

116TH CONGRESS  
1ST SESSION

# H. R. 3697

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2019

Mr. YOUNG (for himself and Mr. VAN DREW) introduced the following bill;  
which was referred to the Committee on Natural Resources

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## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. TABLE OF CONTENTS.**

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

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Definitions.

Sec. 4. References.

TITLE I—MAGNUSON-STEVENS ACT FINDINGS AND DEFINITIONS  
AMENDMENTS AND REAUTHORIZATION

Sec. 101. Amendments to findings.

Sec. 102. Amendments to definitions.

Sec. 103. Authorization of appropriations.

TITLE II—FISHERIES MANAGEMENT FLEXIBILITY AND  
MODERNIZATION

Sec. 201. Definitions.

Sec. 202. Process for allocation review for South Atlantic and Gulf of Mexico mixed-use fisheries.

Sec. 203. Alternative fishery management measures.

Sec. 204. Modifications to the annual catch limit requirement.

Sec. 205. Limitation on future catch share programs.

Sec. 206. Study of limited access privilege programs for mixed-use fisheries.

Sec. 207. Cooperative data collection.

Sec. 208. Recreational fishing data.

Sec. 209. Miscellaneous amendments relating to fishery management councils.

Sec. 210. Northeast regional pilot research trawl survey and study.

TITLE III—HEALTHY FISHERIES THROUGH BETTER SCIENCE

Sec. 301. Healthy fisheries through better science.

Sec. 302. Transparency and public process.

Sec. 303. Flexibility in rebuilding fish stocks.

Sec. 304. Exempted fishing permits.

Sec. 305. Cooperative research and management program.

Sec. 306. Federal Gulf of Mexico red snapper management.

TITLE IV—STRENGTHENING FISHING COMMUNITIES

Sec. 401. Estimation of cost of recovery from fishery resource disaster.

Sec. 402. Deadline for action on request by Governor for determination regarding fishery resource disaster.

Sec. 403. North Pacific Fishery management clarification.

Sec. 404. Limitation on harvest in North Pacific directed pollock fishery.

Sec. 405. Arctic community development quota.

Sec. 406. Reallocation of certain unused harvest allocation.

Sec. 407. Community Development Quota Program panel voting procedures.

Sec. 408. Prohibition on shark feeding off coast of Florida.

Sec. 409. Restoration of historically freshwater environment.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Mitigation for impacts to submerged aquatic vegetation.

Sec. 502. Plan for electronic monitoring and reporting procedures for the Northeast Multispecies Fishery.

Sec. 503. Study of fees charged to lobster fishing industry.

Sec. 504. Limitation on application of prohibition on Atlantic striped bass fishing in Block Island Sound transit zone.

Sec. 505. Funding for monitoring implementation of Northeast Multispecies Fishery Management Plan.

## TITLE VI—REEF ASSASSIN ACT

Sec. 601. Short title.

Sec. 602. Encouraging elimination of lionfish.

1 **SEC. 3. DEFINITIONS.**

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

6 **SEC. 4. REFERENCES.**

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

13 **TITLE I—MAGNUSON-STEVENS**  
14 **ACT FINDINGS AND DEFINI-**  
15 **TIONS AMENDMENTS AND RE-**  
16 **AUTHORIZATION**

17 **SEC. 101. AMENDMENTS TO FINDINGS.**

18 Section 2(a) (16 U.S.C. 1801) is amended—

19 (1) in paragraph (1), by inserting “cultural  
20 well-being,” after “economy,”; and

21 (2) in paragraph (10), by inserting “and tradi-  
22 tional ways of life” after “economic growth”.

1 **SEC. 102. AMENDMENTS TO DEFINITIONS.**

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

4 (1) in paragraph (2), by striking “management  
5 program”;

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

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

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

17 (4) by inserting after paragraph (43) the fol-  
18 lowing:

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

1 family consumption; and for customary exchange or  
2 trade.

3 “(B) In this paragraph—

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

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

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

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

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

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

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

21 (c) CLARITY IN ANNUAL REPORT.—Section  
22 304(e)(1) (16 U.S.C. 1854(e)(1)) is amended by adding  
23 at the end the following: “The report shall distinguish be-  
24 tween fisheries that are depleted (or approaching that con-  
25 dition) as a result of fishing and fisheries that are depleted

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

5 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

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

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

9 (2) by striking “fiscal year 2013” and inserting  
10 “each of fiscal years 2020 through 2024”.

11 **TITLE II—FISHERIES MANAGE-**  
12 **MENT FLEXIBILITY AND MOD-**  
13 **ERNIZATION**

14 **SEC. 201. DEFINITIONS.**

15 For the purposes of implementing this title:

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

19 (A) the Committee on Commerce, Science,  
20 and Transportation of the Senate; and

21 (B) the Committee on Natural Resources  
22 of the House of Representatives.

23 (2) LIMITED ACCESS PRIVILEGE PROGRAM.—

24 The term “limited access privilege program” means  
25 a program that meets the requirements of section

1 303A of the Magnuson-Stevens Fishery Conserva-  
2 tion and Management Act (16 U.S.C. 1853a).

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

6 (A) Recreational fishing.

7 (B) Charter fishing.

8 (C) Commercial fishing.

9 **SEC. 202. PROCESS FOR ALLOCATION REVIEW FOR SOUTH**  
10 **ATLANTIC AND GULF OF MEXICO MIXED-USE**  
11 **FISHERIES.**

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

18 (1) to provide guidance to each applicable  
19 Council on criteria that could be used for allocating  
20 fishing privileges, including consideration of the con-  
21 servation and socioeconomic benefits of the commer-  
22 cial, recreational, and charter components of a fish-  
23 ery, in the preparation of a fishery management  
24 plan;

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

4           (3) to develop procedures for allocation reviews  
5 and potential adjustments in allocations; and

6           (4) that shall consider the ecological, economic  
7 and social factors relevant to each component of the  
8 mixed-use fishery including but not limited to: fair-  
9 ness and equitability of all current allocations; per-  
10 cent utilization of available allocations by each com-  
11 ponent; consumer and public access to the resource;  
12 and the application of economic models for fully esti-  
13 mating the direct and indirect value-added contribu-  
14 tions of the various commercial and recreational  
15 fishing industry market sectors throughout chain of  
16 custody.

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

22       (c) PROCESS FOR ALLOCATION REVIEW AND ESTAB-  
23 LISHMENT.—

24           (1) IN GENERAL.—Not later than 2 years after  
25 the date of enactment of this Act, and every 5 years



1 thereafter, an applicable Council shall perform a re-  
2 view of the allocations to the commercial fishing sec-  
3 tor and the recreational fishing sector of all applica-  
4 ble fisheries in its jurisdiction.

5 (2) CONSIDERATIONS.—In conducting a review  
6 under paragraph (1), an applicable Council shall  
7 consider, in each allocation decision, the conserva-  
8 tion and socioeconomic benefits of—

9 (A) the commercial fishing sector; and

10 (B) the recreational fishing sector.

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

13 (1) the South Atlantic Fishery Management  
14 Council; or

15 (2) the Gulf of Mexico Fishery Management  
16 Council.

17 **SEC. 203. ALTERNATIVE FISHERY MANAGEMENT MEAS-**  
18 **URES.**

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

20 (1) in paragraph (8), by striking “; and” and  
21 inserting a semicolon;

22 (2) by redesignating paragraph (9) as para-  
23 graph (10); and

24 (3) by inserting after paragraph (8), the fol-  
25 lowing:



1 ducted and the results are considered by the Council  
2 and its scientific and statistical committee.

3 “(2) CONSIDERATION OF ECOSYSTEM AND ECO-  
4 NOMIC IMPACTS.—In establishing annual catch lim-  
5 its a Council may, consistent with subsection (h)(6),  
6 consider changes in an ecosystem and the economic  
7 needs of the fishing communities.

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

12 “(A) an ecosystem-component species;

13 “(B) a fishery for a species that has a life  
14 cycle of approximately 1 year, unless the Sec-  
15 retary has determined the fishery is subject to  
16 overfishing; or

17 “(C) a stock for which—

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

21 “(ii) fishing mortality will have little  
22 impact on the stock.

23 “(4) RELATIONSHIP TO INTERNATIONAL FISH-  
24 ERY EFFORTS.—

1           “(A) IN GENERAL.—Each annual catch  
2 limit, consistent with subsection (h)(6)—

3           “(i) may take into account manage-  
4 ment measures under international agree-  
5 ments in which the United States partici-  
6 pates; and

7           “(ii) in the case of an annual catch  
8 limit developed by a Council for a species,  
9 shall take into account fishing for the spe-  
10 cies outside the exclusive economic zone  
11 and the life-history characteristics of the  
12 species that are not subject to the jurisdic-  
13 tion of the Council.

14           “(B) EXCEPTION TO ANNUAL CATCH LIMIT  
15 REQUIREMENT.—If fishery management activi-  
16 ties by another country with respect to fishing  
17 outside the exclusive economic zone may hinder  
18 conservation efforts by United States fishermen  
19 for a fish species for which any of the recruit-  
20 ment, distribution, life history, or fishing activi-  
21 ties are transboundary, and for which there is  
22 no informal transboundary agreement with that  
23 country in effect, then—

24           “(i) notwithstanding subsection  
25 (h)(6), no annual catch limit is required to

1 be developed for the species by a Council;  
2 and

3 “(ii) if an annual catch limit is devel-  
4 oped by a Council for the species, the catch  
5 limit shall take into account fishing for the  
6 species outside the exclusive economic zone  
7 that is not subject to the jurisdiction of the  
8 Council.

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

13 “(A) an annual catch limit for a stock  
14 complex; or

15 “(B) annual catch limits for each year in  
16 any continuous period that is not more than 3  
17 years in duration.

18 “(6) ECOSYSTEM-COMPONENT SPECIES DE-  
19 FINED.—In this subsection the term ‘ecosystem-com-  
20 ponent species’ means a stock of fish that is a non-  
21 target, incidentally harvested stock of fish in a fish-  
22 ery, or a nontarget, incidentally harvested stock of  
23 fish that a Council or the Secretary has deter-  
24 mined—

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

3           “(B) is not likely to become subject to  
4           overfishing or depleted in the absence of con-  
5           servation and management measures.

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

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

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

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

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

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

1 **SEC. 205. LIMITATION ON FUTURE CATCH SHARE PRO-**  
2 **GRAMS.**

3 (a) CATCH SHARE DEFINED.—Section 3 (16 U.S.C.  
4 1802) is amended by inserting after paragraph (2) the fol-  
5 lowing:

6 “(2a) The term ‘catch share’ means any fishery  
7 management program that allocates a specific per-  
8 centage of the total allowable catch for a fishery, or  
9 a specific fishing area, to an individual, cooperative,  
10 community, processor, representative of a commer-  
11 cial sector, or regional fishery association established  
12 in accordance with section 303A(c)(4), or other enti-  
13 ty.”.

14 (b) CATCH SHARE REFERENDUM PILOT PRO-  
15 GRAM.—

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

19 “(D) CATCH SHARE REFERENDUM PILOT  
20 PROGRAM.—

21 “(i) The New England, Mid-Atlantic,  
22 South Atlantic, and Gulf of Mexico Coun-  
23 cils may not submit a fishery management  
24 plan or amendment that creates a catch  
25 share program for a fishery, and the Sec-  
26 retary may not approve or implement such

1 a plan or amendment submitted by such a  
2 Council or a Secretarial plan or amend-  
3 ment under section 304(c) that creates  
4 such a program, unless the final program  
5 has been approved, in a referendum in ac-  
6 cordance with this subparagraph, by a ma-  
7 jority of the permit holders eligible to par-  
8 ticipate in the fishery. For multispecies  
9 permits in the Gulf of Mexico, any permit  
10 holder with landings from within the sector  
11 of the fishery being considered for the  
12 catch share program within the 5-year pe-  
13 riod preceding the date of the referendum  
14 and still active in fishing in the fishery  
15 shall be eligible to participate in such a  
16 referendum. If a catch share program is  
17 not approved by the requisite number of  
18 permit holders, it may be revised and sub-  
19 mitted for approval in a subsequent ref-  
20 erendum.

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



1                   “(I) a copy of the proposed pro-  
2                   gram;

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

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

9                   “(IV) information concerning the  
10                  schedule, procedures, and eligibility  
11                  requirements for the referendum pro-  
12                  cess.

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

22                  “(iv) The Secretary may not imple-  
23                  ment any catch share program for any  
24                  fishery managed exclusively by the Sec-  
25                  retary unless first petitioned by a majority

1 of those permit holders eligible to partici-  
2 pate in the fishery.”.

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

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

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

16 (a) STUDY ON LIMITED ACCESS PRIVILEGE PRO-  
17 GRAMS.—Not later than 1 year after the date of enact-  
18 ment of this Act, the Secretary of Commerce shall seek  
19 to enter into an arrangement under which the Ocean Stud-  
20 ies Board of the National Academies of Sciences, Engi-  
21 neering, and Medicine shall—

22 (1) study the use of limited access privilege pro-  
23 grams in mixed-use fisheries, including—

24 (A) identifying any inequities caused by a  
25 limited access privilege program;

1 (B) recommending policies to address the  
2 inequities identified in subparagraph (A); and

3 (C) identifying and recommending the dif-  
4 ferent factors and information a mixed-use fish-  
5 ery should consider when designing, estab-  
6 lishing, or maintaining a limited access privilege  
7 program to mitigate any inequities identified in  
8 subparagraph (A); and

9 (2) submit to the appropriate committees of  
10 Congress a report on the study under paragraph (1),  
11 including the recommendations under subparagraphs  
12 (B) and (C) of paragraph (1).

13 (b) TEMPORARY MORATORIUM.—

14 (1) IN GENERAL.—Except as provided in para-  
15 graph (2), there shall be a moratorium on the sub-  
16 mission and approval of a limited access privilege  
17 program for a mixed-use fishery until the date that  
18 the report is submitted under subsection (a)(1)(B).

19 (2) EXCEPTION.—Subject to paragraph (3), a  
20 Council may submit, and the Secretary of Commerce  
21 may approve, for a mixed-use fishery that is man-  
22 aged under a limited access system, a limited access  
23 privilege program if such program was part of a  
24 pending fishery management plan or plan amend-  
25 ment before the date of enactment of this Act.

1           (3) MANDATORY REVIEW.—A Council that ap-  
2 proves a limited access privilege program under  
3 paragraph (2) shall, upon issuance of the report re-  
4 quired under subparagraph (a), review and, to the  
5 extent practicable, revise the limited access privilege  
6 program to be consistent with the recommendations  
7 of the report or any subsequent statutory or regu-  
8 latory requirements designed to implement the rec-  
9 ommendations of the report.

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

14 **SEC. 207. COOPERATIVE DATA COLLECTION.**

15           (a) IMPROVING DATA COLLECTION AND ANALYSIS.—  
16 Section 404 (16 U.S.C. 1881c) is amended by adding at  
17 the end the following:

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

20           “(1) IN GENERAL.—Not later than 1 year after  
21 the date of enactment of this Act, the Secretary  
22 shall develop, in consultation with the science and  
23 statistical committees of the Councils established  
24 under section 302(g) and the Marine Fisheries Com-  
25 missions, and submit to the Committee on Com-

1 merce, Science, and Transportation of the Senate  
2 and the Committee on Natural Resources of the  
3 House of Representatives a report on facilitating  
4 greater incorporation of data, analysis, stock assess-  
5 ments, and surveys from State agencies and non-  
6 governmental sources described in paragraph (2)  
7 into fisheries management decisions.

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

11 “(A) Fishermen.

12 “(B) Fishing communities.

13 “(C) Universities.

14 “(D) Research and philanthropic institu-  
15 tions.

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

18 “(A) identify types of data and analysis,  
19 especially concerning recreational fishing, that  
20 can be reliably used for purposes of this Act as  
21 the basis for establishing conservation and man-  
22 agement measures as required by section  
23 303(a)(1), including setting standards for the  
24 collection and use of that data and analysis in

1 stock assessments and surveys and for other  
2 purposes as determined by the Secretary;

3 “(B) provide specific recommendations for  
4 collecting data and performing analyses identi-  
5 fied as necessary to reduce uncertainty in and  
6 improve the accuracy of future stock assess-  
7 ments, including whether such data and anal-  
8 ysis could be provided by nongovernmental  
9 sources, including fishermen, fishing commu-  
10 nities, universities, and research institutions;

11 “(C) consider the extent to which it is pos-  
12 sible to establish a registry of persons collecting  
13 or submitting the data and performing the  
14 analyses identified under subparagraphs (A)  
15 and (B); and

16 “(D) consider the extent to which the ac-  
17 ceptance and use of data and analyses identi-  
18 fied in the report in fishery management deci-  
19 sions is practicable.”.

20 (b) PUBLICATION.—The Secretary of Commerce shall  
21 make available on the Internet Website of the National  
22 Oceanic and Atmospheric Administration the report re-  
23 quired under the amendment made by subsection (a) by  
24 not later than 1 year after the date of the enactment of  
25 this Act.

1 (c) NAS REPORT RECOMMENDATIONS.—The Sec-  
2 retary of Commerce shall take into consideration and, to  
3 the extent feasible, implement the recommendations of the  
4 National Academy of Sciences in the report entitled “Re-  
5 view of the Marine Recreational Information Program  
6 (2017)”, including—

7 (1) prioritizing the evaluation of electronic data  
8 collection, including smartphone applications, elec-  
9 tronic diaries for prospective data collection, and an  
10 Internet website option for panel members or for the  
11 public;

12 (2) evaluating whether the design of the Marine  
13 Recreational Information Program for the purposes  
14 of stock assessment and the determination of stock  
15 management reference points is compatible with the  
16 needs of in-season management of annual catch lim-  
17 its; and

18 (3) if the Marine Recreational Information Pro-  
19 gram is incompatible with the needs of in-season  
20 management of annual catch limits, determining an  
21 alternative method for in-season management.

22 **SEC. 208. RECREATIONAL FISHING DATA.**

23 Section 401(g) (16 U.S.C. 1881(g)) is amended by  
24 redesignating paragraph (5) as paragraph (6), and by in-  
25 serting after paragraph (4) the following:

1 “(5) FEDERAL-STATE PARTNERSHIPS.—

2 “(A) ESTABLISHMENT.—The Secretary  
3 shall establish partnerships with States to de-  
4 velop best practices for implementation of State  
5 programs established pursuant to paragraph  
6 (2).

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

12 **SEC. 209. MISCELLANEOUS AMENDMENTS RELATING TO**  
13 **FISHERY MANAGEMENT COUNCILS.**

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

17 (1) in subparagraph (A), in the second sen-  
18 tence—

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

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



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

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

4           and

5                   (B) by inserting before the period at the  
6           end “and a liaison who is a member of the New  
7           England Fishery Management Council to rep-  
8           resent the interests of fisheries under the juris-  
9           diction of such Council”.

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

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

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

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

22          (d) PROHIBITION ON CONSIDERING RED SNAPPER  
23 KILLED DURING REMOVAL OF OIL RIGS.—Any red snap-  
24 per that are killed during the removal of any offshore oil  
25 rig in the Gulf of Mexico shall not be considered in deter-

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

4 (e) PROHIBITION ON CONSIDERING FISH SEIZED  
5 FROM FOREIGN FISHING.—Any fish that are seized from  
6 a foreign vessel engaged in illegal fishing activities in the  
7 exclusive economic zone shall not be considered in deter-  
8 mining under the Magnuson-Stevens Fishery Conservation  
9 and Management Act (16 U.S.C. 1801 et seq.) the total  
10 allowable catch for that fishery.

11 **SEC. 210. NORTHEAST REGIONAL PILOT RESEARCH TRAWL**  
12 **SURVEY AND STUDY.**

13 (a) INDUSTRY-BASED PILOT STUDY.—Within 1 year  
14 after the date of the enactment of this Act, the Secretary  
15 of Commerce shall, in coordination with the relevant  
16 Councils selected by the Secretary and the Northeast Area  
17 Monitoring and Assessment Program (NEAMAP), develop  
18 a fishing industry-based Northeast regional pilot research  
19 trawl survey and study to enhance and provide improve-  
20 ment to current National Oceanic and Atmospheric Ad-  
21 ministration vessel trawl surveys.

22 (b) COMPONENTS.—Under the pilot survey and  
23 study—

24 (1) the Secretary—

1 (A) may select fishing industry vessels to  
2 participate in the study by issuing a request for  
3 procurement;

4 (B) may use the NEAMAP Southern New  
5 England/Mid-Atlantic Nearshore Trawl Survey  
6 as a model for the pilot survey; and

7 (C) shall outfit participating vessels with a  
8 peer-reviewed net configuration; and

9 (2) the selected Councils shall, in partnership  
10 with the National Marine Fisheries Service North-  
11 east Fisheries Science Center and the Virginia Insti-  
12 tute of Marine Science, collect data and evaluate dis-  
13 crepancies between fishing industry vessel data and  
14 National Oceanic and Atmospheric Administration  
15 vessel data, for 5 years.

16 (c) REPORT.—Upon completion of the pilot survey  
17 and study, the Secretary and the selected Councils shall  
18 submit a detailed report on the results of the pilot survey  
19 and study to the Committee on Natural Resources of the  
20 House of Representatives and the Committee on Com-  
21 merce, Science, and Transportation of the Senate.

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

3 **SEC. 301. HEALTHY FISHERIES THROUGH BETTER**  
4 **SCIENCE.**

5 (a) DEFINITION OF STOCK ASSESSMENT.—Section 3  
6 (16 U.S.C. 1802), as amended by section 102(a) of this  
7 Act, is further amended by redesignating the paragraphs  
8 after paragraph (42) in order as paragraphs (44) through  
9 (53), and by inserting after paragraph (42) the following:

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

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

15 “(i) the geographical boundaries of  
16 such stock; and

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

21 “(B) fishing for the stock.”.

22 (b) STOCK ASSESSMENT PLAN.—

23 (1) IN GENERAL.—Section 404 (16 U.S.C.  
24 1881c), as amended by section 207(a) of this Act,

1 is further amended by adding at the end the fol-  
2 lowing:

3 “(g) STOCK ASSESSMENT PLAN.—

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

11 “(2) CONTENTS.—The plan shall—

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

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

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

23 “(I) every 5 years; or

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

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

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

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

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

1 with the requirements in section 301(a)(2) to  
2 base conservation and management measures  
3 on the best scientific information available.

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

11 (2) DEADLINE.—Notwithstanding section  
12 404(g)(1) of the Magnuson-Stevens Fishery Con-  
13 servation and Management Act, as amended by this  
14 section, the Secretary of Commerce shall issue the  
15 first stock assessment plan under such section by  
16 not later than 2 years after the date of enactment  
17 of this Act.

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

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

24 (b) MEETINGS.—Section 302(i)(2) (16 U.S.C.  
25 1852(i)(2)) is amended by adding at the end the following:

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

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

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

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



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

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

4 (1) in paragraph (4)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18       (a) OBJECTIONS.—If the relevant Council, the Inter-  
19       state Marine Fisheries Commission, or the fish and wild-  
20       life agency of an affected State objects to the approval  
21       and issuance of an exempted fishing permit under section  
22       600.745 of title 50, Code of Federal Regulations, or any  
23       successor regulation, the Regional Administrator of the  
24       National Marine Fisheries Service who issued such ex-  
25       empted fishing permit shall respond to such entity in writ-

1 ing detailing why such exempted fishing permit was  
2 issued.

3 (b) 12-MONTH FINDING.—At the end of the 12-  
4 month period beginning on the date the exempted fishing  
5 permit is issued under section 600.745 of title 50, Code  
6 of Federal Regulations, or any successor regulation, the  
7 Council that prepared the fishery management plan, or the  
8 Secretary in the case of a fishery management plan pre-  
9 pared and implemented by the Secretary, shall review the  
10 exempted fishing permit and determine whether any unin-  
11 tended negative impacts have occurred that would warrant  
12 the discontinuation of the permit.

13 (c) CLARIFICATION.—The Secretary may not issue an  
14 exempted fishing permit under section 600.745 of title 50,  
15 Code of Federal Regulations, or any successor regulation  
16 that—

17 (1) establishes a limited access system as de-  
18 fined in section 3 of the Magnuson-Stevens Fishery  
19 Conservation and Management Act (16 U.S.C.  
20 1802);

21 (2) is consistent with section 303A of such Act  
22 (16 U.S.C. 1853a); or

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

1 (d) SAVINGS PROVISION.—Except for subsection (b),  
2 nothing in this section may be construed to affect an ex-  
3 empted fishing permit approved under section 600.745 of  
4 title 50, Code of Federal Regulations, before the date of  
5 the enactment of this Act.

6 **SEC. 305. COOPERATIVE RESEARCH AND MANAGEMENT**  
7 **PROGRAM.**

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

9 (1) in subsection (a), by inserting “(1)” before  
10 the first sentence, and by adding at the end the fol-  
11 lowing:

12 “(2) Within 1 year after the date of enactment  
13 of the Strengthening Fishing Communities and In-  
14 creasing Flexibility in Fisheries Management Act,  
15 and after consultation with the Councils, the Sec-  
16 retary shall publish a plan for implementing and  
17 conducting the program established in paragraph  
18 (1). Such plan shall identify and describe critical re-  
19 gional fishery management and research needs, pos-  
20 sible projects that may address those needs, and es-  
21 timated costs for such projects. The plan shall be re-  
22 vised and updated every 5 years, and updated plans  
23 shall include a brief description of projects that were  
24 funded in the prior 5-year period and the research

1 and management needs that were addressed by those  
2 projects.”; and

3 (2) in subsection (c)—

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

6 (B) in paragraph (1), by striking “includ-  
7 ing” and all that follows and inserting the fol-  
8 lowing: “including—

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

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

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

16 **SEC. 306. FEDERAL GULF OF MEXICO RED SNAPPER MAN-**  
17 **AGEMENT.**

18 (a) IN GENERAL.—Section 407 (16 U.S.C. 1883) is  
19 amended to read as follows:

20 **“SEC. 407. CERTIFICATION OF STATE SURVEYS.**

21 “(a) SUBMISSION.—A Gulf State that conducts a ma-  
22 rine recreational fisheries statistical survey in the Gulf of  
23 Mexico to make catch estimates for red snapper landed  
24 in such State may submit such survey to the Secretary  
25 for certification.

1       “(b) CERTIFICATION STANDARDS.—Not later than  
2 90 days after the date of enactment of the Strengthening  
3 Fishing Communities and Increasing Flexibility in Fish-  
4 eries Management Act, the Secretary shall establish and  
5 provide the Gulf States with standards for certifying State  
6 marine recreational fisheries statistical surveys that  
7 shall—

8           “(1) ensure that State marine recreational fish-  
9 eries statistical surveys are appropriately pilot test-  
10 ed, independently peer reviewed, and endorsed for  
11 implementation by the reviewers;

12           “(2) use designs consistent with accepted sur-  
13 vey sampling practices; and

14           “(3) minimize the potential for bias and known  
15 sources of survey error.

16       “(c) CERTIFICATION.—

17           “(1) IN GENERAL.—The Secretary shall make a  
18 certification or a denial of certification for any ma-  
19 rine recreational fisheries statistical survey sub-  
20 mitted under subsection (a) not later than the end  
21 of the 6-month period beginning on the date that the  
22 survey and information needed to evaluate the sur-  
23 vey under the standards established under sub-  
24 section (b) are submitted.



1           “(2) TIMING.—In the case of a certification re-  
2           quest from a Gulf State, the Secretary shall begin  
3           evaluation of the request upon receipt of all informa-  
4           tion necessary to make a determination consistent  
5           with the standards set forth under subsection (b).

6           “(3) DEEMED CERTIFIED.—A marine rec-  
7           reational fisheries statistical survey shall be deemed  
8           to be certified effective upon the expiration of the 6-  
9           month period described in paragraph (1) if the Sec-  
10          retary has not made a certification or denial of cer-  
11          tification.

12          “(d) MODIFICATION OF SURVEYS DENIED CERTIFI-  
13          CATION.—

14                 “(1) IN GENERAL.—If a marine recreational  
15                 fisheries statistical survey of a Gulf State is denied  
16                 certification under subsection (c), the Secretary  
17                 shall, not later than 60 days after the date of the  
18                 denial, provide the Gulf State a proposal for modi-  
19                 fications to the survey.

20                 “(2) PROPOSAL.—A proposal provided to a Gulf  
21                 State for a survey under paragraph (1)—

22                         “(A) shall be specific to the survey sub-  
23                         mitted by such Gulf State and may not be con-  
24                         strued to apply to any other Gulf State;

1           “(B) shall require revision to the fewest  
2 possible provisions of the survey; and

3           “(C) may not unduly burden the ability of  
4 such Gulf State to revise the survey.

5           “(3) MODIFIED SURVEY.—

6           “(A) AUTHORITY TO SUBMIT.—If a marine  
7 recreational fisheries statistical survey of a Gulf  
8 State was denied certification under subsection  
9 (c), the Gulf State may modify the survey and  
10 submit the modified survey to the Secretary for  
11 certification or denial of certification.

12           “(B) SCHEDULE.—The Secretary shall  
13 make a certification or denial of certification for  
14 any modified survey not later than the end of  
15 the 30-day period beginning on the date the  
16 modified survey is submitted.

17           “(C) DEEMED CERTIFIED.—A modified  
18 survey is deemed to be certified effective upon  
19 the expiration of the period described in sub-  
20 paragraph (B) if the Secretary has not made a  
21 certification or denial of certification.”.

22           (b) CLERICAL AMENDMENT.—The table of contents  
23 in the first section is amended by striking the item relating  
24 to section 407 and inserting the following:

“Sec. 407. Certification of State surveys.”.

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

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

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

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

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

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

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

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

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

24          “(2) The Secretary shall make a decision regarding  
25 a request from a Governor under paragraph (1) within 90

1 days after receiving an estimate of the economic impact  
2 of the fishery resource disaster from the entity requesting  
3 the relief.”.

4 **SEC. 403. NORTH PACIFIC FISHERY MANAGEMENT CLARI-**  
5 **FICATION.**

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

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

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

11 **SEC. 404. LIMITATION ON HARVEST IN NORTH PACIFIC DI-**  
12 **RECTED POLLOCK FISHERY.**

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

16 “(1) HARVESTING.—

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

1           “(B) MAXIMUM PERCENTAGE.—The per-  
2           centage established by the North Pacific Fish-  
3           ery Management Council shall not exceed 24  
4           percent of the pollock available to be harvested  
5           in the directed pollock fishery.”.

6 **SEC. 405. ARCTIC COMMUNITY DEVELOPMENT QUOTA.**

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

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

21 **SEC. 406. REALLOCATION OF CERTAIN UNUSED HARVEST**  
22 **ALLOCATION.**

23          (a) REALLOCATION.—Notwithstanding any other  
24          provision of law, each year upon receipt by the Secretary  
25          of Commerce (referred to in this section as the “Sec-

1 retary”) of written notice from the allocation holder  
2 named in section 803 of division B of the Consolidated  
3 Appropriations Act, 2004 (Public Law 108–199, 16  
4 U.S.C. 1851 note) that such holder will not harvest all  
5 or a part of the allocation authorized pursuant to that Act,  
6 the Secretary shall reallocate for that year the unused por-  
7 tion of such allocation to the Bering Sea subarea of the  
8 BSAI (as defined in section 679.2 of title 50, Code of Fed-  
9 eral Regulations) and shall assign the reallocated unused  
10 portion of the allocation only to eligible vessels as de-  
11 scribed in subsection (b)(1) for harvest in the Bering Sea  
12 subarea of the BSAI, consistent with any agreements as  
13 described in subsection (c).

14 (b) ELIGIBILITY TO RECEIVE REALLOCATION.—

15 (1) IN GENERAL.—Only vessels defined in sub-  
16 section (a), (b), (c), or (e) of section 208 of the  
17 American Fisheries Act (16 U.S.C. 1851 note), or  
18 any vessels authorized to replace such vessels, may  
19 receive a reallocation described in subsection (a).

20 (2) LIMITATION ON REALLOCATIONS.—The  
21 Secretary shall not reallocate the allocation de-  
22 scribed in subsection (a) in any year if such realloca-  
23 tion exceeds the annual catch limit for pollock in the  
24 Bering Sea subarea of the BSAI.

1           (3) CALCULATIONS.—Any amount of the re-  
2 allocation described in subsection (a) shall not be  
3 used in the calculation of harvesting or processing  
4 excessive shares as described in section 210(e) of the  
5 American Fisheries Act (16 U.S.C. 1851 note).

6           (4) CONDITIONS.—In any year, the assignment,  
7 transfer, or reallocation shall not violate the require-  
8 ments of section 206(b) of the American Fisheries  
9 Act (title II of the division C of Public Law 105–  
10 277; 16 U.S.C. 1851 note).

11       (c) AGREEMENTS.—

12           (1) IN GENERAL.—Each year, the allocation  
13 holder named in section 803(a) of division B of the  
14 Consolidated Appropriations Act, 2004 (Public Law  
15 108–199, 16 U.S.C. 1851 note) may establish one or  
16 more agreements with the owners of some or all of  
17 the eligible vessels as defined in subsection (b)(1).

18           (2) REQUIREMENTS.—Each agreement de-  
19 scribed in paragraph (1)—

20           (A) shall specify those eligible vessels that  
21 may receive a reallocation and the amount of  
22 reallocation that such vessels may receive in ac-  
23 cordance with subsection (b)(2); and

24           (B) may contain other requirements or  
25 compensation agreed to by the allocation holder

1           named in section 803 of division B of the Con-  
2           solidated Appropriations Act, 2004 (Public Law  
3           108–199, 16 U.S.C. 1851 note) and the owners  
4           of such eligible vessels, provided such require-  
5           ments or compensation are otherwise consistent  
6           with the American Fisheries Act (16 U.S.C.  
7           1851 note), the Magnuson-Stevens Fishery  
8           Conservation and Management Act (16 U.S.C.  
9           1801 et seq.), and any other applicable law.

10          (d) EXISTING AUTHORITY.—Except for the measures  
11         required by this section, nothing in this section shall be  
12         construed to limit the authority of the North Pacific Fish-  
13         ery Management Council or the Secretary under the  
14         American Fisheries Act (16 U.S.C. 1851 note), the Mag-  
15         nuson-Stevens Fishery Conservation and Management Act  
16         (16 U.S.C. 1801 et seq.), or other applicable law.

17          (e) ENFORCEMENT.—Taking or processing any part  
18         of the allocation made by section 803 of division B of the  
19         Consolidated Appropriations Act, 2004 (Public Law 108–  
20         199, 16 U.S.C. 1851 note), and reallocated under this sec-  
21         tion in a manner that is not consistent with the realloca-  
22         tion authorized by the Secretary shall be considered in vio-  
23         lation of section 307 of the Magnuson-Stevens Fishery  
24         Conservation and Management Act (16 U.S.C. 1857) and  
25         subject to the penalties and sanctions under section 308



1 of such Act (16 U.S.C. 1858), and subject to the forfeiture  
2 of any fish harvested or processed.

3 (f) CLARIFICATIONS.—

4 (1) AMENDMENT.—Subsection (e) of section  
5 803 of division B of the Consolidated Appropriations  
6 Act, 2004 (Public Law 108–199, 16 U.S.C. 1851  
7 note) is amended by striking “during the years 2004  
8 through 2008”.

9 (2) PURPOSE OF REALLOCATION.—Consistent  
10 with subsection (d) of section 803 of division B of  
11 the Consolidated Appropriations Act, 2004 (Public  
12 Law 108–199, 16 U.S.C. 1851 note), the realloca-  
13 tion of the unused portion of the allocation provided  
14 to the allocation holder named in subsection (a) of  
15 such section for harvest in the Bering Sea subarea  
16 of the BSAI is for the purposes of economic develop-  
17 ment in Adak, Alaska pursuant to the requirements  
18 of the Magnuson-Stevens Fishery Conservation and  
19 Management Act (16 U.S.C. 1801 et seq.).

20 **SEC. 407. COMMUNITY DEVELOPMENT QUOTA PROGRAM**

21 **PANEL VOTING PROCEDURES.**

22 Section 305(i)(1)(G)(iv) (16 U.S.C.  
23 1855(i)(1)(G)(iv)) is amended to read as follows:

1                   “(iv) VOTING REQUIREMENT.—The  
2                   panel may act only by the affirmative vote  
3                   of at least five of its members.”.

4 **SEC. 408. PROHIBITION ON SHARK FEEDING OFF COAST OF**  
5 **FLORIDA.**

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

7                   (1) by striking “It is unlawful—” and inserting  
8                   the following:

9                   “(a) IN GENERAL.—It is unlawful—”; and

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

11           “(b) PROHIBITION ON SHARK FEEDING OFF COAST  
12 OF FLORIDA.—

13                   “(1) IN GENERAL.—It is unlawful—

14                           “(A) for any diver to engage in shark feed-  
15                           ing in covered waters; and

16                           “(B) for any person to operate a vessel for  
17                           hire for the purpose of carrying a passenger to  
18                           a site if such person knew or should have  
19                           known that the passenger intended, at that site,  
20                           to be a diver—

21                                   “(i) engaged in shark feeding in cov-  
22                                   ered waters; or

23                                   “(ii) engaged in observing shark feed-  
24                                   ing in covered waters.

1           “(2) DEFINITIONS.—For purposes of this sub-  
2 section:

3           “(A) COVERED WATERS.—The term ‘cov-  
4 ered waters’ means Federal waters off the coast  
5 of Florida.

6           “(B) DIVER.—The term ‘diver’ means a  
7 person who is wholly or partially submerged in  
8 covered water and is equipped with a face  
9 mask, face mask and snorkel, or underwater  
10 breathing apparatus.

11           “(C) SHARK FEEDING.—The term ‘shark  
12 feeding’ means—

13           “(i) the introduction of food or any  
14 other substance into covered water for the  
15 purpose of feeding or attracting sharks; or

16           “(ii) presenting food or any other sub-  
17 stance to a shark for the purpose of feed-  
18 ing or attracting sharks.

19           “(3) EXCEPTION.—This subsection shall not  
20 apply to shark feeding conducted—

21           “(A) by a research institution, university,  
22 or government agency for research purposes; or

23           “(B) for the purpose of harvesting  
24 sharks.”.

1 **SEC. 409. RESTORATION OF HISTORICALLY FRESHWATER**  
2 **ENVIRONMENT.**

3 Section 3(10) (16 U.S.C. 1802) is amended—

4 (1) by inserting a comma after “feeding”; and

5 (2) by inserting the following: “except that such

6 term—

7 “(A) does not include an area that—

8 “(i) was previously covered by land or

9 a fresh water environment; and

10 “(ii) is in a State where the average

11 annual land loss of such State during the

12 20 years before the date of the enactment

13 of the Strengthening Fishing Communities

14 and Increasing Flexibility in Fisheries

15 Management Act exceeds 10 square miles;

16 and

17 “(B) does not apply with respect to a

18 project undertaken by a State or local govern-

19 ment with the purpose of restoration or protec-

20 tion of an area described in subparagraph

21 (A).”.

1           **TITLE V—MISCELLANEOUS**  
2                           **PROVISIONS**

3   **SEC. 501. MITIGATION FOR IMPACTS TO SUBMERGED**  
4                           **AQUATIC VEGETATION.**

5           Requirements to conserve or to provide compensatory  
6 mitigation for impacts to submerged aquatic vegetation  
7 under section 305(b) of the Magnuson-Stevens Fishery  
8 Conservation and Management Act (16 U.S.C. 1855(b))  
9 shall not apply when a non-Federal entity conducts main-  
10 tenance dredging for an authorized Federal navigation  
11 project on an inland waterway, inlet, or harbor located in  
12 North Carolina, South Carolina, Georgia, or Florida pur-  
13 suant to a permit issued under section 404 of the Federal  
14 Water Pollution Control Act (33 U.S.C. 1344) or section  
15 10 of the Act of March 3, 1899 (33 U.S.C. 403; 30 Stat.  
16 1151, chapter 425).

17   **SEC. 502. PLAN FOR ELECTRONIC MONITORING AND RE-**  
18                           **PORTING PROCEDURES FOR THE NORTH-**  
19                           **EAST MULTISPECIES FISHERY.**

20           The Secretary, acting through the National Oceanic  
21 and Atmospheric Administration, shall submit a plan to  
22 the Committee on Natural Resources of the House of Rep-  
23 resentatives and the Committee on Commerce, Science,  
24 and Transportation of the Senate not less than 180 days  
25 after the date of the enactment of this Act that will estab-

1 lish fully operational electronic monitoring and reporting  
2 procedures for the Northeast Multispecies Fishery by not  
3 later than September 30, 2021. The plan shall include the  
4 proposal of the National Oceanic and Atmospheric Admin-  
5 istration to cover vessel equipment and installation costs,  
6 with daily, half-day, or quarter-day operational costs to  
7 be borne by the fishing vessels.

8 **SEC. 503. STUDY OF FEES CHARGED TO LOBSTER FISHING**  
9 **INDUSTRY.**

10 Not later than 6 months after the date of the enact-  
11 ment of this Act, the Secretary of Commerce, acting  
12 through the National Oceanic and Atmospheric Adminis-  
13 tration, shall study and report to the Congress on all fees  
14 imposed by such Administration on the lobster fishing in-  
15 dustry.

16 **SEC. 504. LIMITATION ON APPLICATION OF PROHIBITION**  
17 **ON ATLANTIC STRIPED BASS FISHING IN**  
18 **BLOCK ISLAND SOUND TRANSIT ZONE.**

19 Any prohibition on fishing for Atlantic striped bass  
20 in the Exclusive Economic Zone of the United States im-  
21 posed under Executive Order No. 13449 or section  
22 697.7(b) of title 50, Code of Federal Regulations, shall  
23 not apply in the area described in section 697.7(b)(3) of  
24 title 50, Code of Federal Regulations, commonly referred  
25 to as the Block Island Sound transit zone.

1 **SEC. 505. FUNDING FOR MONITORING IMPLEMENTATION**  
2 **OF NORTHEAST MULTISPECIES FISHERY**  
3 **MANAGEMENT PLAN.**

4 Section 311(f)(4) (16 U.S.C. 1861(f)(4)) is amended  
5 by striking “pursuant to this section” and all that follows  
6 through the end of the sentence and inserting “to enforce  
7 and monitor (including electronic monitoring) implementa-  
8 tion of that Plan.”.

9 **TITLE VI—REEF ASSASSIN ACT**

10 **SEC. 601. SHORT TITLE.**

11 This title may be cited as the “Reef Assassin Act”.

12 **SEC. 602. ENCOURAGING ELIMINATION OF LIONFISH.**

13 (a) IN GENERAL.—Title III of the Magnuson-Stevens  
14 Fishery Conservation and Management Act (16 U.S.C.  
15 1851 et seq.) is amended by adding at the end the fol-  
16 lowing:

17 **“SEC. 321. ENCOURAGING ELIMINATION OF LIONFISH.**

18 “(a) IN GENERAL.—Subject to the approval of an ex-  
19 empted fishing permit submitted by a participating State,  
20 the Secretary shall issue regulations under which a partici-  
21 pating State may issue to an individual submitting lionfish  
22 taken in Federal or State waters a tag authorizing the  
23 taking of a fish of a covered species in Federal waters  
24 in addition to any other fish of that species the individual  
25 is authorized to take in Federal waters.

1       “(b) REQUIREMENTS FOR ISSUANCE OF TAG.—The  
2 regulations shall require—

3           “(1) the submission of 100 lionfish for each tag  
4 issued;

5           “(2) that lionfish taken in State waters must be  
6 taken by an individual holding a valid license to en-  
7 gage in such fishing issued under the laws of such  
8 State; and

9           “(3) that each lionfish shall be submitted by re-  
10 moving the tail, placing it in a resealable plastic bag,  
11 and submitting such bag to a participating State be-  
12 fore the tail has significantly deteriorated.

13       “(c) NO LIMITATION ON NUMBER OF TAGS.—The  
14 regulations shall not limit the number of tags that may  
15 be issued to an individual.

16       “(d) USE OF TAGS.—The regulations shall provide  
17 that a tag issued under the regulations—

18           “(1) shall be valid for the 5-year period begin-  
19 ning on the date it is issued;

20           “(2) shall authorize only the recreational or  
21 commercial taking of a fish that complies with any  
22 size limit that otherwise applies to fishing for such  
23 fish in the waters in which it is taken;



1           “(3) shall authorize such taking without regard  
2 to any seasonal limitation that otherwise applies to  
3 the species of fish taken;

4           “(4) shall authorize—

5                 “(A) the transfer of tags to any other per-  
6 son; and

7                 “(B) use of transferred tags in the same  
8 manner as such tags may be used by the person  
9 to whom the tags were issued;

10           “(5) shall require that any fish taken under  
11 such tag outside any seasonal limitation that other-  
12 wise applies to such fish must have the tag fastened  
13 between the mouth and gill before being placed in  
14 any cooler; and

15           “(6) shall only be utilized for species caught in  
16 the same water adjacent a State where the lionfish  
17 were originally caught.

18           “(e) APPROVAL OF STATE TO PARTICIPATE.—

19                 “(1) CONDITIONS.—The regulations shall re-  
20 quire that as a condition of approving a State to  
21 issue tags under this section the Secretary shall re-  
22 quire the State to designate a repository for lionfish  
23 submitted for such tags.

24                 “(2) PROVISION OF FREEZER.—The Secretary  
25 shall provide to each participating State freezers in

1 which to store submitted lionfish, at a cost of not  
2 more than \$500 for each freezer.

3 “(f) ADDITIONAL REQUIREMENTS.—The Secretary  
4 shall—

5 “(1) encourage participating States to use ex-  
6 isting infrastructure and staff or volunteers to con-  
7 duct the State’s program under this section;

8 “(2) include on the webpage of the National  
9 Marine Fisheries Service information about the pro-  
10 gram under this section; and

11 “(3) encourage State and local governments to  
12 work with retailers and distributors to advance the  
13 purchasing and consumption of lionfish.

14 “(g) OTHER PROVISIONS NOT AFFECTED.—

15 “(1) IN GENERAL.—This section—

16 “(A) is intended to protect species of fish  
17 that are native to waters of the United States  
18 or the exclusive economic zone; and

19 “(B) shall not be construed to constrain  
20 any fishery, fishing quota, or fishing allocation.

21 “(2) LIMITATION ON CONSIDERATION OF  
22 TAGS.—This section and tags issued or authorized to  
23 be issued under this section shall not be considered  
24 in any determination of fishing levels, quotas, or al-  
25 locations.

1 “(h) DEFINITION.—In this section—

2 “(1) the term ‘covered fish’—

3 “(A) except as provided in subparagraph  
4 (B), means red snapper, gag grouper,  
5 triggerfish, amberjack; and

6 “(B) does not include any species included  
7 in a list of endangered species or threatened  
8 species under the Endangered Species Act of  
9 1973 (16 U.S.C. 1531 et seq.); and

10 “(2) the term ‘participating State’ means a  
11 State that has applied and been approved by the  
12 Secretary to issue tags under regulations under this  
13 section.”.

14 (b) CLERICAL AMENDMENT.—The table of contents  
15 in the first section of such Act is amended by adding at  
16 the end of the items relating to title III the following:

“Sec. 301. Encouraging elimination of lionfish.”.

17 (c) DEADLINE FOR REGULATIONS.—The Secretary of  
18 Commerce shall issue regulations under the amendment  
19 made by subsection (a) by not later than 60 days after  
20 the approval of an exempted fishing permit submitted by  
21 a participating State.

22 (d) RESTRICTION.—Nothing in section 321 of the  
23 Magnuson-Stevens Fishery Conservation and Manage-  
24 ment Act, as amended by this Act, shall be construed as

- 1 to allow for the transfer of fisheries allocation or catch
- 2 among the various States.

○