

[STAFF WORKING DRAFT]

APRIL 3, 2014

113TH CONGRESS
2D SESSION

S. _____

To amend the Magnuson-Stevens Fishery Conservation and Management Act to promote sustainable conservation and management for the Nation's fisheries and the communities that rely on them, and for other purposes.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to promote sustainable conservation and management for the Nation's fisheries and the communities that rely on them, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Magnuson-Stevens Fishery Conservation and Manage-
6 ment Reauthorization Act of 2014”.

1 (b) TABLE OF CONTENTS.—The table of contents of
2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References to the Magnuson-Stevens Fishery Conservation and Management Act.
- Sec. 3. Changes in findings, purposes, and policy.
- Sec. 4. Definitions.
- Sec. 5. Authorization of appropriations.

TITLE I—CONSERVATION AND MANAGEMENT

- Sec. 101. Regional fishery management councils.
- Sec. 102. Contents of fishery management plans.
- Sec. 103. Fishery ecosystem planning authority.
- Sec. 104. Action by the Secretary.
- Sec. 105. Other requirements and authority.
- Sec. 106. Prohibited acts.
- Sec. 107. Penalties.
- Sec. 108. Enforcement.
- Sec. 109. Transition to sustainable fisheries; authorization of appropriations.
- Sec. 110. North Pacific fisheries conservation.
- Sec. 111. Summer flounder management.
- Sec. 112. Study of allocations in mixed-use fisheries.

TITLE II—FISHERY INFORMATION, RESEARCH, AND DEVELOPMENT

- Sec. 201. Electronic monitoring.
- Sec. 202. Cost reduction report.
- Sec. 203. Capital construction.
- Sec. 204. Fisheries research.
- Sec. 205. Improving science.
- Sec. 206. South Atlantic red snapper cooperative research program.
- Sec. 207. Focusing assets for improved fisheries outcomes.

TITLE III—REAUTHORIZATION OF OTHER FISHERY STATUTES

- Sec. 301. Anadromous Fish Conservation Act.
- Sec. 302. Interjurisdictional Fisheries Act of 1986.
- Sec. 303. Atlantic Coastal Fisheries Cooperative Management Act.
- Sec. 304. Atlantic Striped Bass Conservation Act.
- Sec. 305. Yukon River Salmon Act of 2000.
- Sec. 306. State authority for Dungeness crab fishery management.

TITLE IV—INTERNATIONAL

- Sec. 401. Secretarial representative for international fisheries.
- Sec. 402. Amendment to Pacific Salmon Treaty Act of 1985.
- Sec. 403. Reauthorization of Atlantic Tunas Convention Act of 1975.
- Sec. 404. Reauthorization of South Pacific Tuna Act of 1988.
- Sec. 405. High Seas Driftnet Fishing Moratorium Protection Act.
- Sec. 406. Reauthorization of Northwest Atlantic Fisheries Convention Act of 1995.

TITLE V—MISCELLANEOUS

Sec. 501. Technical amendments.

1 **SEC. 2. REFERENCES TO THE MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT.**

2
3 Except as otherwise expressly provided, wherever in
4 this Act an amendment or repeal is expressed in terms
5 of an amendment to, or repeal of, a section or other provi-
6 sion, the reference shall be considered to be made to a
7 section or other provision of the Magnuson-Stevens Fish-
8 ery Conservation and Management Act (16 U.S.C. 1801
9 et seq.).

10 **SEC. 3. CHANGES IN FINDINGS, PURPOSES, AND POLICY.**

11 (a) FINDINGS.—Section 2(a) (16 U.S.C. 1801(a)) is
12 amended—

13 (1) in paragraph (2), by striking “direct and in-
14 direct habitat losses which have resulted in a dimin-
15 ished capacity to support existing fishing levels” and
16 inserting “natural and human-caused effects on eco-
17 systems, including direct and indirect habitat losses,
18 bycatch mortality, and trophic impacts that have
19 changed the physical, chemical, and ecological proc-
20 esses that support marine ecosystems and resulted
21 in a diminished capacity to support existing fishing
22 levels”;

23 (2) in paragraph (3) by striking “at an ever-in-
24 creasing rate over the past decade”;

1 (3) in paragraph (6), by inserting “and marine
2 ecosystems” after “essential fish habitats”;

3 (4) in paragraph (11), by striking “have dem-
4 onstrated” and inserting “are demonstrating”;

5 (5) by redesignating paragraph (12) as para-
6 graph (17);

7 (6) by inserting before paragraph (17), as re-
8 designated, the following:

9 “(16) Bycatch of living marine resources in
10 United States marine fisheries can have profound
11 population, ecosystem, and socioeconomic effects on
12 United States fishery resources and the communities
13 that depend on those fishery resources.”;

14 (7) by redesignating paragraphs (8) through
15 (11) as paragraphs (12) through (15), respectively;

16 (8) by inserting before paragraph (12), as re-
17 designated, the following:

18 “(11) Forage species are a fundamental compo-
19 nent of marine ecosystems, highly vulnerable to nat-
20 ural population fluctuations and fishing pressure,
21 and are subject to increasing fishing pressure. In
22 most regions of the country there are few, if any,
23 constraints on the rapid development of new fish-
24 eries for forage fish, and the management ap-
25 proaches for the currently developed fisheries for

1 forage fish often put the ecological role of these
2 critically important species at risk.”;

3 (9) by redesignating paragraph (7) as para-
4 graph (10);

5 (10) by inserting before paragraph (10), as re-
6 designated, the following:

7 “(8) By establishing mechanisms, under au-
8 thority of this Act, for specifying science-based an-
9 nual catch limits in fishery management plans at
10 levels such that overfishing does not occur in fish-
11 eries, including measures to ensure accountability,
12 the Nation’s fishery resources are now being man-
13 aged sustainably to prevent overfishing and respond
14 quickly if overfishing occurs.

15 “(9) It is of critical importance to the health of
16 the Nation’s fishery resources and the coastal com-
17 munities that depend on them that the United
18 States maintain its progress in preventing over-
19 fishing and rebuilding overfished stocks.”;

20 (11) by redesignating paragraphs (4) through
21 (6) as paragraphs (5) through (7), respectively; and

22 (12) by inserting after paragraph (3) the fol-
23 lowing:

24 “(4) Subsistence fishing is an integral part of
25 life in many communities throughout the United

1 States, and the Nation’s marine and anadromous
2 fish are important sources of nutrition, subsistence,
3 and the cultural heritage of those communities.”.

4 (b) PURPOSES.—Section 2(b) (16 U.S.C. 1801(b)) is
5 amended—

6 (1) in paragraph (1), by inserting “, and fish-
7 ery resources in the special areas” before the semi-
8 colon;

9 (2) in paragraph (3), by striking “and rec-
10 reational” and inserting “, recreational, and subsist-
11 ence”;

12 (3) in paragraph (5), by striking “the State”
13 and inserting “the States, tribal governments,”;

14 (4) in paragraph (7), by striking “the review of
15 projects” and inserting “projects and activities”;

16 (5) by redesignating paragraphs (5) through
17 (7) as paragraphs (6) through (8), respectively; and

18 (6) by inserting after paragraph (4) the fol-
19 lowing:

20 “(5) to provide for the adoption of ecosystem-
21 based fishery management goals and policies that
22 promote ecosystem health, stability, and sustain-
23 ability, and the conservation and management of
24 fishery resources;”.

1 (c) POLICY.—Section 2(e)(3) (16 U.S.C. 1801(e)(3))
2 is amended—

3 (1) by inserting “, tribes,” after “affected
4 States”;

5 (2) by inserting “tribal,” after “State,”; and

6 (3) by striking “that minimize bycatch and
7 avoid unnecessary waste of fish; and is workable and
8 effective” and inserting “to avoid bycatch, minimize
9 mortality of bycatch that cannot be avoided, and
10 avoid unnecessary waste of fish; and is workable and
11 effective”.

12 **SEC. 4. DEFINITIONS.**

13 (a) IN GENERAL.—Section 3 (16 U.S.C. 1802) is
14 amended—

15 (1) by amending paragraph (2) to read as fol-
16 lows:

17 “(2) The term ‘bycatch’—

18 “(A) means fish that are harvested in a
19 fishery and discarded, including economic dis-
20 cards and regulatory discards, fish that are har-
21 vested in a fishery and retained but not landed,
22 non-target fish that are harvested in a fishery
23 and retained, or fish that are subject to mor-
24 tality due to a direct encounter with fishing
25 gear; and

1 “(B) does not include fish released alive
2 under a recreational catch and release fishery
3 management program.”;

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

6 “(8A) The terms ‘depleted’ and ‘depletion’
7 mean, with respect to a stock of fish in a fishery,
8 that the stock is of a size that jeopardizes the capac-
9 ity of the fishery to produce the maximum sustain-
10 able yield on a continuing basis.”;

11 (3) by inserting after paragraph (18) the fol-
12 lowing:

13 “(18A) The term ‘forage fish’ means any low
14 trophic level fish that contributes significantly to the
15 diets of other fish and that retains a significant role
16 in energy transfer from lower to higher trophic levels
17 throughout its life cycle.”;

18 (4) by inserting after paragraph (30) the fol-
19 lowing:

20 “(30A) The term ‘non-target fish’ means fish
21 that are caught incidentally during the pursuit of
22 target fish in a fishery, including regulatory discards
23 which may or may not be retained for sale or per-
24 sonal use.”;

1 (5) in paragraph (36), by inserting “, tribal,”
2 after “State,”;

3 (6) by inserting after paragraph (42) the fol-
4 lowing:

5 “(42A) The term ‘subsistence fishing’ means
6 fishing in which the fish harvested are intended for
7 customary and traditional uses, including for direct
8 personal or family consumption as food or clothing;
9 for the making or selling of handicraft articles out
10 of nonedible byproducts taken for personal or family
11 consumption, for barter, or sharing for personal or
12 family consumption; and for customary trade. In
13 this paragraph, the term—

14 “(A) ‘family’ means all persons related by
15 blood, marriage, or adoption, or any person liv-
16 ing within the household on a permanent basis;
17 and

18 “(B) ‘barter’ means the exchange of a fish
19 or fish part—

20 “(i) for another fish or fish part; or

21 “(ii) for other food or for nonedible
22 items other than money if the exchange is
23 of a limited and noncommercial nature.

1 “(42B) The term ‘target fish’ means fish that
2 are caught for sale or personal use, including eco-
3 nomic discards.”; and

4 (7) by inserting after paragraph (43) the fol-
5 lowing:

6 “(43A) The terms ‘tribal’ and ‘tribe’ mean an
7 Indian tribe as defined in section 102 of the Feder-
8 ally Recognized Indian Tribe List Act of 1994 (25
9 U.S.C. 479a).”.

10 (b) REDESIGNATION.—Paragraphs (1) through (50)
11 of section 3, as amended by subsection (a) of this section,
12 are redesignated as paragraphs (1) through (56), respec-
13 tively.

14 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

15 (1) Section 7306b(b) of title 10, United States
16 Code, is amended by striking “defined in section
17 3(14)” and inserting “defined in section 3”.

18 (2) Section 3 of the Whale Conservation and
19 Protection Study Act (16 U.S.C. 917a) is amended
20 by striking “including the fishery conservation zone
21 as defined in section 3(8)” and inserting “including
22 the exclusive economic zone as defined in section 3”.

23 (3) Section 114(o) of the Marine Mammal Pro-
24 tection Act of 1972 (16 U.S.C. 1383a(o)) is amend-
25 ed—

1 (A) in paragraph (1), by striking “section
2 3(8)” and inserting “section 3”; and

3 (B) in paragraph (4), by striking “section
4 3(27)” and inserting “section 3”.

5 (4) Section 304(g)(2) (16 U.S.C. 1854(g)(2)) is
6 amended by striking “Notwithstanding section 3(2)”
7 and inserting “Notwithstanding the definition of by-
8 catch under section 3”.

9 (5) Section 8(b)(2) of the Lacey Act Amend-
10 ments of 1981 (16 U.S.C. 3377(b)(2)) is amended—

11 (A) by striking “as defined in paragraph
12 (14) of section 3” and inserting “as defined in
13 section 3”; and

14 (B) by striking “as defined in paragraph
15 (13) of such section 3” and inserting “as de-
16 fined in such section 3”.

17 (6) Section 302 of the Atlantic Salmon Conven-
18 tion Act of 1982 (16 U.S.C. 3601) is amended—

19 (A) in paragraph (6), by striking “in sec-
20 tion 3(10)” and inserting “in section 3” and

21 (B) in paragraph (8), by striking “in sec-
22 tion 3(19)” and inserting “in section 3”.

23 (7) Section 3(6) of the Atlantic Striped Bass
24 Conservation Act (16 U.S.C. 5152(6)) is amended

1 by striking “in section 3(6)” and inserting “in sec-
2 tion 3”.

3 (8) Section 104(f)(4)(B) of the Compact of
4 Free Association Act of 1985 (48 U.S.C.
5 1904(f)(4)(B)) is amended by striking “have the
6 same meanings as provided in paragraphs (10) and
7 (14), respectively, of section 3” and inserting “have
8 the same meanings as provided in section 3”.

9 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 4 (16 U.S.C. 1803) is amended to read as
11 follows:

12 **“SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

13 “There are authorized to be appropriated to the Sec-
14 retary to carry out the provisions of this Act—

15 “(1) **【\$XXX,XXX,XXX】** for fiscal year 2015;

16 “(2) **【\$XXX,XXX,XXX】** for fiscal year 2016;

17 “(3) **【\$XXX,XXX,XXX】** for fiscal year 2017;

18 “(4) **【\$XXX,XXX,XXX】** for fiscal year 2018;

19 “(5) **【\$XXX,XXX,XXX】** for fiscal year 2019;

20 “(6) **【\$XXX,XXX,XXX】** for fiscal year 2020;

21 and

22 “(7) **【\$XXX,XXX,XXX】** for fiscal year

23 2021.”.

1 (4) by striking “13” and inserting “14”.

2 (c) COMMITTEES AND ADVISORY PANELS.—Section
3 302(g)(1)(B) (16 U.S.C. 1852(g)(1)(B)) is amended to
4 read as follows:

5 “(B) Each scientific and statistical com-
6 mittee shall—

7 “(i) provide its Council ongoing sci-
8 entific advice for fishery management deci-
9 sions, including recommendations for ac-
10 ceptable biological catch, preventing over-
11 fishing, maximum sustainable yield, achiev-
12 ing rebuilding targets, goals and objectives
13 of fishery ecosystem plans developed under
14 the discretionary authority provided under
15 section 303B, and reports on stock status
16 and health, bycatch, habitat status, social
17 and economic impacts of management
18 measures, and sustainability of fishing
19 practices;

20 “(ii) develop a control rule to derive
21 annual recommendations for acceptable bi-
22 ological catch for a forage fishery which
23 account for the importance of forage spe-
24 cies to managed fish throughout their
25 range and provide a minimum reference

1 point to determine when a forage fishery
2 should close; and

3 “(iii) carry out the requirements of
4 this subparagraph in a transparent man-
5 ner, allowing for public involvement in the
6 process.”.

7 (d) FUNCTIONS.—Section 302(h) (16 U.S.C.
8 1852(h)) is amended—

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

11 (2) by redesignating paragraph (8) as para-
12 graph (10);

13 (3) by redesignating paragraphs (2) through
14 (7) as paragraphs (3) through (8), respectively;

15 (4) by inserting after paragraph (1) the fol-
16 lowing:

17 “(2) review any allocation of fishing privileges
18 among sectors of a mixed-use fishery under a fishery
19 management plan prepared by that Council not less
20 often than once every 5 years, except a Council may
21 delay action for not more than 3 additional 1-year
22 periods;”; and

23 (5) by inserting after paragraph (8), as redesign-
24 nated, the following:

1 “(9) have the authority to use alternative fish-
2 ery management measures in a recreational fishery
3 (or the recreational component of a mixed-use fish-
4 ery), including extraction rates, fishing mortality,
5 and harvest control rules, to the extent they are in
6 accordance with the requirements of this section;
7 and”.

8 (e) **WEBCASTS OF COUNCIL MEETINGS.**—Section
9 302(i)(2) (16 U.S.C. 1852(i)(2)) is amended by adding
10 at the end the following:

11 “(G) Unless closed in accordance with
12 paragraph (3), each Council shall, where prac-
13 ticable, make available on the Internet website
14 of the Council a video or audio webcast of each
15 meeting of the Council and each meeting of the
16 science and statistical committee of the Council
17 not later than 30 days after the date of the
18 conclusion of such meeting.”.

19 (f) **REGIONAL FISHERY MANAGEMENT COUNCILS;**
20 **PROCEDURAL MATTERS.**—Section 302(i) (16 U.S.C.
21 1852(i)) is amended—

22 (1) in paragraph (4), by striking “or State au-
23 thorities” and inserting “, State, or tribal authori-
24 ties”; and

1 (2) in paragraph (6), by striking “Federal
2 agency or from a” and inserting “Federal agency,
3 tribal government, or”.

4 (g) COUNCIL TRAINING PROGRAM; TRAINING
5 COURSE.—Section 302(k)(1) (16 U.S.C. 1852(k)(1)) is
6 amended—

7 (1) by striking “Within 6 months after the date
8 of enactment of the Magnuson-Stevens Fishery Con-
9 servation and Management Reauthorization Act of
10 2006 [enacted Jan. 12, 2007], the” and inserting
11 “The”;

12 (2) in subparagraph (H), by striking “; and”
13 and inserting a semicolon;

14 (3) in subparagraph (I), by striking the period
15 at the end and inserting “; and”; and

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

17 “(J) ecosystem-based fishery manage-
18 ment.”.

19 **SEC. 102. CONTENTS OF FISHERY MANAGEMENT PLANS.**

20 (a) REQUIRED PROVISIONS.—Section 303 (16 U.S.C.
21 1853) is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (5), by inserting “, and
24 subsistence” after “charter”;

1 (B) in paragraph (13), by striking “and
2 charter” each place it appears and inserting
3 “charter, and subsistence”;

4 (C) in paragraph (14), by striking “and
5 charter fishing sectors in the fishery and;” and
6 inserting “charter, and subsistence fishing sec-
7 tors in the fishery;”;

8 (D) by redesignating paragraphs (14) and
9 (15) as paragraphs (16) and (17), respectively;

10 (E) by inserting after paragraph (13) the
11 following:

12 “(14) in the case of a fishery for a forage
13 fish—

14 “(A) when determining annual catch limits
15 under this Act, assess, specify, and adjust those
16 limits by the feeding requirements of dependent
17 fish throughout the range of the dependent fish;
18 and

19 “(B) include a control rule developed and
20 applied by the scientific and statistical com-
21 mittee of the relevant Council to derive annual
22 recommendations—

23 “(i) for acceptable biological catch for
24 a fishery for forage fish and a minimum

1 reference point to determine when a fish-
2 ery for forage fish should close; and

3 “(ii) that account for the importance
4 of forage fish to managed fish species
5 throughout the range of the managed fish
6 species;

7 “(15) assess the fishery dependent data needs
8 of the fishery and, if necessary to meet those needs,
9 establish an integrated data collection program
10 under subsection (e) to gather and analyze data re-
11 quired for fisheries management; and”;

12 (F) in paragraph (17), as redesignated, by
13 striking “establish a mechanism” and inserting
14 “subject to subsection (d), establish a mecha-
15 nism”; and

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

17 “(d) LIMITATIONS.—

18 “(1) IN GENERAL.—The requirements under
19 subsection (a)(17) shall not—

20 “(A) apply to a species in a fishery that
21 has a mean life cycle of 18 months or less, or
22 to a species in a fishery with respect to which
23 all spawning and recruitment occurs beyond
24 State waters and the exclusive economic zone,

1 unless the Secretary has determined the fishery
2 is subject to overfishing of that species;

3 “(B) limit or otherwise affect the require-
4 ments of section 301(a)(1) or 304(e) of this
5 Act; and

6 “(C) be construed as requiring that a fish-
7 ery management plan specify a separate annual
8 catch limit and accountability measures for
9 each individual species of non-target fish in the
10 fishery.

11 “(2) CONSTRUCTION.—Nothing in this sub-
12 section shall be construed to affect any effective date
13 regarding the requirements under subsection (a)(17)
14 otherwise provided for under an international agree-
15 ment in which the United States participates.

16 “(e) INTEGRATED DATA COLLECTION.—

17 “(1) IN GENERAL.—Any integrated data collec-
18 tion required by subsection (a)(15) shall—

19 “(A) have scientific data collection as its
20 principal purpose;

21 “(B) specifically consider the requirements
22 of section 301(a)(8);

23 “(C) with respect to any data to be col-
24 lected from a fishing vessel while that vessel is

1 at-sea, give first consideration and priority to
2 the utilization of electronic monitoring;

3 “(D) subject to paragraph (3), provide for
4 a system of fees on a fishery specific basis to
5 be collected from participants in the fishery, in-
6 cluding those persons whose participation is as
7 direct harvesters or bycatch harvesters;

8 “(E) be developed in consultation with
9 stakeholders, including fishery participants,
10 equipment providers in the case of electronic
11 monitoring systems, and contractors in the case
12 of human observers; and

13 “(F) include—

14 “(i) initial performance standards for
15 the fishery;

16 “(ii) field support systems;

17 “(iii) data review procedures; and

18 “(iv) implementation strategies.

19 “(2) IMPORTANCE OF FISHERY RESOURCES TO
20 FISHING COMMUNITIES.—When specifically consid-
21 ering the requirements of section 301(a)(8), the in-
22 tegrated data collection required by subsection
23 (a)(15) may provide, as appropriate, for electronic
24 monitoring, human observers, and dockside moni-
25 toring.

1 “(3) SYSTEM OF FEES.—The system of fees
2 under paragraph (1)(D) shall be consistent with the
3 applicable sections of this title.”.

4 (b) FISHERY MANAGEMENT PLAN AMENDMENTS.—
5 Not later than 1 year after the date of enactment of this
6 Act, each Regional Fishery Management Council shall
7 amend each fishery management plan under its jurisdic-
8 tion to comply with subsections (a)(15) and (e) of section
9 303 of the Magnuson-Stevens Fishery Conservation and
10 Management Act (16 U.S.C. 1853), as amended by section
11 102(a) of this Act.

12 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

13 (1) Section 104 of the Magnuson-Stevens Fish-
14 ery Conservation and Management Reauthorization
15 Act of 2006 (120 Stat. 3584; 16 U.S.C. 1853 note)
16 is amended—

17 (A) by striking subsection (b); and

18 (B) by redesignating subsection (c) as sub-
19 section (b).

20 (2) Section 313(g)(2) (16 U.S.C. 1862(g)(2)) is
21 amended by striking “Notwithstanding section
22 303(d)” and inserting “Notwithstanding section
23 303A”.

24 (3) Section 407(b) (16 U.S.C. 1883(b)) is
25 amended by inserting “as in effect on the day before

1 the date of enactment of Magnuson-Stevens Fishery
2 Conservation and Management Reauthorization Act
3 of 2006 (120 Stat. 3575),” after “In addition to the
4 restrictions under section 303(d)(1)(A)”.

5 (4) Section 53706(a)(7) of title 46, United
6 States Code, is amended by striking “section
7 303(d)(4)” and inserting “section 303A”.

8 **SEC. 103. FISHERY ECOSYSTEM PLANNING AUTHORITY.**

9 (a) IN GENERAL.—Title III (16 U.S.C. 1851 et seq.)
10 is amended by inserting after section 303A the following:

11 **“SEC. 303B. FISHERY ECOSYSTEM PLANNING AUTHORITY.**

12 **“(a) DISCRETIONARY PLANNING AUTHORITY.—**

13 **“(1) COUNCIL AUTHORITY.—**For a fishery or
14 fisheries for which a fishery management plan has
15 been prepared by a Regional Fishery Management
16 Council and approved by the Secretary, the Council
17 may, at the Council’s discretion and in accordance
18 with the provisions of this Act, prepare and submit
19 to the Secretary a fishery ecosystem plan and
20 amendments to such plan as are necessary from
21 time to time or required under subsection (c).

22 **“(2) SECRETARIAL AUTHORITY.—**For a fishery
23 or fisheries for which a fishery management plan
24 has been prepared and approved by the Secretary,
25 the Secretary may, at the Secretary’s discretion and

1 in accordance with the provisions of this Act, pre-
2 pare a fishery ecosystem plan and amendments to
3 such plan as are necessary from time to time or re-
4 quired under subsection (c).

5 “(b) REQUIRED PROVISIONS.—A fishery ecosystem
6 plan that is prepared at the discretion of a Council or the
7 Secretary on or after the date of enactment of the Magnu-
8 son-Stevens Fishery Conservation and Management Reau-
9 thorization Act of 2014 shall—

10 “(1) contain a description of the fishery eco-
11 system and fishery ecosystem context, including—

12 “(A) the geographical extent of the fishery
13 ecosystem;

14 “(B) the biological, physical, chemical, and
15 socioeconomic aspects of the fishery ecosystem;

16 “(C) the goods and services provided by
17 the fishery ecosystem;

18 “(D) the structure and function of the
19 food web, including key predator-prey relation-
20 ships and the habitat needs of different life his-
21 tory stages of key species that make up the
22 food web;

23 “(E) the indicators of fishery ecosystem
24 health; and

1 “(F) the impacts of activities on the fish-
2 ery ecosystem and on indicators of fishery eco-
3 system health, including direct, indirect, and
4 cumulative impacts of activities under the
5 Council’s jurisdiction and outside the Council’s
6 jurisdiction;

7 “(2) specify fishery ecosystem-level goals and
8 objectives for management, including—

9 “(A) identifying and preventing fishing
10 rates or exploitation patterns that jeopardize
11 the maintenance or recovery of the fishery eco-
12 system or biological community structure, func-
13 tion, stability, or resilience;

14 “(B) protecting and restoring species di-
15 versity;

16 “(C) protecting and restoring habitat di-
17 versity and integrity;

18 “(D) protecting and restoring food web
19 structure and function; and

20 “(E) optimizing economic output;

21 “(3) assess the level of uncertainty in fishery
22 ecosystem structure, function, data, and reasonably
23 foreseeable responses to management action;

24 “(4) specify how the uncertainty under para-
25 graph (3) is accounted for in conservation and man-

1 agement measures that achieve the goals and objec-
2 tives under paragraph (2);

3 “ (5) contain conservation and management
4 measures—

5 “ (A) that achieve the goals and objectives
6 under paragraph (2);

7 “ (B) that will be implemented through rel-
8 evant fishery management plans; and

9 “ (C) that will not limit or otherwise affect
10 the conservation requirements of the national
11 standards or other provisions of this Act; and

12 “ (6) contain a monitoring and evaluation
13 plan—

14 “ (A) to describe available data sources and
15 specify information gaps for assessing the per-
16 formance of management in achieving fishery
17 ecosystem-level goals and objectives specified
18 under paragraph (2);

19 “ (B) to develop measurable standards and
20 performance measures based on indicators of
21 fishery ecosystem health identified under para-
22 graph (1)(E); and

23 “ (C) to measure the achievement of fishery
24 ecosystem-level goals and objectives specified
25 under paragraph (2).

1 “(c) ASSESSMENT AND UPDATING OF PLANS.—

2 “(1) IN GENERAL.—Each fishery ecosystem
3 plan prepared by a Council or the Secretary shall be
4 assessed and updated as necessary to better achieve
5 ecosystem-level goals and objectives.

6 “(2) ASSESSMENT CRITERIA.—A plan assess-
7 ment or update under paragraph (1) shall—

8 “(A) identify research priorities—

9 “(i) to improve monitoring of fishery
10 ecosystem health and understanding of
11 fishery ecosystem processes; and

12 “(ii) to fill data gaps;

13 “(B) analyze progress in meeting fishery
14 ecosystem-level goals and objectives included in
15 the fishery ecosystem plan; and

16 “(C) specify additional actions that shall
17 be taken when practicable to better meet fishery
18 ecosystem-level goals and objectives.

19 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed as requiring a Council or the Sec-
21 retary to exercise the discretionary planning authority pro-
22 vided by this section.”.

23 (b) CONFORMING AMENDMENT.—The table of con-
24 tents in the Act is amended by inserting after the item
25 relating to section 303A the following:

“303B. Fishery ecosystem planning authority.”.

1 **SEC. 104. ACTION BY THE SECRETARY.**

2 (a) UPDATED AGENCY PROCEDURES.—Not later
3 than 90 days after the date of enactment of this Act, the
4 Secretary of Commerce shall issue a notice of proposed
5 rulemaking to revise and update agency procedures under
6 the mandate of section 304(i) of the Magnuson-Stevens
7 Fishery Conservation and Management Act (16 U.S.C.
8 1854(i)), as added by section 107 of the Magnuson-Ste-
9 vens Fishery Conservation and Management Reauthoriza-
10 tion Act of 2006 (120 Stat. 3594).

11 (b) REVIEW OF PLANS.—Section 304 (16 U.S.C.
12 1854) is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1), by inserting “, fish-
15 ery ecosystem plan,” after “fishery manage-
16 ment plan”; and

17 (B) in paragraph (5), by inserting “fishery
18 ecosystem plan,” after “fishery management
19 plan,”;

20 (2) in subsection (b), by inserting “fishery eco-
21 system plan,” after “fishery management plan,”
22 each place it appears; and

23 (3) in subsection (c)—

24 (A) in paragraph (1), by inserting “or fish-
25 ery ecosystem plan” after “fishery management
26 plan” each place it appears;

1 (B) in paragraph (3), by inserting “or fish-
2 ery ecosystem plan” after “fishery management
3 plan”;

4 (C) in paragraph (4), by inserting “, fish-
5 ery ecosystem plan,” after “fishery manage-
6 ment plan”; and

7 (D) in paragraph (7), by inserting “with
8 the fishery ecosystem plan,” after “fishery man-
9 agement plan,”.

10 (c) ESTABLISHMENT OF FEES.—Section 304(d) (16
11 U.S.C. 1854(d)) is amended—

12 (1) in paragraph (2)(A)(i), by striking “; and”
13 and inserting a semicolon;

14 (2) in paragraph (2)(A)(ii), by striking the pe-
15 riod at the end and inserting “; and”;

16 (3) in paragraph (2)(A), by adding at the end
17 the following:

18 “(iii) management program that allo-
19 cates a percentage of the total allowable
20 catch to individuals who have formed a
21 sector.”; and

22 (4) by adding at the end the following:

23 “(3) The Secretary shall not collect any fee
24 under this section or section 313(a) before preparing
25 an analysis that identifies the costs that will be re-

1 covered by the fee and the costs that will not be re-
2 covered by the fee. The analysis shall be included in
3 the applicable fisheries management plan.”;

4 (d) REBUILDING OVERFISHED AND DEPLETED
5 FISHERIES.—Section 304(e) (16 U.S.C. 1854(e)) is
6 amended—

7 (1) by amending the heading to read as follows:

8 “(e) REBUILDING OVERFISHED AND OTHERWISE
9 DEPLETED FISHERIES.—”;

10 (2) by amending paragraph (1) to read as fol-
11 lows:

12 “(1) The Secretary shall report annually to the
13 Congress and the Councils on the status of fisheries
14 within each Council’s geographical area of authority
15 and identify those fisheries that are overfished, oth-
16 erwise depleted or are approaching a condition of
17 being overfished or otherwise depleted. For those
18 fisheries managed under a fishery management plan
19 or international agreement, the status shall be deter-
20 mined using the criteria for overfishing (or deple-
21 tion, where applicable) specified in the plan or agree-
22 ment. A fishery shall be classified as approaching a
23 condition of being overfished or otherwise depleted
24 if, based on trends in fishing effort, fishery resource
25 size, and other appropriate factors, the Secretary es-

1 estimates that the fishery will become overfished or
2 otherwise depleted within 2 years.”;

3 (3) in paragraph (2), by inserting “or otherwise
4 depleted” after “overfished”;

5 (4) in paragraph (3)(B), by inserting “or other-
6 wise depleted” after “overfished”;

7 (5) in paragraph (4)—

8 (A) in the matter preceding subparagraph
9 (A), by inserting “or otherwise depleted” after
10 “overfished”;

11 (B) in subparagraph (A)(i), by inserting
12 “or otherwise depleted” after “overfished” each
13 place it appears; and

14 (C) by amending subparagraph (A)(ii) to
15 read as follows:

16 “(ii) except in cases where the biology
17 of the stock of fish, other environmental
18 conditions, or management measures under
19 an international agreement in which the
20 United States participates dictate other-
21 wise, not exceed—

22 “(I) the sum of the minimum
23 time required to rebuild an affected
24 stock of fish and the mean generation
25 time of the affected stock of fish, if

1 those time values are scientifically es-
2 tablished and widely accepted among
3 fish population biologists; or

4 “(II) 10 years, if either of the
5 time values specified in subclause (I)
6 is not scientifically established and
7 widely accepted among fish population
8 biologists;”; and

9 (6) in paragraph (5), by striking “that a fishery
10 is overfished” and inserting “that a fishery is over-
11 fished or otherwise depleted”.

12 (e) INTERNATIONAL OVERFISHING.—Section 304 (16
13 U.S.C. 1854) is amended—

14 (1) by striking “(i) INTERNATIONAL OVER-
15 FISHING.—” and inserting “(j) INTERNATIONAL
16 OVERFISHING.—”; and

17 (2) in subsection (j)(1), as redesignated by
18 paragraph (1) of this subsection, by inserting
19 “shall” after “State,”.

20 (f) ANNUAL REPORT ON SPECIAL FUNDS.—Section
21 304 (16 U.S.C. 1854), as amended by subsection (e) of
22 this section, is further amended by inserting at the end
23 the following:

24 “(k) ANNUAL REPORT ON SPECIAL FUNDS.—

1 “(1) ANNUAL REPORT.—Not later than 30 days
2 after the last day of each fiscal year, the Secretary
3 shall submit to the Committee on Commerce,
4 Science, and Transportation of the Senate and the
5 Committee on Natural Resources of the House of
6 Representatives a report for that fiscal year on—

7 “(A) the Western Pacific Sustainable Fish-
8 eries Fund established under section 204(e)(7);

9 “(B) the Limited Access System Adminis-
10 tration Fund established under section
11 305(h)(5)(B);

12 “(C) the North Pacific Fishery Observer
13 Fund established under section 313(d); and

14 “(D) the Fisheries Conservation and Man-
15 agement Fund established under section 208(a)
16 of the Magnuson-Stevens Fishery Conservation
17 and Management Reauthorization Act of 2006
18 (16 U.S.C. 1891b(a)).

19 “(2) REQUIRED INFORMATION.—The annual re-
20 port required under paragraph (1) shall include a
21 detailed accounting of—

22 “(A) all moneys in each fund at the start
23 of the fiscal year;

24 “(B) all moneys deposited in each fund
25 during the fiscal year;

1 “(C) all moneys paid out of each fund dur-
2 ing the fiscal year; and

3 “(D) all projects, programs, and activities
4 funded by each fund during the fiscal year.”.

5 **SEC. 105. OTHER REQUIREMENTS AND AUTHORITY.**

6 (a) FISH HABITAT.—Section 305(b) (16 U.S.C.
7 1855(b)) is amended—

8 (1) in paragraph (3), by inserting “or tribal
9 government” after “or State agency” each place it
10 appears; and

11 (2) in paragraph (4)—

12 (A) by striking “from a Council or Federal
13 or State agency” and inserting “from a Coun-
14 cil, Federal or State agency, or tribal govern-
15 ment”; and

16 (B) by inserting “or tribal government”
17 after “by any State or Federal agency”.

18 (b) JUDICIAL REVIEW.—Section 305(f)(2) (16
19 U.S.C. 1855(f)(2)) is amended by striking “including but
20 not limited to actions that establish the date of closure
21 of a fishery to commercial or recreational fishing” and in-
22 serting “including actions that establish the date of clo-
23 sure of a fishery to commercial, recreational, or subsist-
24 ence fishing”.

1 (c) CONSUMER INFORMATION REGARDING
2 SUSTAINABLY CAUGHT FISH.—Section 305(k) (16 U.S.C.
3 1855(k)) is amended to read as follows:

4 “(k) CONSUMER INFORMATION REGARDING
5 SUSTAINABLY CAUGHT FISH.—

6 “(1) IN GENERAL.—The producer, processor,
7 importer, exporter, distributor, or seller of a fish
8 product may place the words ‘Sustainably Caught’
9 on the fish product and any packaging thereof if—

10 “(A) the fish that comprises or is con-
11 tained in the fish product meets the sustain-
12 ability standard specified in paragraph (2); and

13 “(B) the information specified in para-
14 graph (3) is displayed on the packaging of, or
15 otherwise accompanies, the fish product
16 through processing, distribution, and final sale.

17 “(2) SUSTAINABILITY STANDARD.—

18 “(A) IN GENERAL.—For the purpose of
19 paragraph (1)(A), fish meets the sustainability
20 standard if—

21 “(i) the fish is harvested in accord-
22 ance with—

23 “(I) a fishery management plan
24 prepared and approved under this
25 Act; or

1 “(II) equivalent State, tribal, for-
2 eign, or international conservation and
3 management measures, as determined
4 by the Secretary;

5 “(ii) the fishery from which the fish is
6 harvested is not overfished or otherwise de-
7 pleted; and

8 “(iii) overfishing or other depletion is
9 not occurring in the fishery from which the
10 fish is harvested.

11 “(B) REBUILDING FISHERIES.—A fishery
12 that is subject to a rebuilding plan under this
13 Act, or equivalent conservation and manage-
14 ment measures as determined by the Secretary,
15 meets the criteria specified in clauses (ii) and
16 (iii) of subparagraph (A) if the Secretary deter-
17 mines that the plan is effectively rebuilding the
18 fishery.

19 “(3) REQUIRED INFORMATION.—For the pur-
20 pose of paragraph (1)(B), information is required
21 about the fish that comprises or is contained in a
22 fish product as follows:

23 “(A) The common name.

24 “(B) The scientific name.

25 “(C) The country of origin.

1 “(D) The Federal, State, tribal, foreign, or
2 other entity responsible for overseeing its con-
3 servation and management or cultivation.

4 “(E) If harvested from the wild—

5 “(i) the country of registry of the har-
6 vesting vessel;

7 “(ii) the general method of harvest;
8 and

9 “(iii) the management region.

10 “(F) If cultivated—

11 “(i) the country of cultivation; and

12 “(ii) the method of cultivation, includ-
13 ing whether it is produced through land-
14 based aquaculture, ocean aquaculture, or
15 another method.

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

17 “(A) The term ‘common name’ means the
18 common name used to refer to the fish species
19 in the fishery management plan, or equivalent
20 measures, under which it is conserved and man-
21 aged.

22 “(B) The term ‘fish product’ means a fish
23 or an item that contains fish, which has been
24 harvested, processed, manufactured, or pro-
25 duced for sale or use as food.”.

1 **SEC. 106. PROHIBITED ACTS.**

2 Section 307(1) (16 U.S.C. 1857(1)) is amended—

3 (1) in subparagraph (Q), by striking “; or” and
4 inserting a semicolon;

5 (2) by redesignating subparagraph (R) as sub-
6 paragraph (T); and

7 (3) by inserting after paragraph (Q) the fol-
8 lowing:

9 “(R) to make or submit any incomplete,
10 invalid, or false record, account, or label for, or
11 any false identification of, any fish or fish prod-
12 uct (including false identification of the species,
13 harvesting vessel or nation, or the date or loca-
14 tion where harvested) that has been or is in-
15 tended to be imported, exported, transported,
16 sold, offered for sale, purchased, or received in
17 interstate or foreign commerce, except where
18 such making or submission is prohibited under
19 subparagraph (I);

20 “(S) to place on a fish product, as defined
21 in section 305(k)(4), the words “sustainably
22 caught” or any other word, phrase, mark, or
23 symbol that claims or suggests that the fish
24 that comprises or is contained in the fish prod-
25 uct is sustainably caught if the person knows or
26 reasonably should know—

1 “(i) that the fish does not meet the
2 sustainability standard under section
3 305(k)(2); or

4 “(ii) that the required information
5 specified in section 305(k)(3) is false, mis-
6 leading, incomplete, or not displayed on
7 the packaging of, or otherwise accom-
8 panying, the fish product through proc-
9 essing, distribution, and final sale; or”.

10 **SEC. 107. PENALTIES.**

11 (a) CIVIL PENALTIES AND PERMIT SANCTIONS.—
12 Section 308 (16 U.S.C. 1858) is amended—

13 (1) in subsection (a), by striking
14 “\$100,000” and inserting “\$180,000”; and

15 (2) in subsection (f), by inserting “or investiga-
16 tion of a violation of this Act” after “under this sec-
17 tion”.

18 (b) CRIMINAL PENALTIES.—Section 309(b) (16
19 U.S.C. 1859) is amended—

20 (1) by striking “\$100,000” and inserting
21 “\$180,000”; and

22 (2) by striking “\$200,000” each place it ap-
23 pears and inserting “\$360,000”.

24 **SEC. 108. ENFORCEMENT.**

25 (a) JURISDICTION OF THE COURTS.—

1 (1) IN GENERAL.—Section 311(d) (16 U.S.C.
2 1861(d)) is amended to read as follows:

3 “(d) JURISDICTION OF THE COURTS.—

4 “(1) IN GENERAL.—The district courts of the
5 United States shall have exclusive jurisdiction over
6 any case or controversy arising under the provisions
7 of this Act. Any such court may, at any time—

8 “(A) enter restraining orders or prohibi-
9 tions;

10 “(B) issue warrants, process in rem, or
11 other process;

12 “(C) prescribe and accept satisfactory
13 bonds or other security; and

14 “(D) take such other actions as are in the
15 interest of justice.

16 “(2) HAWAII AND PACIFIC INSULAR AREAS.—In
17 the case of Hawaii or any possession of the United
18 States in the Pacific Ocean, the appropriate court is
19 the United States District Court for the District of
20 Hawaii, except that—

21 “(A) in the case of Guam and Wake Is-
22 land, the appropriate court is the United States
23 District Court for the District of Guam; and

24 “(B) in the case of the Northern Mariana
25 Islands, the appropriate court is the United

1 States District Court for the District of the
2 Northern Mariana Islands.”.

3 (2) CONSTRUCTION.—Nothing in this section,
4 or the amendments made by subsection (a), shall be
5 construed to affect any case or controversy com-
6 menced, or any case or controversy pending before
7 a district court of the United States, prior to the
8 date of enactment of this Act.

9 (b) PAYMENT OF STORAGE, CARE, AND OTHER
10 COSTS.—Section 311(e) (16 U.S.C. 1861(e)) is amend-
11 ed—

12 (1) in paragraph (1), by striking “Notwith-
13 standing any other provision of law” and inserting
14 “IN GENERAL.—”;

15 (2) by redesignating paragraph (2) as para-
16 graph (3);

17 (3) in paragraph (3), as redesignated, by strik-
18 ing “Any person” and inserting “LIABILITY FOR
19 COSTS INCURRED.—Any person”; and

20 (4) by inserting after paragraph (1) the fol-
21 lowing:

22 “(2) FISHERIES ENFORCEMENT FUND.—There
23 is established in the Treasury a non-interest bearing
24 fund to be known as the Fisheries Enforcement
25 Fund, into which shall be deposited all sums re-

1 ceived as described in paragraph (1), which shall re-
2 main available to the Secretary of Commerce until
3 expended as authorized in paragraph (1), without
4 appropriation or fiscal year limitation.”.

5 (c) ADMINISTRATIVE ADJUDICATION.—Section 311
6 (16 U.S.C. 1861) is amended—

7 (1) by redesignating subsections (d) through (j)
8 as subsections (e) through (k), respectively; and

9 (2) by inserting after subsection (c) the fol-
10 lowing:

11 “(d) ADMINISTRATIVE ADJUDICATION.—

12 “(1) IN GENERAL.—Notwithstanding section
13 559 of title 5, United States Code, with respect to
14 any marine resource conservation law or regulation
15 administered by the Secretary acting through the
16 National Oceanic and Atmospheric Administration,
17 all adjudicatory functions that are required by chap-
18 ter 5 of title 5, United States Code to be performed
19 by an administrative law judge may be performed by
20 another Federal agency on a reimbursable basis.

21 “(2) DETAILS.—If another Federal agency per-
22 forming adjudicatory functions under paragraph (1)
23 requires the detail of an administrative law judge to
24 perform any of these functions, it may request tem-
25 porary or occasional assistance from the Office of

1 Personnel Management under section 3344 of title
2 5, United States Code.”.

3 (d) REPEALS.—Sections 110 and 111 of title I of Di-
4 vision B of the Consolidated and Further Continuing Ap-
5 propriations Act, 2012 (Public Law 112—55; 16 U.S.C.
6 1861 note), and the items relating to those sections in the
7 table of contents for that Act, are repealed.

8 (e) ANNUAL REPORT ON SPECIAL FUNDS.—Section
9 304(k), as added by section 104(f) of this Act, is amend-
10 ed—

11 (1) in paragraph (1)(C), by striking “; and”
12 and inserting a semicolon;

13 (2) in paragraph (1)(D), by striking
14 “2006.” and inserting “2006; and”; and

15 (3) by inserting at the end the following:

16 “(E) the Fisheries Enforcement Fund es-
17 tablished under section 311(f)(2).”.

18 (f) CONFORMING AMENDMENTS.—

19 (1) CIVIL FORFEITURES.—Section 310 (16
20 U.S.C. 1860) is amended—

21 (A) in subsection (b), by striking “section
22 311(d)” and inserting “subsection 311(e)”; and

23 (B) in subsection (d), by striking “section
24 311(d)” each place it appears and inserting
25 “subsection 311(e)”.

1 (2) ENFORCEMENT; NORTH ATLANTIC SALMON
2 FISHING.—Section 308 of the Atlantic Salmon Con-
3 vention Act of 1982 (16 U.S.C. 3607) is amended
4 by striking “and (d)” each place it appears and in-
5 serting “and (e)”.

6 **SEC. 109. TRANSITION TO SUSTAINABLE FISHERIES; AU-**
7 **THORIZATION OF APPROPRIATIONS.**

8 Section 312(a)(4) (16 U.S.C. 1861a(a)(4)) is amend-
9 ed—

10 (1) by inserting “to carry out this subsection”
11 after “necessary”; and

12 (2) by striking “2007 through 2013” and in-
13 serting “2015 through 2021”.

14 **SEC. 110. NORTH PACIFIC FISHERIES CONSERVATION.**

15 (a) ELECTRONIC MONITORING SYSTEMS.—Section
16 313 (16 U.S.C. 1862) is amended—

17 (1) in subsection (a)—

18 (A) in the sentence preceding paragraph
19 (1), by striking “jurisdiction except a salmon
20 fishery which” and inserting “jurisdiction, ex-
21 cept a salmon fishery, that”;

22 (B) in paragraph (1), by inserting “elec-
23 tronic monitoring systems or” before “observ-
24 ers”; and

1 (C) by amending paragraph (2) to read as
2 follows:

3 “(2) establish a system of fees to pay for the
4 cost of implementing the plan and any integrated
5 data collection program, including electronic moni-
6 toring, established under subsections (a)(15) and (e)
7 of section 303;” and

8 (2) in subsection (b)—

9 (A) in paragraph (1)(A), by inserting
10 “placing electronic monitoring systems or” be-
11 fore “stationing observers on”;

12 (B) in paragraph (2)(E), by inserting “ac-
13 tual electronic monitoring system costs or” be-
14 fore “actual observer costs”; and

15 (C) by adding at the end the following:

16 “(3) Any system of fees established under this
17 section may vary by fishery, management area, elec-
18 tronic monitoring system, or observer coverage
19 level.”.

20 (b) ARCTIC COMMUNITY DEVELOPMENT QUOTA.—

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

23 “(k) ARCTIC COMMUNITY DEVELOPMENT QUOTA.—

24 If the North Pacific Fishery Management Council issues
25 a fishery management plan for the exclusive economic zone

1 in the Arctic Ocean, or an amendment to its current Fish-
2 ery Management Plan for Fish Resources of the Arctic
3 Management Area, that makes available to commercial
4 fishing and establishes a sustainable harvest level for any
5 part of such zone, the North Pacific Fishery Management
6 Council shall set aside not less than 10 percent of the total
7 allowable catch therein as a community development quota
8 for coastal villages north and east of the Bering Strait.”.

9 **SEC. 111. SUMMER FLOUNDER MANAGEMENT.**

10 (a) IN GENERAL.—Not later than 1 year after the
11 date of the enactment of this Act, the Mid-Atlantic Fish-
12 ery Management Council shall submit to the Secretary of
13 Commerce, and the Secretary of Commerce may approve,
14 a modified fishery management plan or plan amendment
15 for the commercial and recreational management of sum-
16 mer flounder (*Paralichthys dentatus*) under the Magnu-
17 son-Stevens Fishery Conservation and Management Act
18 (16 U.S.C. 1801 et seq.). The modified fishery manage-
19 ment plan or plan amendment shall—

20 (1) be based on the best scientific information
21 available;

22 (2) reflect changes in the distribution, abun-
23 dance, and location of summer flounder in estab-
24 lishing distribution of the commercial and rec-
25 reational catch quotas;

1 (3) consider regional, coast-wide, or other man-
2 agement measures for summer flounder that comply
3 with the National Standards under section 301(a) of
4 the Magnuson-Stevens Fishery Conservation and
5 Management Act (16 U.S.C. 1851(a)); and

6 (4) prohibit the allocation of commercial or rec-
7 reational catch quotas for summer flounder on a
8 State-by-State basis using historical landings data
9 that does not reflect the status of the summer floun-
10 der stock, based on the most recent scientific infor-
11 mation.

12 (b) CONSULTATION WITH THE COMMISSION.—In
13 preparing the modified fishery management plan or plan
14 amendment as described in subsection (a), the Council
15 shall consult with the Atlantic States Marine Fisheries
16 Commission to ensure consistent management throughout
17 the range of the fishery.

18 (c) FAILURE TO SUBMIT PLAN.—If the Council fails
19 to submit a modified fishery management plan or plan
20 amendment as described in subsection (a) that may be ap-
21 proved by the Secretary, the Secretary shall prepare and
22 approve such a modified plan or plan amendment.

23 (d) REPORT.—Not later than 1 year after the date
24 of the approval of a modified fishery management plan
25 or plan amendment as described in subsection (a), the

1 Comptroller General of the United States shall submit to
2 the Committee on Commerce, Science, and Transportation
3 of the Senate and the Committee on Natural Resources
4 of the House of Representatives a report on the implemen-
5 tation of the modified plan or plan amendment that in-
6 cludes an assessment of whether the implementation com-
7 plies with the national standards for fishery conservation
8 and management under section 301(a) of the Magnuson-
9 Stevens Fishery Conservation and Management Act (16
10 U.S.C. 1851(a)).

11 **SEC. 112. STUDY OF ALLOCATIONS IN MIXED-USE FISHERIES.**
12

13 (a) **STUDY REQUIREMENTS.**—The National Academy
14 of Sciences, in coordination with the Assistant Adminis-
15 trator for Fisheries of the Department of Commerce, shall
16 conduct a study—

17 (1) to determine which variables, including con-
18 sideration of the conservation and socioeconomic
19 benefits of each sector in a fishery, should be consid-
20 ered by a Regional Fishery Management Council es-
21 tablished under section 302 of the Magnuson-Ste-
22 vens Fishery Conservation and Management Act (16
23 U.S.C. 1852) in allocating fishing privileges in a
24 fishery management plan prepared under that Act;
25 and

1 (2) to determine which sources should be used
2 for such variables.

3 (b) REPORT.—Not later than 180 days after the date
4 of enactment of this Act, the National Academy of
5 Sciences shall submit a report on the study conducted
6 under subsection (a) to the Committee on Commerce,
7 Science, and Transportation of the Senate and the Com-
8 mittee on Natural Resources of the House of Representa-
9 tives.

10 **TITLE II—FISHERY INFORMA-**
11 **TION, RESEARCH, AND DE-**
12 **VELOPMENT**

13 **SEC. 201. ELECTRONIC MONITORING.**

14 (a) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that the use of technologies such as digital video
16 cameras and monitors, digital recording systems, and
17 other forms of electronic monitoring as a complement to
18 observers can maintain or increase observer information
19 collected from fisheries while reducing the need for observ-
20 ers and the financial costs and logistical difficulties associ-
21 ated with such observers.

22 (b) ELECTRONIC MONITORING REVIEW.—Not later
23 than 180 days after the date of enactment of this Act,
24 the Secretary of Commerce, in consultation with the Re-
25 gional Fishery Management Councils, shall complete and

1 submit to the Committee on Commerce, Science, and
2 Transportation of the Senate and the Committee on Nat-
3 ural Resources of the House of Representatives a review
4 of all Federal fishery management plans that—

5 (1) identifies each fishery management plan
6 with respect to which the incorporation of electronic
7 monitoring, as a complement to observers, can de-
8 crease costs and improve efficiencies in the fishery
9 while continuing to meet the standards and require-
10 ments of the Magnuson-Stevens Fishery Conserva-
11 tion and Management Act (16 U.S.C. 1801 et seq.);
12 and

13 (2) specifies for each fishery management plan
14 identified which type or types of electronic moni-
15 toring technology can achieve such cost and effi-
16 ciency improvements.

17 (c) REGIONAL ELECTRONIC MONITORING ADOPTION
18 PLANS.—

19 (1) IN GENERAL.—Not later than 1 year after
20 submitting the results of the review required under
21 subsection (b), each Regional Fishery Management
22 Council, in consultation with the Secretary of Com-
23 merce, shall develop a plan to adopt and implement
24 electronic monitoring in each of its fishery manage-
25 ment plans identified in the review.

1 (2) ELEMENTS OF PLANS.—Each plan required
2 by this subsection

3 (A) shall include an estimate of anticipated
4 improvements in cost effectiveness and manage-
5 ment efficiency for each Federal fishery man-
6 agement plan in the plan;

7 (B) shall prioritize fishery management
8 plans in each region, to guide development,
9 adoption, and implementation of electronic
10 monitoring amendments to such plans;

11 (C) shall set forth an implementation
12 schedule, consistent with the implementation
13 deadline specified in subsection (d), for the de-
14 velopment, review, adoption, and implementa-
15 tion of electronic monitoring amendments to
16 Federal fishery management plans; and

17 (D) may be reviewed or amended annually
18 to address changing circumstances or improve-
19 ments in technology.

20 (d) DEADLINE FOR IMPLEMENTATION.—Not later
21 than 4 years after the date of enactment of this Act, the
22 Regional Fishery Management Councils and the Secretary
23 of Commerce shall complete implementation of the plans
24 developed under subsection (c).

1 **SEC. 202. COST REDUCTION REPORT.**

2 Not later than 1 year after the date of enactment
3 of this Act, the Secretary of Commerce, in consultation
4 with the Regional Fishery Management Councils, shall
5 submit a report to Congress that, with respect to each
6 fishery governed by a fishery management plan in effect
7 under the Magnuson-Stevens Fishery Conservation and
8 Management Act (16 U.S.C. 1801 et seq.)—

9 (1) identifies the goals of the applicable pro-
10 grams governing monitoring and enforcement of
11 fishing that is subject to the plan;

12 (2) identifies methods to accomplish the goals
13 under paragraph (1), including human observers,
14 electronic monitoring, and vessel monitoring sys-
15 tems;

16 (3) certifies the methods under paragraph (2)
17 that are most cost-effective for fishing that is sub-
18 ject to the plan; and

19 (4) explains why the most-cost-effective meth-
20 ods under paragraph (3) are not required, if applica-
21 ble.

22 **SEC. 203. CAPITAL CONSTRUCTION.**

23 (a) DEFINITIONS; ELIGIBLE AND QUALIFIED FISH-
24 ERY FACILITIES.—Section 53501 of title 46, United
25 States Code, is amended—

1 (1) by striking “(7) UNITED STATES FOREIGN
2 TRADE.—” and inserting “(11) UNITED STATES
3 FOREIGN TRADE.—”;

4 (2) by striking “(8) VESSEL.—” and inserting
5 “(12) VESSEL.—”;

6 (3) by redesignating paragraphs (5), (6), and
7 (7) as paragraphs (8), (9), and (10), respectively;

8 (4) by redesignating paragraphs (2), (3), and
9 (4) as paragraphs (4), (5), and (6), respectively;

10 (5) by redesignating paragraph (1) as para-
11 graph (2);

12 (6) by inserting before paragraph (2), as redesi-
13 gnated, the following:

14 “(1) AGREEMENT FISHERY FACILITY.—The
15 term ‘agreement fishery facility’ means an eligible
16 fishery facility or a qualified fishery facility that is
17 subject to an agreement under this chapter.”;

18 (7) by inserting after paragraph (2), as redesi-
19 gnated, the following:

20 “(3) ELIGIBLE FISHERY FACILITY.—

21 “(A) IN GENERAL.—Subject to subpara-
22 graph (B), the term “eligible fishery facility”
23 means—

24 “(i) for operations on land—

1 “(I) a structure or an appur-
2 tenance thereto designed for unload-
3 ing and receiving from a vessel, proc-
4 essing, holding pending processing,
5 distribution after processing, or hold-
6 ing pending distribution, of fish from
7 a fishery;

8 “(II) the land necessary for the
9 structure or appurtenance described
10 in subclause (I); and

11 “(III) equipment that is for use
12 with the structure or appurtenance
13 that is necessary to perform a func-
14 tion described in subclause (I);

15 “(ii) for operations not on land, a ves-
16 sel built in the United States and used for,
17 equipped to be used for, or of a type nor-
18 mally used for, processing fish; or

19 “(iii) for aquaculture, including oper-
20 ations on land or elsewhere—

21 “(I) a structure or an appur-
22 tenance thereto designed for aqua-
23 culture;

24 “(II) the land necessary for the
25 structure or appurtenance;

1 “(III) equipment that is for use
2 with the structure or appurtenance
3 and that is necessary to perform a
4 function described in subclause (I);
5 and

6 “(IV) a vessel built in the United
7 States and used for, equipped to be
8 used for, or of a type normally used
9 for, aquaculture.

10 “(B) OWNERSHIP REQUIREMENT.—Under
11 subparagraph (A), the structure, appurtenance,
12 land, equipment, or vessel shall be owned by—

13 “(i) an individual who is a citizen of
14 the United States; or

15 “(ii) an entity that is—

16 “(I) a citizen of the United
17 States under section 50501 of this
18 title; and

19 “(II) at least 75 percent owned
20 by citizens of the United States, as
21 determined under section 50501 of
22 this title.”; and

23 (8) by inserting after paragraph (6), as redesignated,
24 the following:

25 “(7) QUALIFIED FISHERY FACILITY.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), the term ‘qualified fishery facility’
3 means—

4 “(i) for operations on land—

5 “(I) a structure or an appur-
6 tenance thereto designed for unload-
7 ing and receiving from a vessel, proc-
8 essing, holding pending processing,
9 distribution after processing, or hold-
10 ing pending distribution, of fish from
11 a fishery;

12 “(II) the land necessary for the
13 structure or appurtenance; and

14 “(III) equipment that is for use
15 with the structure or appurtenance
16 and necessary to perform a function
17 described in subclause (I);

18 “(ii) for operations not on land, a ves-
19 sel built in the United States and used for,
20 equipped to be used for, or of a type nor-
21 mally used for, processing fish; or

22 “(iii) for aquaculture, including oper-
23 ations on land or elsewhere—

1 “(I) a structure or an appur-
2 tenance thereto designed for aqua-
3 culture;

4 “(II) the land necessary for the
5 structure or appurtenance;

6 “(III) equipment that is for use
7 with the structure or appurtenance
8 and necessary for performing a func-
9 tion described in subclause (I); and

10 “(IV) a vessel built in the United
11 States.

12 “(B) OWNERSHIP REQUIREMENT.—Under
13 subparagraph (A), the structure, appurtenance,
14 land, equipment, or vessel shall be owned by—

15 “(i) an individual who is a citizen of
16 the United States; or

17 “(ii) an entity that is—

18 “(I) a citizen of the United
19 States under section 50501 of this
20 title; and

21 “(II) at least 75 percent owned
22 by citizens of the United States, as
23 determined under section 50501 of
24 this title.”.

25 (b) ELIGIBLE FISHERY FACILITIES.—

1 (1) DEFINITION OF SECRETARY.—Section
2 53501 of title 46, United States Code, as amended
3 by subsection (a) of this section is further amended
4 in paragraph (9)(A), by inserting “, and an eligible
5 fishery facility or a qualified fishery facility” after
6 “United States”.

7 (2) ESTABLISHING A CAPITAL CONSTRUCTION
8 FUND.—Section 53503 of title 46, United States
9 Code, is amended—

10 (A) in subsection (a)—

11 (i) by inserting “or eligible fishery fa-
12 cility” after “eligible vessel”; and

13 (ii) by inserting “or fishery facility”
14 after “the vessel”; and

15 (B) in subsection (b)—

16 (i) by designating the text that follows
17 after “The purpose of the agreement shall
18 be” as paragraph (1) and indenting appro-
19 priately;

20 (ii) in paragraph (1), as designated,
21 by striking “United States.” and inserting
22 “United States; or”; and

23 (iii) by inserting after paragraph (1),
24 as designated, the following:

1 “(2) to provide for the acquisition, construction,
2 or reconstruction of a fishery facility owned by—

3 “(A) an individual who is a citizen of the
4 United States; or

5 “(B) an entity that is—

6 “(i) a citizen of the United States
7 under section 50501; and

8 “(ii) at least 75 percent owned by citi-
9 zens of the United States, as determined
10 under section 50501.”.

11 (c) AGREEMENT FISHERY FACILITIES.—

12 (1) DEPOSITS AND WITHDRAWALS.—Section
13 53504(b) of title 46, United States Code, is amend-
14 ed by inserting “or an agreement fishery facility”
15 after “agreement vessel”.

16 (2) CEILING ON DEPOSITS.—Section 53505 of
17 title 46, United States Code, is amended—

18 (A) in paragraphs (1) and (2) of sub-
19 section (a), by inserting “or agreement fishery
20 facilities” after “agreement vessels”;

21 (B) in subsection (a)(3) by inserting “or
22 agreement fishery facility” after “agreement
23 vessel” each place it appears; and

24 (C) in subsection (b)—

- 1 (i) by inserting “or agreement fishery
2 facility” after “an agreement vessel”; and
3 (ii) by inserting “or fishery facility”
4 after “the vessel”.

5 (d) QUALIFIED FISHERY FACILITIES.—

6 (1) QUALIFIED WITHDRAWALS.—Section
7 53509(a) of title 46, United States Code, is amend-
8 ed—

9 (A) in paragraph (1), by striking “quali-
10 fied vessel; or” and inserting “qualified vessel,
11 or the acquisition, construction, or reconstruc-
12 tion of a qualified fishery facility; or”; and

13 (B) in paragraph (2), by striking “quali-
14 fied vessel.” and inserting “qualified vessel, or
15 the acquisition, construction, or reconstruction,
16 of a qualified fishery facility.”.

17 (2) TAX TREATMENT OF QUALIFIED WITH-
18 DRAWALS AND BASIS OF PROPERTY.—Section 53510
19 of title 46, United States Code, is amended—

20 (A) in subsections (b) and (c), by striking
21 “or container” each place it appears and insert-
22 ing “container, or fishery facility”; and

23 (B) in subsection (d), by striking “and
24 containers” and inserting “containers, and fish-
25 ery facilities”.

1 (3) TAX TREATMENT OF NONQUALIFIED WITH-
2 DRAWALS.—Section 53511(e)(4) of title 46, United
3 States Code, is amended by inserting “or fishery fa-
4 cility” after “vessel”.

5 (e) TECHNICAL AMENDMENT.—Section 53501 of
6 title 46, United States Code, as amended by subsection
7 (a) of this section, is further amended in paragraph
8 (8)(A)(iii), by striking “trade trade” and inserting
9 “trade”.

10 **SEC. 204. FISHERIES RESEARCH.**

11 (a) DEFINITION OF STOCK ASSESSMENT.—Section 3
12 (16 U.S.C. 1802), as amended by section 4 of this Act,
13 is further amended by redesignating paragraphs (45)
14 through (56) as paragraphs (46) through (57), and by in-
15 serting after paragraph (44) the following:

16 “(45) The term ‘stock assessment’ means an
17 evaluation of the past, present, and future status of
18 a stock of fish, that includes—

19 “(A) a range of life history characteristics
20 for the stock, including—

21 “(i) the geographical boundaries of
22 the stock; and

23 “(ii) information on age, growth, nat-
24 ural mortality, sexual maturity and repro-

1 duction, feeding habits, and habitat pref-
2 erences of the stock; and

3 “(B) fishing for the stock.”.

4 (b) STOCK ASSESSMENT PLAN.—Section 404 (16
5 U.S.C. 1881e) is amended by adding at the end the fol-
6 lowing:

7 “(e) STOCK ASSESSMENT PLAN.—

8 “(1) IN GENERAL.—The Secretary shall develop
9 and publish in the Federal Register, on the same
10 schedule as required for the strategic plan required
11 under section 404(b) of such Act, a plan to conduct
12 stock assessments for all stocks of fish for which a
13 fishery management plan is in effect under this Act.

14 “(2) CONTENTS.—The plan shall—

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

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

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

1 “(I) every 5 years, except a
2 Council may delay action for not more
3 than 3 additional 1-year periods; or

4 “(II) within such other time pe-
5 riod specified and justified by the Sec-
6 retary in the plan;

7 “(B) for each stock of fish for which a
8 stock assessment has not previously been con-
9 ducted—

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

14 “(ii) subject to the availability of ap-
15 propriations, require completion of the ini-
16 tial stock assessment not later than 3
17 years after the date that the plan is pub-
18 lished in the Federal Register unless an-
19 other time period is specified and justified
20 by the Secretary in the plan; and

21 “(C) identify data and analysis, especially
22 concerning recreational fishing, that, if avail-
23 able, would reduce uncertainty in and improve
24 the accuracy of future stock assessments, in-
25 cluding whether that data and analysis could be

1 provided by nongovernmental sources, including
2 fishermen, fishing communities, universities,
3 and research institutions.

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

12 (c) DEADLINE.—Notwithstanding paragraph (1) of
13 section 404(e) of the Magnuson-Stevens Fishery Con-
14 servation and Management Act, as amended by this sec-
15 tion, the Secretary of Commerce shall issue the first stock
16 assessment plan under that section by not later than 1
17 year after the date of enactment of this Act.

18 (d) STRATEGIC PLAN.—Section 404(b)(5) (16 U.S.C.
19 1881c(b)(5)) is amended by striking “and affected States,
20 and provide for coordination with the Councils, affected
21 States, and other research entities” and inserting “, af-
22 fected States, and tribal governments, and provide for co-
23 ordination with the Councils, affected States, tribal gov-
24 ernments, and other research entities”.

1 **SEC. 205. IMPROVING SCIENCE.**

2 (a) INCORPORATION OF INFORMATION FROM WIDE
3 VARIETY OF SOURCES.—Section 2 (16 U.S.C. 1801), as
4 amended by section 3 of this Act, is further amended by
5 adding at the end of subsection (a)(10) the following:
6 “Fisheries management is most effective when it incor-
7 porates information provided by governmental and non-
8 governmental sources, including State and Federal agency
9 staff, fishermen, fishing communities, universities, re-
10 search institutions, and other appropriate entities. As ap-
11 propriate, that information should be considered the best
12 scientific information available and form the basis of con-
13 servation and management measures as required by this
14 Act.”.

15 (b) IMPROVING DATA COLLECTION AND ANALYSIS.—

16 (1) IN GENERAL.—Section 404 (16 U.S.C.
17 1881c), as amended by section 204 of this Act, is
18 further amended by adding at the end the following:

19 “(f) IMPROVING DATA COLLECTION AND ANAL-
20 YSIS.—

21 “(1) IN GENERAL.—The Secretary, in consulta-
22 tion with the science and statistical committee of the
23 Councils established under section 302(g), shall de-
24 velop and publish in the Federal Register guidelines
25 that will facilitate greater incorporation of data,
26 analysis, and stock assessments from nongovern-

1 mental sources, including fishermen, fishing commu-
2 nities, universities, and research institutions, into
3 fisheries management decisions.

4 “(2) CONTENT.—The guidelines shall—

5 “(A) identify types of data and analysis,
6 especially concerning recreational fishing, that
7 can be reliably used as the best scientific infor-
8 mation available for purposes of this Act and
9 the basis for establishing conservation and man-
10 agement measures as required by section
11 303(a)(1), including setting standards for the
12 collection and use of that data and analysis in
13 stock assessments and for other purposes;

14 “(B) provide specific guidance for col-
15 lecting data and performing analyses identified
16 as necessary to reduce the uncertainty referred
17 to in section 404(e)(2)(C); and

18 “(C) establish a registry of persons pro-
19 viding such information.

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

23 “(A) use all data and analyses that meet
24 the guidelines published under paragraph (1) as
25 the best scientific information available for pur-

1 poses of this Act in fisheries management deci-
2 sions, unless otherwise determined by the
3 science and statistical committee of the Coun-
4 cils established under section 302(g) of this
5 Act;

6 “(B) explain in the Federal Register notice
7 announcing the fishery management decision
8 how the data and analyses under subparagraph
9 (A) have been used to establish conservation
10 and management measures; and

11 “(C) if any data or analysis under sub-
12 paragraph (A) is not used, provide in the Fed-
13 eral Register notice announcing the fishery
14 management decision an explanation developed
15 by such science and statistical committee of
16 why that data or analysis was not used.”.

17 (c) DEADLINE.—The Secretary of Commerce shall
18 develop and publish guidelines under the amendment
19 made by subsection (a) not later than 1 year after the
20 date of enactment of this Act.

21 (d) INFORMATION COLLECTION; CONTRACTING AU-
22 THORITY.—

23 Section 402(d) (16 U.S.C. 1881a(d)) is amended by
24 inserting “tribal government,” before “Council” each
25 place it appears.

1 **SEC. 206. SOUTH ATLANTIC RED SNAPPER COOPERATIVE**
2 **RESEARCH PROGRAM.**

3 (a) IN GENERAL.—Title IV (16 U.S.C. 1881 et seq.)
4 is amended—

5 (1) by redesignating section 408 as section 409;

6 and

7 (2) by inserting after section 407 the following:

8 **“SEC. 408. SOUTH ATLANTIC RED SNAPPER COOPERATIVE**
9 **RESEARCH PROGRAM.**

10 “(a) RESEARCH PROGRAM REQUIRED.—Not later
11 than 90 days after the date of enactment of this Act, the
12 Secretary of Commerce, in consultation with the South At-
13 lantic Fishery Management Council, shall commence car-
14 rying out a research program to assess the status of the
15 red snapper fishery in the South Atlantic.

16 “(b) DURATION.—Subject to subsection (g), the re-
17 search program shall be carried out during the 6-year pe-
18 riod beginning on the date of the commencement of the
19 research program.

20 “(c) RESEARCH PERMITS.—

21 “(1) IN GENERAL.—The Secretary shall carry
22 out the research program through the issuance of re-
23 search permits to participants in the research pro-
24 gram.

25 “(2) ENTITLEMENT.—For each research permit
26 that a participant in the research program receives

1 under the research program in a year of the re-
2 search program, the participant shall be entitled to
3 land 1 fish in the fishery described in subsection (a)
4 in that year.

5 “(3) INTENT TO USE.—The Secretary shall en-
6 sure that research permits are only issued under the
7 research program to participants in the research
8 program who intend to use the research permits to
9 gather data by fishing from the fishery described in
10 subsection (a).

11 “(4) NUMBER OF RESEARCH PERMITS
12 ISSUED.—The Secretary shall issue research permits
13 under the research program as follows:

14 “(A) During the first 2 years of the re-
15 search program, up to **[X]** research permits
16 per year.

17 “(B) During any subsequent 2-year period
18 of the research program, such number of re-
19 search permits as the South Atlantic Fishery
20 Management Council determines appropriate
21 using the best available science and with consid-
22 eration of the needs of other fishery manage-
23 ment plans.

24 “(5) ALLOCATION.—The Secretary shall allo-
25 cate the issuance of research permits to the fol-

1 lowing categories of persons in percentage distribu-
2 tions determined appropriate by the South Atlantic
3 Fishery Management Council for purposes of meet-
4 ing the data requirements of the research program:

5 “(A) Recreational.

6 “(B) Charter.

7 “(C) Commercial.

8 “(6) TRANSFERABILITY.—

9 “(A) IN GENERAL.—A person that receives
10 a research permit under the research program
11 may transfer the research permit to another
12 person participating in the research program.

13 “(B) NO CONSIDERATION.—A person that
14 transfers a research permit under the research
15 program may not receive consideration for that
16 transfer.

17 “(d) PARTICIPATION.—

18 “(1) VOLUNTARY.—Participation in the re-
19 search program shall be voluntary.

20 “(2) EXCLUSION FROM PARTICIPATION IN OPEN
21 SEASON.—A person that participates in the research
22 program in a year of the program may not partici-
23 pate in any fishery management plan in that year
24 that involves the imposition of limitations on periods

1 in which a fish can or cannot be fished from the
2 fishery described in subsection (a).

3 “(3) REPORT.—

4 “(A) IN GENERAL.—At the end of each
5 year of the research program, each person that
6 participated in the research program in that
7 year shall submit to the Secretary the weight
8 and length of each fish that was fished by the
9 person under the research program and date of
10 issue of the research permit that entitled the
11 person to capture that fish.

12 “(B) FAILURE TO REPORT.—A person sub-
13 ject to subparagraph (A) that fails to submit a
14 report under that subparagraph for a year may
15 not participate in the research program in any
16 subsequent year.

17 “(e) FEES.—

18 “(1) IN GENERAL.—Subject to paragraph (3),
19 the Secretary may collect a fee for each research
20 permit issued under the research program.

21 “(2) DISPOSITION OF FEES.—The Secretary
22 may use amounts collected under this subsection—

23 “(A) to administer the research program;
24 and

1 “(B) to determine and enhance the red
2 snapper biomass in the fisheries under the ju-
3 risdiction of the South Atlantic Fishery Man-
4 agement Council.

5 “(3) LIMITATION.—The Secretary shall ensure
6 that no more is collected under this subsection than
7 is necessary for the uses set forth in paragraph (2).

8 “(f) STATE AND LOCAL COOPERATION.—The Sec-
9 retary may enter into cooperative agreements with State
10 and local government agencies to assist the Secretary in
11 carrying out the research program.

12 “(g) BIENNIAL CONSIDERATION OF TERMINATION.—

13 “(1) CONSIDERATION.—Not less frequently
14 than once every 2 years, the Secretary shall assess
15 the research program using the best available
16 science and determine whether continuing the re-
17 search program would be advisable.

18 “(2) TERMINATION.—The Secretary shall ter-
19 minate the research program on the earlier of the
20 following:

21 “(A) The soonest practicable date after the
22 date on which the Secretary makes a deter-
23 mination under paragraph (1) that continuation
24 of the pilot program would not be advisable.

1 “(B) The date that is 6 years after the
2 date of the commencement of the research pro-
3 gram.”.

4 (b) CONFORMING AMENDMENTS.—The table of con-
5 tents in the Act is amended—

6 (1) by redesignating the item relating to section
7 308 as the item relating to 309; and

8 (2) by inserting after the item relating to sec-
9 tion 307 the following:

 “308. South Atlantic red snapper cooperative research program.”.

10 **SEC. 207. FOCUSING ASSETS FOR IMPROVED FISHERIES**
11 **OUTCOMES.**

12 (a) IN GENERAL.—Section 2(b) of the Act of August
13 11, 1939 (15 U.S.C. 713c-3(b)), is amended—

14 (1) in paragraph (1)—

15 (A) by striking “beginning with the fiscal
16 year commencing July 1, 1954, and ending on
17 June 30, 1957,”;

18 (B) by striking “moneys” the first place
19 that term appears and inserting “monies”; and

20 (C) by striking “shall be maintained in a
21 separate fund only for” and all that follows and
22 inserting “shall only be used for the purposes
23 described under subsection (c).”; and

24 (2) by striking paragraph (2).

1 (b) LIMITATIONS ON BILLS TRANSFERRING
2 FUNDS.—Section 2(b) of the Act of August 11, 1939 (15
3 U.S.C. 713c-3(b)), as amended by subsection (a) of this
4 section, is further amended by adding at the end the fol-
5 lowing:

6 “(2) LIMITATIONS ON BILLS TRANSFERRING
7 FUNDS.—

8 “(A) IN GENERAL.—It shall not be in
9 order in the Senate or the House of Represent-
10 atives to consider any bill, resolution, amend-
11 ment, or conference report that reduces any
12 amount in the fund referred to in paragraph
13 (1) in a manner that is inconsistent with such
14 paragraph.

15 “(B) LIMITATION ON CHANGES TO THIS
16 PARAGRAPH.—It shall not be in order in the
17 Senate or the House of Representatives to con-
18 sider any bill, resolution, amendment, or con-
19 ference report that would repeal or otherwise
20 amend this paragraph.

21 “(C) WAIVER.—A provision of this para-
22 graph may be waived or suspended in the Sen-
23 ate only by the affirmative vote of three-fifths
24 of the Members, duly chosen and sworn.

1 “(D) APPEALS.—An affirmative vote of
2 three-fifths of the Members of the Senate, duly
3 chosen and sworn, shall be required to sustain
4 an appeal of the ruling of the Chair on the
5 point of order raised under this paragraph.

6 “(E) RULES OF THE SENATE AND THE
7 HOUSE OF REPRESENTATIVES.—This para-
8 graph is enacted by Congress—

9 “(i) as an exercise of the rulemaking
10 power of the Senate and the House of Rep-
11 resentatives, respectively, and is deemed to
12 be part of the rules of each house, respec-
13 tively, but applicable only with respect to
14 the procedure to be followed in the House
15 in the case of a bill, resolution, amend-
16 ment, or conference report under this
17 paragraph, and it supersedes other rules
18 only to the extent that it is inconsistent
19 with such rules; and

20 “(ii) with full recognition of the con-
21 stitutional right of either House to change
22 the rules (so far as they relate to the pro-
23 cedure of that House) at any time, in the
24 same manner, and to the same extent as in
25 the case of any other rule of that House.”.

1 **TITLE III—REAUTHORIZATION**
2 **OF OTHER FISHERY STATUTES**

3 **SEC. 301. ANADROMOUS FISH CONSERVATION ACT.**

4 Section 4 of the Anadromous Fish Conservation Act
5 (16 U.S.C. 757d) is amended by striking “2007 through
6 2012” and inserting “2015 through 2021”.

7 **SEC. 302. INTERJURISDICTIONAL FISHERIES ACT OF 1986.**

8 Section 308 of the Interjurisdictional Fisheries Act
9 of 1986 (16 U.S.C. 4107) is amended—

10 (1) in subsection (a), by striking “\$5,000,000”
11 and all that follows through the end of that sub-
12 section and inserting “**[\$X,XXX,XXX]** for each of
13 fiscal years 2015 through 2021.”; and

14 (2) in subsection (c), by striking “\$900,000 for
15 each of fiscal years 2007 through 2012” and insert-
16 ing “**[\$X,XXX,XXX]** for each of fiscal years 2015
17 through 2021”.

18 **SEC. 303. ATLANTIC COASTAL FISHERIES COOPERATIVE**
19 **MANAGEMENT ACT.**

20 Section 811(a) of the Atlantic Coastal Fisheries Co-
21 operative Management Act (16 U.S.C. 5108(a)) is amend-
22 ed—

23 (1) by striking “\$10,000,000” and inserting
24 **["\$XX,XXX,XXX"]**; and

1 **“SEC. 202A. SECRETARIAL REPRESENTATIVE FOR INTER-**
2 **NATIONAL FISHERIES.**

3 “(a) IN GENERAL.—The Secretary, in consultation
4 with the Under Secretary of Commerce for Oceans and
5 Atmosphere, shall designate a senior official who is ap-
6 pointed by the President, by and with the advice and con-
7 sent of the Senate, to serve as the Secretarial Representa-
8 tive for International Fisheries for the purpose of per-
9 forming the duties of the Secretary with respect to inter-
10 national agreements involving fisheries and other living
11 marine resources, including the development of policy and
12 representation of the United States as a Commissioner
13 under such international agreements.

14 “(b) ADVICE.—The Secretarial Representative for
15 International Fisheries shall, in consultation with the
16 Deputy Assistant Secretary for International Affairs and
17 the Administrator of the National Marine Fisheries Serv-
18 ice, advise the Secretary, Undersecretary of Commerce for
19 Oceans and Atmosphere, and other senior officials of the
20 Department of Commerce and the National Oceanic and
21 Atmospheric Administration on development of policy on
22 international fishery conservation and management mat-
23 ters.

24 “(c) CONSULTATION.—The Secretarial Representa-
25 tive for International Fisheries shall consult with the Com-
26 mittee on Natural Resources of the House of Representa-

1 tives and the Committee on Commerce, Science, and
2 Transportation of the Senate on matters pertaining to any
3 regional or international negotiation concerning living ma-
4 rine resources.”.

5 (b) REPEAL.—Section 408 of the Magnuson-Stevens
6 Fishery Conservation and Management Reauthorization
7 Act of 2006 (16 U.S.C. 1891d) and the item relating to
8 that section in the table of contents for that Act are re-
9 pealed.

10 (c) CONFORMING AMENDMENT.—The table of con-
11 tents in the first section of the Act (16 U.S.C. 1801 et
12 seq.) is amended by inserting after the item relating to
13 section 202 the following:

“Sec. 202A. Secretarial Representative for International Fisheries.”.

14 **SEC. 402. AMENDMENT TO PACIFIC SALMON TREATY ACT**
15 **OF 1985.**

16 Section 11 of the Pacific Salmon Treaty Act of 1985
17 (16 U.S.C. 3640) is amended—

18 (1) by redesignating subsections (c) and (d) as
19 subsections (d) and (e), respectively;

20 (2) by inserting after subsection (b) the fol-
21 lowing:

22 “(c) COMPENSATION OF COMMITTEE ON SCIENTIFIC
23 COOPERATION MEMBERS.—Members of the Committee on
24 Scientific Cooperation who are not State or Federal em-
25 ployees shall receive compensation at a rate equivalent to

1 the rate payable for level IV of the Executive Schedule
2 under section 5315 of title 5, United States Code, when
3 engaged in actual performance of duties for the Commis-
4 sion.”; and

5 (3) by striking “71” in subsection (e), as reded-
6 icated, and inserting “171”.

7 **SEC. 403. REAUTHORIZATION OF ATLANTIC TUNAS CON-**
8 **VENTION ACT OF 1975.**

9 Section 10 of the Atlantic Tunas Convention Act of
10 1975 (16 U.S.C. 971h) is amended—

11 (1) in subsection (a)(1), by striking
12 “\$5,770,000 for each of fiscal years 2007 and
13 2008” and inserting “**[\$X,XXX,XXX]** for each of
14 fiscal years 2015 and 2016”;

15 (2) in subsection (a)(2), by striking
16 “\$6,058,000 for each of fiscal years 2009 and
17 2010” and inserting “**[\$X,XXX,XXX]** for each of
18 fiscal years 2017 and 2018”;

19 (3) in subsection (a)(3), by striking
20 “\$6,361,000 for each of fiscal years 2011 and
21 2013” and inserting “**[\$X,XXX,XXX]** for each of
22 fiscal years 2019, 2020, and 2021”;

23 (4) in subsection (b)(1), by striking “\$160,000”
24 and inserting “**[\$XXX,XXX]**”; and

1 Fishery Conservation and Management Reauthoriza-
2 tion Act of 2014” in paragraph (2);

3 (2) by striking “and” at the end of paragraph
4 (3)(B);

5 (3) in paragraph (3)(C), by striking “agree-
6 ment.” and inserting “agreement; and”; and

7 (4) by adding at the end the following:

8 “(D) to the extent possible—

9 “(i) fishing activities conducted by
10 foreign vessels in waters under the juris-
11 diction of a nation without permission of
12 that nation; and

13 “(ii) fishing activities conducted by
14 foreign vessels in contravention of a na-
15 tion’s laws, including fishing activity that
16 has not been reported or that has been
17 misreported to the relevant national au-
18 thority of a nation in contravention of that
19 nation’s laws.”.

20 (b) AUTHORIZATION OF APPROPRIATIONS; ILLEGAL,
21 UNREPORTED, OR UNREGULATED FISHING.—Section
22 609(f) of the High Seas Driftnet Fishing Moratorium Pro-
23 tection Act (16 U.S.C. 1826j(f)) is amended by striking
24 “2007 through 2013” and inserting “2015 through
25 2021”.

1 (c) AUTHORIZATION OF APPROPRIATIONS; EQUIVA-
2 LENT CONSERVATION MEASURES.—Section 610(f) of the
3 High Seas Driftnet Fishing Moratorium Protection Act
4 (16 U.S.C. 1826k) is amended by striking “2007 through
5 2013” and inserting “2015 through 2021”.

6 **SEC. 406. REAUTHORIZATION OF NORTHWEST ATLANTIC**
7 **FISHERIES CONVENTION ACT OF 1995.**

8 Section 211 of the Northwest Atlantic Fisheries Con-
9 vention Act of 1995 (16 U.S.C. 5610) is amended—

10 (1) by striking “\$500,000” and inserting
11 **["\$XXX,XXX"]**; and

12 (2) by striking “2012” and inserting “2020”.

13 **TITLE V—MISCELLANEOUS**

14 **SEC. 501. TECHNICAL AMENDMENTS.**

15 (a) MAGNUSON-STEVENSON FISHERY CONSERVATION
16 AND MANAGEMENT ACT.—

17 (1) Section 202(e)(5) (16 U.S.C. 1822(e)(5)) is
18 amended by striking “and it Annexes” and inserting
19 “and its Annexes”.

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

21 (A) in subsection (a)(1)(F) by striking
22 “Federally” and inserting “federally”;

23 (B) in subsection (b)(2)(C) by striking
24 “subsection (k)” and inserting “subsection (j)”;

1 (C) in subsection (b)(5)(A) by striking
2 “Federally” and inserting “federally”;

3 (D) in subsection (b)(6) by striking “para-
4 graphs” and inserting “paragraph”;

5 (E) in subsection (h)(5) by striking “ex-
6 cept as provided in section” and inserting “ex-
7 cept as provided in”; and

8 (F) in subsection (i)(3)(B) by striking
9 “subpararaph” and inserting “subparagraph”.

10 (3) Section 303 (16 U.S.C. 1853) is amended—

11 (A) in subsection (a)(5)—

12 (i) by striking “recreational,” and in-
13 serting “recreational, and”; and

14 (ii) by striking “processors,” and in-
15 serting “processors;”; and

16 (B) in subsection (b) by redesignating
17 paragraph (14) as paragraph (13).

18 (4) Section 303A(c)(4)(A)(v) (16 U.S.C.
19 1853a(c)(4)(A)(v)) is amended by striking “is” and
20 inserting “its”.

21 (5) Section 307(1)(K) (16 U.S.C. 1857(1)(K))
22 is amended by striking “to to steal” and inserting
23 “to steal”.

1 (6) Section 312(b)(2)(A) (16 U.S.C. 1861a) is
2 amended by striking “federal or state” and inserting
3 “Federal or State”.

4 (7) Section 313 (16 U.S.C. 1862) is amended—

5 (A) in subsection (a)(2), by striking “or
6 system” and inserting “or systems”; and

7 (B) in subsection (j)(9), by striking “sec-
8 tion 307(l)” and inserting “section 307(1)”.

9 (8) Section 314(a)(3) (16 U.S.C. 1863(a)(3)) is
10 amended by striking “subsection (1)” and inserting
11 “paragraph (1)”.

12 (9) Section 316(c) (16 U.S.C. 1865(c)) is
13 amended by striking “Interior” and inserting “the
14 Interior”.

15 (10) Section 401(c)(5) (16 U.S.C. 1881(c)(5))
16 is amended by striking “subsection” and inserting
17 “section”.

18 (11) Section 406(f)(1)(A) (16 U.S.C. 1882) is
19 amended by striking “federal, state” and inserting
20 “Federal, State”.

21 (b) MAGNUSON-STEVENSON FISHERY CONSERVATION
22 AND MANAGEMENT REAUTHORIZATION ACT OF 2006.—
23 Section 104 of the Magnuson-Stevens Fishery Conserva-
24 tion and Management Reauthorization Act of 2006 (120

1 Stat. 3584; 16 U.S.C. 1854 note) is amended by striking
2 subsection (d).

3 (c) HIGH SEAS DRIFTNET FISHING MORATORIUM
4 PROTECTION ACT.—Section 610(a)(1)(A) of the High
5 Seas Driftnet Fishing Moratorium Protection Act (16
6 U.S.C. 1826k(a)(1)(A)) is amended by striking “prac-
7 tices;” and inserting “practices—”.

8 (d) ANADROMOUS FISH CONSERVATION ACT.—Sec-
9 tion 2 of the Anadromous Fish Conservation Act (16
10 U.S.C. 757b) is amended in paragraph (5) by striking
11 “Seretary” and inserting “Secretary”.

12 (e) NORTHERN PACIFIC HALIBUT ACT OF 1982.—
13 The Northern Pacific Halibut Act of 1982 is amended—

14 (1) in section 9(a) (16 U.S.C. 773g(a)) by
15 striking “any” and inserting “an”; and

16 (2) in section 12 (16 U.S.C. 773j)—

17 (A) by redesignating subsections (a) and

18 (b) as paragraphs (1) and (2), respectively; and

19 (B) in paragraph (2), as redesignated, by

20 striking “section 262(b)” and inserting “section

21 262b”.

22 (f) GREAT LAKES FISHERY ACT OF 1956.—The
23 Great Lakes Fishery Act of 1956 is amended—

1 (1) in section 3(a)(1)(B) (16 U.S.C.
2 932(a)(1)(B)) by inserting “a” after “official of”;
3 and

4 (2) in section 8 (16 U.S.C. 937) by striking
5 “these provisions of title 28, U. S. C.,” and insert-
6 ing “those provisions of title 28, United States
7 Code,”.

8 (g) SOUTH PACIFIC TUNA ACT OF 1988.—Section
9 9(h) of the South Pacific Tuna Act of 1988 (16 U.S.C.
10 973g(h)) is amended—

11 (1) in paragraph (3), by striking “(16 U.S.C.
12 1374(h)(2) and 1416(a))—” and inserting “(16
13 U.S.C. 1374(h)(2) and 1416(a));”; and

14 (2) in the matter following paragraph (3), by
15 striking “treaty” and inserting “Treaty”.

16 (h) ANTARCTIC MARINE LIVING RESOURCES CON-
17 VENTION ACT OF 1984.—Section 303(1) of the Antarctic
18 Marine Living Resources Act of 1984 (16 U.S.C. 2432(1))
19 is amended by striking “60 degrees south; 50 degrees
20 west” and inserting “60 degrees south, 50 degrees west”.

21 (i) PACIFIC SALMON TREATY ACT OF 1985.—The
22 Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3631 et
23 seq.) is amended—

1 (1) in section 3(a) (16 U.S.C. 3632(a)), by
2 striking “States of Oregon, or Washington” and in-
3 serting “State of Oregon or Washington”; and

4 (2) in section 3(h)(2) (16 U.S.C. 3632(h)(2))
5 by inserting a period after “under subsection (a)”.

6 (j) NORTH PACIFIC ANADROMOUS STOCKS ACT OF
7 1992.—The North Pacific Anadromous Stocks Act of
8 1992 (16 U.S.C. 5001 et seq.) is amended—

9 (1) in section 803(6) (16 U.S.C. 5002(6)) by
10 striking “North Latitude” and inserting “north lati-
11 tude”; and

12 (2) in section 809(d)(1)(B) (16 U.S.C.
13 5008(d)(1)(B)), by striking “If any” and inserting
14 “if any”.

15 (k) NORTHWEST ATLANTIC FISHERIES CONVENTION
16 ACT OF 1995.—Section 210(5) of the Northwest Atlantic
17 Fisheries Convention Act of 1995 (16 U.S.C. 5609(5)) is
18 amended by striking “Article” and inserting “Articles”.

19 (l) YUKON RIVER SALMON ACT OF 1995.—The
20 Yukon River Salmon Act of 1995 (16 U.S.C. 5701 et seq.)
21 is amended.—

22 (1) in section 704(c), by striking “subsections
23 (b)(1) and (3)” and inserting “paragraphs (1) or (3)
24 of subsection (b)”;

1 (2) in section 709(c) (16 U.S.C. 5708(e)), by
2 striking “chapter 71” and inserting “chapter 171”;
3 and

4 (3) in section 710(2) (16 U.S.C. 5709(2)), by
5 striking “section 262(b)” and inserting “section
6 262b”.

7 (m) YUKON RIVER SALMON ACT OF 2000.—Section
8 206(e) of the Yukon River Salmon Act of 2000 (16 U.S.C.
9 5725(e)) is amended by striking “chapter 71” and insert-
10 ing “chapter 171”.

11 (n) WESTERN AND CENTRAL PACIFIC FISHERIES
12 CONVENTION IMPLEMENTATION ACT.—The Western and
13 Central Pacific Fisheries Convention Implementation Act
14 (16 U.S.C. 6901 et seq.) is amended.—

15 (1) in section 502(8) (16 U.S.C. 6901(8)), by
16 striking “Convention Area” and inserting “conven-
17 tion area”;

18 (2) in section 503 (16 U.S.C. 6902)—

19 (A) by striking “fashion.” in section
20 (d)(1)(C) and inserting “fashion,”; and

21 (B) by redesignating subsection (f) as sub-
22 section (e);

23 (3) in section 507(a)(7) (16 U.S.C.
24 6906(a)(7)), by striking “chapter” and inserting
25 “act”;

1 (4) in section 508 (16 U.S.C. 6907)—

2 (A) in subsection (a), by striking “United
3 States government” and inserting “United
4 States Government”;

5 (B) in subsection (e)(1)((B)(i)), by striking
6 “that” and inserting “than”;

7 (C) by striking “(e) APPLICATION OF REG-
8 ULATIONS—” and inserting “(e) APPLICATION
9 OF REGULATIONS.—”; and

10 (D) in subsection (e)(3), by striking “pur-
11 suant” and inserting “under”.

12 (o) PACIFIC WHITING ACT OF 2006.—Section
13 608(c)(4) of the Pacific Whiting Act of 2006 (16 U.S.C.
14 7007(c)(4)) is amended by striking “United State’s” and
15 inserting “United States’”.