—In developing the report  
10 under paragraph (1), the Secretary shall—

11           “(A) identify types of data and analysis,  
12 especially concerning recreational fishing, that  
13 can be reliably used for purposes of this Act as  
14 the basis for establishing conservation and man-  
15 agement measures as required by section  
16 303(a)(1), including setting standards for the  
17 collection and use of that data and analysis in  
18 stock assessments and surveys and for other  
19 purposes as determined by the Secretary;

20           “(B) provide specific recommendations for  
21 collecting data and performing analyses identi-  
22 fied as necessary to reduce uncertainty in and  
23 improve the accuracy of future stock assess-  
24 ments, including whether such data and anal-  
25 ysis could be provided by nongovernmental

1 sources, including fishermen, fishing commu-  
2 nities, universities, and research institutions;

3 “(C) consider the extent to which it is pos-  
4 sible to establish a registry of persons collecting  
5 or submitting the data and performing the  
6 analyses identified under subparagraphs (A)  
7 and (B); and

8 “(D) consider the extent to which the ac-  
9 ceptance and use of data and analyses identi-  
10 fied in the report in fishery management deci-  
11 sions is practicable.”.

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

16 (c) NAS REPORT RECOMMENDATIONS.—The Sec-  
17 retary of Commerce shall take into consideration and, to  
18 the extent feasible, implement the recommendations of the  
19 National Academy of Sciences in the report entitled “Re-  
20 view of the Marine Recreational Information Program  
21 (2017)”, including—

22 (1) prioritizing the evaluation of electronic data  
23 collection, including smartphone applications, elec-  
24 tronic diaries for prospective data collection, and an

1 Internet website option for panel members or for the  
2 public;

3 (2) evaluating whether the design of the Marine  
4 Recreational Information Program for the purposes  
5 of stock assessment and the determination of stock  
6 management reference points is compatible with the  
7 needs of in-season management of annual catch lim-  
8 its; and

9 (3) if the Marine Recreational Information Pro-  
10 gram is incompatible with the needs of in-season  
11 management of annual catch limits, determining an  
12 alternative method for in-season management.

13 **SEC. 208. RECREATIONAL FISHING DATA.**

14 Section 401(g) (16 U.S.C. (g)) is amended by redес-  
15 ignating paragraph (4) as paragraph (5), and by inserting  
16 after paragraph (3) the following:

17 “(4) FEDERAL-STATE PARTNERSHIPS.—

18 “(A) ESTABLISHMENT.—The Secretary  
19 shall establish partnerships with States to de-  
20 velop best practices for implementation of State  
21 programs established pursuant to paragraph  
22 (2).

23 “(B) GUIDANCE.—The Secretary shall de-  
24 velop guidance, in cooperation with the States,  
25 that details best practices for administering

1 State programs pursuant to paragraph (2), and  
2 provide such guidance to the State.”.

3 **SEC. 209. MISCELLANEOUS AMENDMENTS RELATING TO**  
4 **FISHERY MANAGEMENT COUNCILS.**

5 (a) COUNCIL JURISDICTION FOR OVERLAPPING  
6 FISHERIES.—Section 302(a)(1) (16 U.S.C. 1852(a)) is  
7 amended—

8 (1) in subparagraph (A), in the second sen-  
9 tence—

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

11 and

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

17 (2) in subparagraph (B), in the second sen-  
18 tence—

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

20 and

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

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

3 (1) in subparagraph (A), by striking “or rec-  
4 reational” and inserting “, recreational, or subsist-  
5 ence fishing”; and

6 (2) in subparagraph (C), in the second sen-  
7 tence, by inserting “, and in the case of the Gov-  
8 ernor of Alaska with the subsistence fishing interests  
9 of the State,” after “interests of the State”.

10 (c) PURPOSE.—Section 2(b)(3) (16 U.S.C.  
11 1801(b)(3)) is amended by striking “and recreational”  
12 and inserting “, recreational, and subsistence”.

13 (d) PROHIBITION ON CONSIDERING RED SNAPPER  
14 KILLED DURING REMOVAL OF OIL RIGS.—Any red snap-  
15 per that are killed during the removal of any offshore oil  
16 rig in the Gulf of Mexico shall not be considered in deter-  
17 mining under the Magnuson-Stevens Fishery Conservation  
18 and Management Act (16 U.S.C. 1801 et seq.) whether  
19 the total allowable catch for red snapper has been reached.

20 (e) PROHIBITION ON CONSIDERING FISH SEIZED  
21 FROM FOREIGN FISHING.—Any fish that are seized from  
22 a foreign vessel engaged in illegal fishing activities in the  
23 exclusive economic zone shall not be considered in deter-  
24 mining under the Magnuson-Stevens Fishery Conservation

1 and Management Act (16 U.S.C. 1801 et seq.) the total  
2 allowable catch for that fishery.

3 **TITLE III—HEALTHY FISHERIES**  
4 **THROUGH BETTER SCIENCE**

5 **SEC. 301. HEALTHY FISHERIES THROUGH BETTER**  
6 **SCIENCE.**

7 (a) DEFINITION OF STOCK ASSESSMENT.—Section 3  
8 (16 U.S.C. 1802), as amended by section 22(a) of this  
9 Act, is further amended by redesignating the paragraphs  
10 after paragraph (42) in order as paragraphs (44) through  
11 (53), and by inserting after paragraph (42) the following:

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

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

17 “(i) the geographical boundaries of  
18 such stock; and

19 “(ii) information on age, growth, nat-  
20 ural mortality, sexual maturity and repro-  
21 duction, feeding habits, and habitat pref-  
22 erences of such stock; and

23 “(B) fishing for the stock.”.

24 (b) STOCK ASSESSMENT PLAN.—

1           (1) IN GENERAL.—Section 404 (16 U.S.C.  
2           1881e), as amended by section 207(d) of this Act,  
3           is further amended by adding at the end the fol-  
4           lowing:

5           “(f) STOCK ASSESSMENT PLAN.—

6           “(1) IN GENERAL.—The Secretary shall develop  
7           and publish in the Federal Register, on the same  
8           schedule as required for the strategic plan required  
9           under subsection (b) of this section, a plan to con-  
10          duct stock assessments for all stocks of fish for  
11          which a fishery management plan is in effect under  
12          this Act.

13          “(2) CONTENTS.—The plan shall—

14                 “(A) for each stock of fish for which a  
15                 stock assessment has previously been con-  
16                 ducted—

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

21                         “(ii) subject to the availability of ap-  
22                         propriations, require completion of a new  
23                         stock assessment, or an update of the most  
24                         recent stock assessment—

25                                 “(I) every 5 years; or

1                   “(II) within such other time pe-  
2                   riod specified and justified by the Sec-  
3                   retary in the plan;

4                   “(B) for each stock of fish for which a  
5                   stock assessment has not previously been con-  
6                   ducted—

7                   “(i) establish a schedule for con-  
8                   ducting an initial stock assessment that is  
9                   reasonable given the biology and character-  
10                  istics of the stock; and

11                  “(ii) subject to the availability of ap-  
12                  propriations, require completion of the ini-  
13                  tial stock assessment within 3 years after  
14                  the plan is published in the Federal Reg-  
15                  ister unless another time period is specified  
16                  and justified by the Secretary in the plan;  
17                  and

18                  “(C) identify data and analysis, especially  
19                  concerning recreational fishing, that, if avail-  
20                  able, would reduce uncertainty in and improve  
21                  the accuracy of future stock assessments, in-  
22                  cluding whether such data and analysis could  
23                  be provided by fishermen, fishing communities,  
24                  universities, and research institutions.



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

8           (2) DEADLINE.—Notwithstanding [paragraph  
9           (1) of section (f)] of the Magnuson-Stevens Fishery  
10          Conservation and Management Act, as amended by  
11          this section, the Secretary of Commerce shall issue  
12          the first stock assessment plan under such section  
13          by not later than 2 years after the date of enact-  
14          ment of this Act.

15 **SEC. 302. TRANSPARENCY AND PUBLIC PROCESS.**

16          (a) ADVICE.—Section 302(g)(1)(B) (16 U.S.C.  
17 1852(g)(1)(B)) is amended by adding at the end the fol-  
18 lowing: “Each scientific and statistical committee shall de-  
19 velop such advice in a transparent manner and allow for  
20 public involvement in the process.”.

21          (b) MEETINGS.—Section 302(i)(2) (16 U.S.C.  
22 1852(i)(2)) is amended by adding at the end the following:

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

1           “(i) to the extent practicable, a  
2           Webcast, an audio recording, or a live  
3           broadcast of each meeting of the Council,  
4           and of the Council Coordination Com-  
5           mittee established under subsection (l),  
6           that is not closed in accordance with para-  
7           graph (3); and

8           “(ii) audio, video (if the meeting was  
9           in person or by video conference), or a  
10          searchable audio or written transcript of  
11          each meeting of the Council and of the  
12          meetings of committees referred to in sec-  
13          tion (g)(1)(B) of the Council by not later  
14          than 30 days after the conclusion of the  
15          meeting.

16          “(H) The Secretary shall maintain and  
17          make available to the public an archive of  
18          Council and scientific and statistical committee  
19          meeting audios, videos, and transcripts made  
20          available under clauses (i) and (ii) of subpara-  
21          graph (G).”.

22          (c) FISHERY IMPACT STATEMENTS.—

23                 (1) REQUIREMENT.—Section 303 (16 U.S.C.  
24                 1853) is amended—

1 (A) in subsection (a), by striking para-  
2 graph (9) and redesignating paragraphs (10)  
3 through (15) as paragraphs (9) through (14),  
4 respectively; and

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

6 “(d) FISHERY IMPACT STATEMENT.—

7 “(1) Any fishery management plan (or fishery  
8 management plan amendment) prepared by any  
9 Council or by the Secretary pursuant to subsection  
10 (a) or (b), or proposed regulations deemed necessary  
11 pursuant to subsection (c), shall include a fishery  
12 impact statement which shall assess, specify and  
13 analyze the likely effects and impact of the proposed  
14 action on the quality of the human environment.

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

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

18 “(B) the environmental impact of the pro-  
19 posed action;

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

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

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

4           “(F) the cumulative conservation and man-  
5           agement effects; and

6           “(G) economic, and social impacts of the  
7           proposed action on—

8                   “(i) participants in the fisheries and  
9                   fishing communities affected by the pro-  
10                  posed action;

11                   “(ii) participants in the fisheries con-  
12                   ducted in adjacent areas under the author-  
13                   ity of another Council, after consultation  
14                   with such Council and representatives of  
15                   those participants; and

16                   “(iii) the safety of human life at sea,  
17                   including whether and to what extent such  
18                   measures may affect the safety of partici-  
19                   pants in the fishery.

20           “(3) A substantially complete fishery impact  
21           statement, which may be in draft form, shall be  
22           available not less than 14 days before the beginning  
23           of the meeting at which a Council makes its final de-  
24           cision on the proposal (for plans, plan amendments,  
25           or proposed regulations prepared by a Council pur-

1 suant to subsection (a) or (c)). Availability of this  
2 fishery impact statement will be announced by the  
3 methods used by the council to disseminate public  
4 information and the public and relevant government  
5 agencies will be invited to comment on the fishery  
6 impact statement.

7 “(4) The completed fishery impact statement  
8 shall accompany the transmittal of a fishery man-  
9 agement plan or plan amendment as specified in sec-  
10 tion 304(a), as well as the transmittal of proposed  
11 regulations as specified in section (b).

12 “(5) The Councils shall, subject to approval by  
13 the Secretary, establish criteria to determine actions  
14 or classes of action of minor significance regarding  
15 subparagraphs (A), (B), (D), (E), and (F) of para-  
16 graph (2), for which preparation of a fishery impact  
17 statement is unnecessary and categorically excluded  
18 from the requirements of this section, and the docu-  
19 mentation required to establish the exclusion.

20 “(6) The Councils shall, subject to approval by  
21 the Secretary, prepare procedures for compliance  
22 with this section that provide for timely, clear, and  
23 concise analysis that is useful to decisionmakers and  
24 the public, reduce extraneous paperwork and effec-  
25 tively involve the public, including—

1           “(A) using Council meetings to determine  
2           the scope of issues to be addressed and identi-  
3           fying significant issues related to the proposed  
4           action;

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

11          “(C) providing scientific, technical, and  
12          legal advice at an early stage of the develop-  
13          ment of the fishery impact statement to ensure  
14          timely transmittal and Secretarial review of the  
15          proposed fishery management plan, plan  
16          amendment, or regulations to the Secretary.”.

17          (2) EVALUATION OF ADEQUACY.—Section  
18          304(a)(2) (16 U.S.C. (a)(2)) is amended by striking  
19          “and” after the semicolon at the end of subpara-  
20          graph (B), striking the period at the end of subpara-  
21          graph (C) and inserting “; and”, and by adding at  
22          the end the following:

23                 “(D) evaluate the adequacy of the accom-  
24                 panying fishery impact statement as basis for  
25                 fully considering the environmental impacts of

1           implementing the fishery management plan or  
2           plan amendment.”.

3           (3) REVIEW OF REGULATIONS.—Section 304(b)  
4           (16 U.S.C. (b)) is amended by striking so much as  
5           precedes subparagraph (A) of paragraph (1) and in-  
6           serting the following:

7           “(b) REVIEW OF REGULATIONS.—

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

21          (4) EFFECT ON TIME REQUIREMENTS.—Section  
22          305(e) (16 U.S.C. (e)) is amended by inserting “the  
23          National Environmental Policy Act of 1969 (42  
24          U.S.C. 4321 et seq.),” after “the Regulatory Flexi-  
25          bility Act (5 U.S.C. 601 et seq.),”.

1 **SEC. 303. FLEXIBILITY IN REBUILDING FISH STOCKS.**

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

4 (1) in paragraph (4)—

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

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

9 “(ii) may not exceed the time the  
10 stock would be rebuilt without fishing oc-  
11 ccurring plus one mean generation, except  
12 in a case in which—

13 “(I) the biology of the stock of  
14 fish, other environmental conditions,  
15 or management measures under an  
16 international agreement in which the  
17 United States participates dictate oth-  
18 erwise;

19 “(II) the Secretary determines  
20 that the cause of the stock being de-  
21 pleted is outside the jurisdiction of the  
22 Council or the rebuilding program  
23 cannot be effective only by limiting  
24 fishing activities;

25 “(III) the Secretary determines  
26 that one or more components of a



1 mixed- stock fishery is depleted but  
2 cannot be rebuilt within that time-  
3 frame without significant economic  
4 harm to the fishery, or cannot be re-  
5 built without causing another compo-  
6 nent of the mixed- stock fishery to ap-  
7 proach a depleted status;

8 “(IV) the Secretary determines  
9 that recruitment, distribution, or life  
10 history of, or fishing activities for, the  
11 stock are affected by informal  
12 transboundary agreements under  
13 which management activities outside  
14 the exclusive economic zone by an-  
15 other country may hinder conservation  
16 and management efforts by United  
17 States fishermen; and

18 “(V) the Secretary determines  
19 that the stock has been affected by  
20 unusual events that make rebuilding  
21 within the specified time period im-  
22 probable without significant economic  
23 harm to fishing communities;”;

24 (C) by striking “and” after the semicolon  
25 at the end of subparagraph (B), by redesignig-

1 nating subparagraphs (B) and (C) as subpara-  
2 graphs (C) and (D), and by inserting after sub-  
3 paragraph (A) the following:

4 “(B) take into account environmental con-  
5 dition including predator/prey relationships;”;  
6 and

7 (D) by striking the period at the end of  
8 subparagraph (D) (as so redesignated) and in-  
9 serting “; and”, and by adding at the end the  
10 following:

11 “(E) specify a schedule for reviewing the  
12 rebuilding targets, evaluating environmental im-  
13 pacts on rebuilding progress, and evaluating  
14 progress being made toward reaching rebuilding  
15 targets.”; and

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

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

22 “(9) A Council may terminate the application of  
23 paragraph (3) to a fishery if the Council’s scientific  
24 and statistical committee determines and the Sec-

1       retary concurs that the original determination that  
2       the fishery was depleted was erroneous, either—

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

7               “(B) within 90 days after the completion  
8       of the next stock assessment after such deter-  
9       mination.”.

10       (b) **EMERGENCY REGULATIONS AND INTERIM MEAS-**  
11 **URES.**—Section (c)(3)(B) (16 U.S.C. 1855(c)(3)(B)) is  
12 amended by striking “180 days after” and all that follows  
13 through “provided” and inserting “1 year after the date  
14 of publication, and may be extended by publication in the  
15 Federal Register for one additional period of not more  
16 than 1 year, if”.

17 **SEC. 304. EXEMPTED FISHING PERMITS.**

18       (a) **IN GENERAL.**—Before the approval and issuance  
19 of an exempted fishing permit under section 600.745 of  
20 title 50, Code of Federal Regulations, or any successor  
21 regulation, the Secretary of Commerce shall—

22               (1) direct a joint peer review of the application  
23       for the exempted fishing permit by the appropriate  
24       regional fisheries science center and State marine  
25       fisheries commission; and

1           (2) certify that the Council or Federal agency  
2 with jurisdiction over the affected fishery has deter-  
3 mined that—

4           (A) the fishing activity to be conducted  
5 under the proposed exempted fishing permit  
6 would not negatively impact any management  
7 measures or conservation objectives included  
8 within existing fishery management plans or  
9 plan amendments;

10          (B) the social and economic impacts in  
11 both dollar amounts and loss of fishing oppor-  
12 tunities on all participants in each sector of the  
13 fishery expected to occur as a result of the pro-  
14 posed exempted fishing permit would be mini-  
15 mal;

16          (C) the information that would be collected  
17 through the fishing activity to be conducted  
18 under the proposed exempted fishing permit will  
19 have a positive and direct impact on the con-  
20 servation, assessment, or management of the  
21 fishery; and

22          (D) the Governor of each coastal State po-  
23 tentially impacted by the proposed exempted  
24 fishing permit, as determined by the Secretary,

1           has been consulted on the fishing activity to be  
2           conducted.

3       (b) CLARIFICATION.—The Secretary may not issue  
4 an exempted fishing permit under section 600.745 of title  
5 50, Code of Federal Regulations, or any successor regula-  
6 tion that—

7           (1) establishes a limited access system as de-  
8 fined in section 3 of the Magnuson-Stevens Fishery  
9 Conservation and Management Act (16 U.S.C.  
10 1802);

11          (2) is consistent with section 303A of such Act  
12 (16 U.S.C. 1853a); or

13          (3) establishes a catch share program as de-  
14 fined in section 206(a) of this Act.

15       (b) SAVINGS PROVISION.—Except for subsection  
16 (b)(2), nothing in this section may be construed to affect  
17 an exempted fishing permit approved under section  
18 600.745 of title 50, Code of Federal Regulations, before  
19 the date of enactment of this Act.

20 **SEC. 305. COOPERATIVE RESEARCH AND MANAGEMENT**  
21 **PROGRAM.**

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

23           (1) in subsection (a), by inserting “(1)” before  
24 the first sentence, and by adding at the end the fol-  
25 lowing:

1           “(2) Within one year after the date of enact-  
2           ment of the Strengthening Fishing Communities and  
3           Increasing Flexibility in Fisheries Management Act,  
4           and after consultation with the Councils, the Sec-  
5           retary shall publish a plan for implementing and  
6           conducting the program established in paragraph  
7           (1). Such plan shall identify and describe critical re-  
8           gional fishery management and research needs, pos-  
9           sible projects that may address those needs, and es-  
10          timated costs for such projects. The plan shall be re-  
11          vised and updated every 5 years, and updated plans  
12          shall include a brief description of projects that were  
13          funded in the prior 5-year period and the research  
14          and management needs that were addressed by those  
15          projects.”; and

16               (2) in subsection (c)—

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

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

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

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

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

4 **SEC. 306. GULF OF MEXICO FISHERIES COOPERATIVE RE-**  
5 **SEARCH AND RED SNAPPER MANAGEMENT.**

6           (a) FEDERAL GULF OF MEXICO RED SNAPPER MAN-  
7 AGEMENT.—Section 407 (16 U.S.C. 1883) is amended by  
8 striking all after the section heading and inserting the fol-  
9 lowing:.

10          “(a) CERTIFICATION OF STATE SURVEYS.—

11           “(1) INCLUSION OF CERTIFIED STATE SUR-  
12 VEYS.—In establishing the acceptable biological  
13 catch and total allowable catch for red snapper in  
14 the Gulf of Mexico, the Secretary shall include—

15           “(A) Gulf State recreational fisheries sur-  
16 veys that are certified under subsection (b); and

17           “(B) data related to red snapper in the  
18 Gulf of Mexico collected by the Gulf States Ma-  
19 rine Fisheries Commission, nongovernmental  
20 organizations, and other nongovernmental  
21 sources, including universities and research in-  
22 stitutions.

23          “(b) STATE SURVEYS.—

24           “(1) SUBMISSION.—A Gulf State that conducts  
25 a recreational fisheries survey in the Gulf of Mexico

1 to make catch estimates for red snapper landed in  
2 such State may submit such survey to the Secretary  
3 for certification.

4 “(2) CERTIFICATION.—

5 “(A) IN GENERAL.—The Secretary shall  
6 make a certification or a denial of certification  
7 for any survey submitted under paragraph (1)  
8 not later than the end of the 6-month period  
9 beginning on the date the survey is submitted.

10 “(B) DEEMED CERTIFIED.—A recreational  
11 fisheries survey is deemed to be certified effec-  
12 tive upon the expiration of such period if the  
13 Secretary has not made a certification or denial  
14 of certification.

15 “(3) MODIFICATION OF SURVEYS DENIED CER-  
16 TIFICATION.—

17 “(A) IN GENERAL.—If a survey of a Gulf  
18 State is denied certification under paragraph  
19 (2), the Secretary shall, not later than 60 days  
20 after the date of the denial, provide the Gulf  
21 State a proposal for modifications to the survey.

22 “(B) PROPOSAL.—A proposal provided to  
23 a Gulf State for a survey under subparagraph  
24 (A)—



1           “(i) shall be specific to the survey  
2           submitted by such Gulf State and may not  
3           be construed to apply to any other Gulf  
4           State;

5           “(ii) shall require revision to the few-  
6           est possible provisions of the survey; and

7           “(iii) may not unduly burden the abil-  
8           ity of such Gulf State to revise the survey.

9           “(C) MODIFIED SURVEY.—

10           “(i) AUTHORITY TO SUBMIT.—If a  
11           survey of a Gulf State was denied certifi-  
12           cation under paragraph (2), the Gulf State  
13           may modify the survey and submit the  
14           modified survey to the Secretary for certifi-  
15           cation or denial of certification.

16           “(ii) SCHEDULE.—The Secretary shall  
17           make a certification or denial of certifi-  
18           cation for any modified survey not later  
19           than the end of the 30-day period begin-  
20           ning on the date the modified survey is  
21           submitted.

22           “(iii) DEEMED CERTIFIED.—A modi-  
23           fied survey is deemed to be certified effec-  
24           tive upon the expiration of the period de-  
25           scribed in clause (ii) if the Secretary has

1 not made a certification or denial of certifi-  
2 cation.

3 “(c) DEFINITIONS.—In this section:

4 “(1) GULF STATE.—The term ‘Gulf State’  
5 means each of the States of Texas, Louisiana, Mis-  
6 sissippi, Alabama, or Florida.

7 “(2) RED SNAPPER.—The term ‘red snapper’  
8 means the species *Lutjanus campechanus*.”.

9 (b) STOCK SURVEYS AND STOCK ASSESSMENTS.—  
10 The Secretary of Commerce, acting through the National  
11 Marine Fisheries Service Regional Administrator of the  
12 Southeast Regional Office, shall for purposes of the Mag-  
13 nuson-Stevens Fishery Conservation and Management Act  
14 (16 U.S.C. et seq.)—

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

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

22 (3) in such development and implementation—  
23 (A) give priority to those stocks that are  
24 commercially or recreationally important; and

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

3 (c) USE OF FISHERIES INFORMATION IN STOCK AS-  
4 SESSMENTS.—The Southeast Science Center Director  
5 shall ensure that fisheries information made available  
6 through fisheries programs funded under Public Law  
7 112–141 is incorporated as soon as possible into any fish-  
8 eries stock assessments conducted after the date of the en-  
9 actment of this Act.

10 (d) STATE FISHERIES MANAGEMENT IN THE GULF  
11 OF MEXICO WITH RESPECT TO RED SNAPPER.—Section  
12 306(b) (16 U.S.C. 1856(b)) is amended by adding at the  
13 end the following:

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

21 **SEC. 307. ENSURING CONSISTENT MANAGEMENT FOR FISH-**  
22 **ERIES THROUGHOUT THEIR RANGE.**

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

1 **“SEC. 5. ENSURING CONSISTENT FISHERIES MANAGEMENT**  
2 **UNDER CERTAIN OTHER FEDERAL LAWS.**

3 “(a) NATIONAL MARINE SANCTUARIES ACT AND AN-  
4 TIQUITIES ACT OF.—In any case of a conflict between this  
5 Act and the National Marine Sanctuaries Act (16 U.S.C.  
6 1431 et seq.) or the Antiquities Act of 1906 (16 U.S.C.  
7 431 et seq.), this Act shall control.

8 “(b) FISHERIES RESTRICTIONS UNDER ENDAN-  
9 GERED SPECIES ACT OF.—To ensure transparency and  
10 consistent management of fisheries throughout their  
11 range, any restriction on the management of fish in the  
12 exclusive economic zone that is necessary to implement a  
13 recovery plan under the Endangered Species Act of 1973  
14 (16 U.S.C. 1531 et seq.) shall be implemented—

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

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

18 (b) CLERICAL AMENDMENT.—The table of contents  
19 in the first section is amended by inserting after the item  
20 relating to section 3 the following:

“Sec. 4. Authorization of appropriations.

“Sec. 5. Ensuring consistent fisheries management under certain other Federal laws.”

1           **TITLE IV— STRENGTHENING**  
2           **FISHING COMMUNITIES**

3   **SEC. 401. ESTIMATION OF COST OF RECOVERY FROM FISH-**  
4                   **ERY RESOURCE DISASTER.**

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

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

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

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

13               “(B) The Secretary shall publish the estimated  
14               cost of recovery from a fishery resource disaster no  
15               later than 30 days after the Secretary makes the de-  
16               termination under subparagraph (A) with respect to  
17               such disaster.”.

18   **SEC. 402. DEADLINE FOR ACTION ON REQUEST BY GOV-**  
19                   **ERNOR FOR DETERMINATION REGARDING**  
20                   **FISHERY RESOURCE DISASTER.**

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

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

6   **SEC. 403. NORTH PACIFIC FISHERY MANAGEMENT CLARI-**  
7                           **FICATION.**

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

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

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

13   **SEC. 404. LIMITATION ON HARVEST IN NORTH PACIFIC DI-**  
14                           **RECTED POLLOCK FISHERY.**

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

18           “(1) HARVESTING.—

19                   “(A) LIMITATION.—No particular indi-  
20           vidual, corporation, or other entity may harvest,  
21           through a fishery cooperative or otherwise, a  
22           percentage of the pollock available to be har-  
23           vested in the directed pollock fishery that ex-  
24           ceeds the percentage established for purposes of  
25           this paragraph by the North Pacific Council.



1       trator receives receipt of written notice that the allo-  
2       cation holder named in section 803 of the Consoli-  
3       dated Appropriations Act, 2004 (Public Law 108-  
4       199, 16 U.S.C. 1851 note), will not harvest some or  
5       all of the Aleutian Islands directed pollock, the Re-  
6       gional Administrator, as soon as practicable, shall—

7               (A) if the allocation as designated in sec-  
8               tion 803 of the Consolidated Appropriations  
9               Act, 2004 does not exceed the total allowable  
10              catch for the Bering Sea subarea, reallocate the  
11              projected unused Aleutian Islands directed pol-  
12              lock to the Bering Sea subarea for harvest by  
13              the allocation holder named in section 803 of  
14              the Consolidated Appropriations Act, 2004; or

15              (B) if the allocation exceeds the total al-  
16              lowable catch for the Bering Sea subarea, re-  
17              allocate a portion of the allocation, up to the  
18              total allowable catch for the Bering Sea Sub-  
19              area.

20              (2) The allocation shall be provided to the Aleut  
21              Corporation for the purposes of economic develop-  
22              ment in Adak, Alaska, pursuant to the requirement  
23              of the Magnuson-Stevens Fishery Conservation and  
24              Management Act (16 U.S.C. 1801 et seq.).



1 (b) IMPLEMENTATION.—For the purposes of this sec-  
2 tion:

3 (1) the allocation holder described in subsection  
4 (a) shall retain control of the allocation referenced  
5 in such subsection, including such portions of the al-  
6 location that may be reallocated pursuant to this  
7 section; and

8 (2) the allocations in section 206(b) of the  
9 American Fisheries Act (16 U.S.C. 1851 note) apply  
10 to the Bering Sea portion of the directed pollock  
11 fishery and not to the allocation holder under section  
12 803 of the Consolidated Appropriations Act, 2004.

13 (c) CONSENT REQUIREMENT.—The Aleut Corpora-  
14 tion will provide written consent for other vessels to take  
15 or process the allocation, a physical copy of which must  
16 be present on the vessel.

17 (d) REVISION OF REGULATIONS AND MANAGEMENT  
18 PLANS.—

19 (1) IN GENERAL.—The Council, in consultation  
20 with the National Marine Fisheries Service, shall  
21 modify all applicable regulations and management  
22 plans so that the allocation holder named in section  
23 803 of the Consolidated Appropriations Act, 2004,  
24 may harvest the reallocated Aleutian Islands di-

1       rected pollock fishery in the Bering Sea subarea as  
2       soon as practicable.

3           (2) MANAGEMENT OF ALLOCATION.—The Na-  
4       tional Marine Fisheries Service, in consultation with  
5       the Council, shall manage the Aleutian Islands di-  
6       rected pollock fishery to ensure compliance with the  
7       implementing statute and with the annual harvest  
8       specifications.

9           (3) ENFORCEMENT.—Taking or processing any  
10       part of the allocation made by section 803 of the  
11       Consolidated Appropriations Act, 2004, and reallo-  
12       cated under this section without the consents re-  
13       quired under this section shall be considered in vio-  
14       lation of section 307 of the Magnuson-Stevens Fish-  
15       ery Conservation and Management Act (16 U.S.C.  
16       1857) and subject to the penalties and sanctions  
17       under section 308 of such Act (16 U.S.C. 1858),  
18       and any fish harvested or processed under such tak-  
19       ing or possessing shall be subject to forfeiture.

