

[DISCUSSION DRAFT]

115TH CONGRESS  
1ST SESSION

H. R. \_\_\_\_\_

To amend and reauthorize the Magnuson-Stevens Fishery Conservation and Management Act, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. Huffman introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend and reauthorize the Magnuson-Stevens Fishery Conservation and Management Act, 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 “Strengthening Fishing Communities through Improving  
6 Science, Increasing Flexibility, and Modernizing Fisheries  
7 Management Act”.

8 (b) TABLE OF CONTENTS.—The table of contents for  
9 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MSA AMENDMENTS AND REAUTHORIZATION

- Sec. 101. Definitions.
- Sec. 102. References.
- Sec. 103. Amendments to findings and purpose.
- Sec. 104. Amendments to definitions.
- Sec. 105. Authorization of appropriations.

TITLE II—FISHERIES MANAGEMENT FLEXIBILITY AND MODERNIZATION

- Sec. 201. Authority to use alternative fishery management measures.
- Sec. 202. Modifications to the annual catch limit requirement.
- Sec. 203. Council transparency and public process.
- Sec. 204. Additional amendments relating to fishery management councils.
- Sec. 206. Flexibility and accountability in rebuilding fish stocks.
- Sec. 207. Protecting fish stocks and habitat.
- Sec. 208. Sense of Congress on ecosystem-based fisheries management.

TITLE III—HEALTHY FISHERIES THROUGH BETTER SCIENCE

- Sec. 301. Healthy fisheries through better science.
- Sec. 302. Cooperative research and management program.
- Sec. 303. Recreational data collection.
- Sec. 304. Modernizing fisheries data collection and storage.
- Sec. 305. Gulf of Mexico fisheries cooperative research and red snapper management.
- Sec. 306. Science and management for shifting stocks.

TITLE IV—STRENGTHENING FISHING COMMUNITIES

- Sec. 401. Saltonstall-Kennedy Act reform.
- Sec. 402. Fishery resource disaster assistance.
- Sec. 403. Refinancing of Pacific Coast groundfish fishing capacity reduction loan.
- Sec. 404. Strengthening participation for Pacific territories.
- Sec. 405. North Pacific fishery management clarification.

1       **TITLE I—MSA AMENDMENTS**  
2       **AND REAUTHORIZATION**

3   **SEC. 101. DEFINITIONS.**

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

1 **SEC. 102. REFERENCES.**

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

8 **SEC. 103. AMENDMENTS TO FINDINGS AND PURPOSE.**

9 (a) **RECREATIONAL FISHING.**—Section 2(a) (16  
10 U.S.C. 1801(a)) is amended by adding at the end the fol-  
11 lowing:

12 “(13) While both provide significant cultural  
13 and economic benefits to the Nation, recreational  
14 fishing (including charter fishing) and commercial  
15 fishing are different activities. Therefore, manage-  
16 ment approaches may be adapted to the characteris-  
17 tics of each sector.”.

18 (b) **TECHNICAL CORRECTION.**—Section 2(a)(3) (16  
19 U.S.C. 1801(a)(3)) is amended to read as follows:

20 “(3) Commercial and recreational fishing (in-  
21 cluding charter fishing) constitute major sources of  
22 employment and contribute significantly to the econ-  
23 omy of the Nation. Many coastal areas are depend-  
24 ent upon fishing and related activities, and their  
25 economies have been badly damaged by the over-  
26 fishing of fishery resources; ensuring sustainable uti-

1 lization of fishery resources is essential to the eco-  
2 nomic wellbeing of these areas.”.

3 (c) SUBSISTENCE FISHING.—Section 2(b)(3) (16  
4 U.S.C. 1801(b)(3)) is amended by striking “and rec-  
5 reational” and inserting “, recreational, and subsistence”.

6 (d) Marine Ecosystems.—Section 2 (16 U.S.C. 1801) is amended  
7 by inserting “degradation of marine ecosystems, including  
8 the” after “the continuing” and by inserting “and eco-  
9 system” after “Habitat”.

10 **SEC. 104. AMENDMENTS TO DEFINITIONS.**

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

13 (1) by striking paragraph (34) and inserting  
14 the following:

15 “(34) The term ‘overfishing’ means a rate or  
16 level of fishing mortality that jeopardizes the capac-  
17 ity of a fishery to produce the maximum sustainable  
18 yield on a continuing basis.

19 “(34a) The term ‘overfished or otherwise de-  
20 pleted’ means, with respect to a stock or stock com-  
21 plex, that its biomass has declined below the level at  
22 which the capacity of the stock or stock complex to  
23 produce maximum sustainable yield on a continuing  
24 basis has been jeopardized.”;

1 (2) by inserting after paragraph (27) the fol-  
2 lowing:

3 “(27a) The term ‘marine aquaculture’ means  
4 the propagation and rearing of aquatic species in  
5 controlled or selected environments in the exclusive  
6 economic zone and other marine waters.”;

7 (3) in paragraph (16), in the matter following  
8 subparagraph (D), by adding at the end the fol-  
9 lowing: “Such term does not include marine aqua-  
10 culture.”.

11 (4) by inserting after paragraph (43) the fol-  
12 lowing:

13 “(43a)(A) The term ‘subsistence fishing’ means  
14 fishing in which the fish harvested are intended for  
15 customary and traditional uses, including for direct  
16 personal or family consumption as food or clothing;  
17 for the making or selling of handicraft articles out  
18 of nonedible byproducts taken for personal or family  
19 consumption, for barter, or sharing for personal or  
20 family consumption; and for customary trade.

21 “(B) In this paragraph—

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

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

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

4 “(II) for other food or for nonedible  
5 items other than money if the exchange is  
6 of a limited and noncommercial nature.”;

7 (5) by inserting after paragraph (10) the fol-  
8 lowing:

9 “(10a) The term ‘habitat areas of particular  
10 concern’ means specific types or areas of habitat  
11 within essential fish habitat that are of particular  
12 concern based on one or more of the following con-  
13 siderations:

14 “(A) The importance of the ecological  
15 function provided by the habitat, including for  
16 maintaining and restoring the biomass, demo-  
17 graphic, spatial and genetic characteristics of  
18 fish populations.

19 “(B) The extent to which the habitat is  
20 sensitive to human-induced environmental deg-  
21 radation.

22 “(C) Whether, and to what extent, human  
23 activities currently, or are anticipated to result  
24 in an adverse effect to the habitat.

25 “(D) The rarity of the habitat type.

1 “(10b) The term ‘adverse effect’, with respect  
2 to essential fish habitat or habitat areas of par-  
3 ticular concern, means any impact that reduces the  
4 quality or quantity of these habitats.”; and

5 (6) by inserting after paragraph (13) the fol-  
6 lowing:

7 “(13a) The term ‘forage fish’ means any low-  
8 trophic level fish that, throughout their life cycle,  
9 contribute significantly to the diets of other fish,  
10 marine mammals, or birds and that serve as a con-  
11 duit for energy transfer from lower to higher trophic  
12 levels.”.

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

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

19 (2) by striking “overfished” each place it ap-  
20 pears and inserting “overfished or otherwise de-  
21 pleted”.

22 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

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

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

1 (2) by striking “fiscal year 2013” and inserting  
2 “fiscal year 2018, and for each of fiscal years 2019  
3 through 2022, the amount applicable under this sec-  
4 tion for the preceding fiscal year increased by the es-  
5 timated percentage change in the Consumer Price  
6 Index for the most recent year preceding such fiscal  
7 year”.

8 **TITLE II—FISHERIES MANAGE-**  
9 **MENT FLEXIBILITY AND MOD-**  
10 **ERNIZATION**

11 **SEC. 201. AUTHORITY TO USE ALTERNATIVE FISHERY MAN-**  
12 **AGEMENT MEASURES.**

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

14 (1) by striking “and” after the semicolon at the  
15 end of paragraph (7);

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

18 (3) by inserting after paragraph (7) the fol-  
19 lowing:

20 “(8) in implementing the annual catch limits  
21 set pursuant to paragraph (6) and section  
22 303(a)(15), consider fishery management measures  
23 such as extraction rates, fishing mortality targets,  
24 and harvest control rules, particularly in recreational



1 fisheries or recreational components of mixed-use  
2 fisheries; and”.

3 **SEC. 202. MODIFICATIONS TO THE ANNUAL CATCH LIMIT**  
4 **REQUIREMENT.**

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

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

9 “(1) CONSIDERATION OF ECOSYSTEM AND ECO-  
10 NOMIC IMPACTS.—In establishing annual catch lim-  
11 its pursuant to section 302(h)(6), Councils shall ac-  
12 count for relevant economic, social, and ecological  
13 factors consistent with section 3(33).

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

18 “(A) an ecosystem component species; and

19 “(B) a fishery for a species that has a nat-  
20 ural life cycle of approximately 1 year, and that  
21 the Secretary has determined—

22 “(i) is not subject to overfishing, is  
23 not approaching an overfished or otherwise  
24 depleted condition, and is not overfished or  
25 otherwise depleted; and

1           “(ii) is not likely to become subject to  
2           overfishing or depleted, based on the best  
3           scientific information available, in the ab-  
4           sence of conservation and management  
5           measures.

6           “(3) RELATIONSHIP TO INTERNATIONAL FISH-  
7           ERY EFFORTS.—In the course of setting annual  
8           catch limits to end and prevent overfishing, pursuant  
9           to section 302(h)(6) and section 303(a)(15), the  
10          Secretary and Councils)—

11           “(A) may take into account management  
12           measures under international agreements in  
13           which the United States participates; and

14           “(B) in the case of an annual catch limit  
15           for a species, shall take into account fishing for  
16           the species outside the exclusive economic zone  
17           that is not subject to the jurisdiction of the  
18           United States, such that fishing by vessels of  
19           the United States does not contribute to over-  
20           fishing of the species as a whole.

21           “(4) AUTHORIZATION FOR MULTISPECIES COM-  
22           PLEXES AND MULTIYEAR ANNUAL CATCH LIMITS.—  
23          A Council may establish—

1           “(A) an annual catch limit for a stock  
2           complex that prevents overfishing on all species  
3           in the complex; or

4           “(B) annual catch limits for each year in  
5           any continuous period that is not more than  
6           three years in duration.

7           “(5) ECOSYSTEM COMPONENT SPECIES DE-  
8           FINED.—In this subsection the term ‘ecosystem com-  
9           ponent species’ means a stock of fish that a  
10          Council or the Secretary has determined does not  
11          require conservation and management, but has de-  
12          termined should be listed in a fishery management  
13          plan in order to achieve ecosystem management ob-  
14          jectives.”.

15 **SEC. 203. COUNCIL TRANSPARENCY AND PUBLIC PROCESS.**

16          (a) DECISIONS AND RECOMMENDATIONS.—Section  
17          302(g)(5) (16 U.S.C. 1852(g)(5)) is amended by inserting  
18          before the period “, and shall be developed in a trans-  
19          parent manner”.

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

22                       “(G) Each Council shall make available on  
23                       the internet website of the Council—

24                               “(i) to the extent practicable, a  
25                               webcast, an audio recording, or a live

1 broadcast of each meeting of the Council,  
2 and of the Council Coordination Com-  
3 mittee established under subsection (l),  
4 that is not closed in accordance with para-  
5 graph (3); and

6 “(ii) audio, video (if the meeting was  
7 in person or by video conference), or a  
8 searchable audio or written transcript of  
9 each meeting of the Council and of the  
10 meetings of committees referred to in sec-  
11 tion 302(g)(1)(B) of the Council by not  
12 later than 30 days after the conclusion of  
13 the meeting.

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

20 (e) RECORDED VOTES.—Section 302(e)(5) (16  
21 U.S.C. 1852(e)(5)) is amended by striking “At the request  
22 of any voting member of a Council, the Council shall hold  
23 a roll call vote on any matter before the Council.” and  
24 inserting “Each Council shall hold a recorded vote on all  
25 nonprocedural matters before the Council.”.

1 **SEC. 204. ADDITIONAL AMENDMENTS RELATING TO FISH-**  
2 **ERY MANAGEMENT COUNCILS.**

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

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

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

9 (B) by inserting before the period at the  
10 end “, and a liaison who is a member of the  
11 Mid-Atlantic Fishery Management Council to  
12 represent the interests of fisheries under the ju-  
13 risdiction of such Council”;

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

16 (A) by striking “21” and inserting “23”;  
17 and

18 (B) by inserting before the period at the  
19 end “a liaison who is a member of the New  
20 England Fishery Management Council to rep-  
21 resent the interests of fisheries under the juris-  
22 diction of such Council, and a liaison who is a  
23 member of the South Atlantic Fishery Manage-  
24 ment Council to represent the interests of fish-  
25 eries under the jurisdiction of such Council”;  
26 and

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

3 (A) by striking “13” and inserting “14”;  
4 and

5 (B) by inserting before the period at the  
6 end “and a liaison who is a member of the Mid-  
7 Atlantic 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) CONTROLLING TRAVEL COSTS.—Section 302(e)  
20 is amended by adding at the end the following:

21 “(6) To the extent possible, each Council shall  
22 minimize the amount and cost of member and staff  
23 travel by use of electronic means for remote partici-  
24 pation during meetings, including for voting.”.

1 (d) FISHERIES HABITAT AND BYCATCH PLAN-  
2 NING.—Section 302(h) (16 U.S.C. 1852(h)), as amended  
3 by section 201 of this Act, is further amended by redesi-  
4 gnating paragraph (8) as paragraph (13), striking “and”  
5 at the end of paragraph (7), and adding after paragraph  
6 (7) the following:

7 “(8) develop and implement a plan to protect  
8 and recover essential fish habitat in the region under  
9 the authority of the Council, which shall include—

10 “(A) quantitative and measurable mile-  
11 stones and goals for increasing the quality and  
12 quantity of such habitat; and

13 “(B) conservation and management meas-  
14 ures to implement the plan;

15 “(9) develop and implement a plan to reduce  
16 bycatch in the region under the authority of the  
17 Council, which shall prioritize reduction of bycatch  
18 of species with high ecological, economic, or cultural  
19 importance, and shall include—

20 “(A) quantitative and measurable mile-  
21 stones and goals for decreasing bycatch; and

22 “(B) conservation and management meas-  
23 ures to implement the plan;

24 “(10) within 2 years after of the completion of  
25 each Secretarial review under section 304(k), review

1 and amend the plans required by paragraphs (8),  
2 and (9) of this subsection consistent with such Sec-  
3 retarial review and simultaneously amend its fishery  
4 management plans as necessary and appropriate;

5 “(11) at routine intervals not to exceed 5 years  
6 and based on new scientific evidence or other rel-  
7 evant information, review its designation of essential  
8 fish habitat and habitat areas of particular concern  
9 under section 303(a)(7), and amend its fishery man-  
10 agement plans as necessary and appropriate; and”.

11 (e) REPORT ON FISHERY MANAGEMENT COUN-  
12 CILS.—The Comptroller General of the United States  
13 shall, within 180 days after the date of the enactment of  
14 this Act, report to the Congress on the operations of the  
15 Regional Fishery Management Councils. Such report shall  
16 include—

17 (1) a full accounting of all grant money re-  
18 ceived and distributed by the Councils for the 10  
19 years preceding the enactment of this Act, including  
20 an analysis of the deliverables and results of all  
21 grant-funded projects;

22 (2) an assessment of interactions of the Coun-  
23 cils and Council staff with Congress for the 10 years  
24 preceding the enactment of this Act, including an  
25 analysis of the extent to which such interactions



1 comply with the provisions of section 1913 of title  
2 10, United States Code, and the conditions of grants  
3 received by the Councils from the National Marine  
4 Fisheries Service; and

5 (3) an assessment of Council member and staff  
6 conflicts of interest.

7 **SEC. 206. FLEXIBILITY AND ACCOUNTABILITY IN REBUILD-**  
8 **ING FISH STOCKS.**

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

11 (1) in paragraph (4)—

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

14 “(ii) not exceed the time the stock of  
15 fish would be rebuilt without fishing occur-  
16 ring plus one mean generation, unless  
17 management measures under an inter-  
18 national agreement in which the United  
19 States participates dictate otherwise;”  
20 and—”.

21 (B) by striking the period at the end of  
22 subparagraph (D) and inserting “; and”, and  
23 by adding at the end the following:

24

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

6           (2) by amending paragraph (7) to read as fol-  
7 lows—

8           “(7)(A) The Secretary shall review any fishery  
9 management plan, plan amendment, or regulations  
10 required by this subsection at routine intervals that  
11 may not exceed 2 years. The Secretary shall find  
12 that adequate progress toward ending overfishing  
13 and rebuilding affected fish stocks has not resulted  
14 if—

15           “(i) the biomass of the stock is not in-  
16 creasing at a sufficient rate, such that it be-  
17 comes unlikely that the stock will be rebuilt  
18 within the time period for rebuilding set pursu-  
19 ant to this subsection without changes to the  
20 plan, plan amendment, or regulations;

21           “(ii) the level of fishing mortality or catch  
22 consistent with the fishery management plan,  
23 plan amendment, or regulations is exceeded,

1 and the causes and rebuilding consequences of  
2 such exceedances have not been corrected;

3 “(iii) when the rebuilding expectations of a  
4 stock or stock complex are significantly changed  
5 due to new information about the status of the  
6 stock; or

7 “(iv) for other reasons, as appropriate.

8 “(B) If the Secretary finds as a result of such  
9 a review that such plan, amendment, or regulations  
10 have not resulted in adequate progress toward end-  
11 ing overfishing and rebuilding affected fish stocks,  
12 the Secretary shall assess the extent to which by-  
13 catch, a lack of forage, or adverse effects to essential  
14 fish habitat are causing or contributing to the lack  
15 of adequate progress toward ending overfishing and  
16 rebuilding affected fish stocks. The Secretary shall—

17 “(i) in the case of a fishery to which sec-  
18 tion 302(a)(3) applies, immediately make revi-  
19 sions necessary to achieve adequate progress; or

20 “(ii) for all other fisheries, immediately no-  
21 tify the appropriate Council, including rec-  
22 ommendation of further conservation and man-  
23 agement measures the Council should consider  
24 under paragraph (3) to achieve adequate  
25 progress.

1           “(C) For any stock or stock complex for which  
2           the Secretary determines a lack of adequate  
3           progress, a revised rebuilding plan should be devel-  
4           oped that includes further conservation and manage-  
5           ment measures to ensure adequate progress is made.  
6           The deadline for rebuilding a stock or stock complex  
7           may not be changed unless a lack of adequate  
8           progress is found pursuant to subparagraph (A)(iii).

9           “(D) A Council shall not adopt, and the Sec-  
10          retary shall not approve, a fishery management plan,  
11          plan amendment, or proposed regulation required  
12          under this subsection for any fishery that has pre-  
13          viously been under such a plan that did not rebuild  
14          such fishery to the biomass necessary to achieve  
15          maximum sustainable yield, as determined by the  
16          Council’s scientific and statistical committee, unless  
17          the new plan, amendment, or proposed regulation  
18          has at least a 75-percent chance of rebuilding the  
19          overfished or otherwise depleted fishery within the  
20          time limit proposed by the Council, as calculated by  
21          the Council’s scientific and statistical committee  
22          pursuant to section 302(g)(1)(B).”; and

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

24                 “(8) A fishery management plan, plan amend-  
25          ment, or proposed regulations may use alternative

1 rebuilding strategies, including harvest control rules  
2 and fishing mortality rate targets to the extent they  
3 are in compliance with the requirements of this Act.

4 “(9) A Council may terminate the application of  
5 paragraph (3) to a fishery if the Council’s scientific  
6 and statistical committee determines and the Sec-  
7 retary concurs that the stock was not overfished in  
8 the year that the overfished determination was based  
9 on and has never been overfished in any subsequent  
10 year including the current year.”.

11 (b) REVIEW OF ADEQUATE PROGRESS.—Section 304  
12 (16 U.S.C. 1854) is amended by adding at the end the  
13 following—

14 “(k) REVIEW OF HABITAT, BYCATCH, AND  
15 REBUILDING PLANS.—At routine intervals not to exceed  
16 5 years, the Secretary shall review implementation of each  
17 Council’s plan developed under sections 302(h)(8) and  
18 (19) (9). If the Secretary finds as a result of such review  
19 that there is a lack of adequate progress toward achieving  
20 the objectives of any plan, including milestones and goals,  
21 the Secretary shall recommend plan revisions, including  
22 further conservation and management measures, that the  
23 Council shall consider in order to achieve adequate  
24 progress.”.

1 **SEC. 207. PROTECTING FISH STOCKS AND HABITAT.**

2 (a) Section 305(b)(4) (16 U.S.C. 1855(b)(4)) is  
3 amended to read as follows:

4 “(4)(A) If the Secretary receives information  
5 from a Council or Federal or State agency or deter-  
6 mines from other sources that an action authorized,  
7 funded, or undertaken, or proposed to be authorized,  
8 funded, or undertaken, by any State or Federal  
9 agency would adversely affect any essential fish  
10 habitat identified under this Act or any stock of fish,  
11 the Secretary shall recommend to such agency meas-  
12 ures that can be taken by such agency to avoid ad-  
13 verse effects of the action on such habitat or, to the  
14 extent that adverse effects cannot be avoided, to  
15 mitigate or offset such adverse effects.

16 “(B) Within 30 days after receiving a rec-  
17 ommendation under subparagraph (A), a Federal  
18 agency shall provide a detailed response in writing to  
19 any Council commenting under paragraph (3) and  
20 the Secretary regarding the matter. The response  
21 shall include a description of measures proposed by  
22 the agency for avoiding, mitigating, or offsetting the  
23 adverse effects of the action on essential fish habi-  
24 tat. A Federal agency shall ensure that any action  
25 authorized, funded, or undertaken by such agency  
26 avoids the adverse effects of such action on such

1 habitat or, to the extent that adverse effects cannot  
2 be avoided, mitigates or offsets such adverse effects.  
3 In the case of a response that is inconsistent with  
4 the recommendations of the Secretary, the Federal  
5 agency shall explain its reasons for not following the  
6 recommendations.”.

7 (b) Section 303(a) (16 U.S.C. 1853(a)) is amended  
8 by inserting after paragraph (7) the following:

9 “(7a)(B) describe and identify habitat areas of  
10 particular concern based on the guidelines estab-  
11 lished by the Secretary under section 305(b)(1)(A)  
12 and as updated under section 302(h)(9), prevent ad-  
13 verse effects on such habitat caused by fishing, mon-  
14 itor efficacy of actions to prevent adverse effects,  
15 and identify other actions to encourage the conserva-  
16 tion and enhancement of such habitat;”.

17 **SEC. 208. SENSE OF CONGRESS ON ECOSYSTEM-BASED**  
18 **FISHERIES MANAGEMENT.**

19 It is the sense of the Congress that—

20 (1) healthy fisheries and the coastal economies  
21 they support depend upon healthy marine eco-  
22 systems;

23 (2) applying ecosystem science to fisheries deci-  
24 sionmaking reduces management uncertainty and in-  
25 creases the resiliency of valuable fish stocks; and

1 (3) the National Marine Fisheries Service  
2 should continue to refine and implement ecosystem-  
3 based approaches to the management of marine fish-  
4 ery resources.

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

7 **SEC. 301. HEALTHY FISHERIES THROUGH BETTER**  
8 **SCIENCE.**

9 (a) STOCK ASSESSMENT PLAN.—Within one year  
10 after the date of the enactment of the Act, and each subse-  
11 quent year, the Secretary shall report to the Committee  
12 on Natural Resources of the House of Representatives and  
13 the Committee on Commerce, Science, and Transportation  
14 of the Senate, on the National Marine Fisheries Service’s  
15 progress on prioritizing and improving stock assessments.  
16 Such report shall—

17 (1) summarize the methods used for assess-  
18 ments for all stocks of fish for which a fishery man-  
19 agement plan is in effect under the Magnuson-Ste-  
20 vens Fishery Conservation and Management Act (16  
21 U.S.C. 1801 et seq.), and explain which stocks have  
22 not been assessed, and why;

23 (2) summarize each stock assessment and stock  
24 assessment update completed during the preceding  
25 year;



1 (3) include the schedule for all upcoming stock  
2 assessments and stock assessment updates; and

3 (4) identify data and analysis, especially con-  
4 cerning recreational fishing, that, if available, would  
5 reduce uncertainty in and improve the accuracy of  
6 future stock assessments, including whether such  
7 data and analysis could be provided by fishermen,  
8 fishing communities, universities, and research insti-  
9 tutions.

10 (b) IMPROVING SCIENCE.—Section 2(a)(8) of the  
11 Magnuson-Stevens Fishery Conservation and Manage-  
12 ment Act (16 U.S.C. 1801) is amended by adding at the  
13 end the following: “Fisheries management is most effec-  
14 tive when it uses the best scientific information available,  
15 and incorporates such information from governmental and  
16 nongovernmental sources, including State and Federal  
17 agency staff, fishermen, fishing communities, universities,  
18 nonprofit organizations, traditional knowledge from Tribes  
19 and subsistence fishermen, and research institutions. Sci-  
20 entific and statistical committees should consider such in-  
21 formation when seeking the best scientific information  
22 available to form the basis of conservation and manage-  
23 ment.”.

24 (c) COST REDUCTION REPORT.—Within 1 year after  
25 the date of the enactment of this Act, the Secretary of

1 Commerce, in consultation with the Regional Fishery  
2 Management Councils, shall submit a report to Congress  
3 that, with respect to each fishery governed by a fishery  
4 management plan in effect under the Magnuson-Stevens  
5 Fishery Conservation and Management Act (16 U.S.C.  
6 1801 et seq.)—

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

10 (2) identifies methods to accomplish those  
11 goals, including human observers, electronic moni-  
12 toring, and vessel monitoring systems; and

13 (3) reviews the relative appropriateness of each  
14 method, based on effectiveness at gathering desired  
15 information and short-term and long-term costs and  
16 benefits.

17 **SEC. 302. COOPERATIVE RESEARCH AND MANAGEMENT**  
18 **PROGRAM.**

19 (a) COOPERATIVE RESEARCH PLAN.—Section 318  
20 (16 U.S.C. 1867) is amended—

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

24 “(2) Within one year after the date of the enactment  
25 of Strengthening Fishing Communities through Improving

1 Science, Increasing Flexibility, and Modernizing Fisheries  
2 Management Act, and after consultation with the Coun-  
3 cils, the Secretary shall publish a plan for implementing  
4 and conducting the program established in paragraph (1).  
5 Such plan shall identify and describe critical regional fish-  
6 ery management and research needs, possible projects that  
7 may address those needs, and estimated costs for such  
8 projects. The plan shall be revised and updated every 5  
9 years, and updated plans shall include a brief description  
10 of projects that were funded in the preceding 5-year period  
11 and the research and management needs that were ad-  
12 dressed by those projects.”;

13 (2) in subsection (b), by striking “in consulta-  
14 tion with the Secretary.” and inserting “. Each  
15 Council shall provide a list of such needs to the Sec-  
16 retary on an annual basis, identifying and  
17 prioritizing such needs.”;

18 (3) in subsection (c)—

19 (A) in the heading, by striking “**FUND-**  
20 **ING**” and inserting “**PRIORITIES**”; and

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

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

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

3 “(C) improving monitoring and observer  
4 coverage through the expanded use of electronic  
5 monitoring devices and satellite tracking sys-  
6 tems.”; and

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

8 “(g) ACCEPTANCE OF FUNDING.—The Secretary  
9 may, using the authority established under section 208 of  
10 Public Law 109–479 (16 U.S.C. 1891b), accept and use  
11 funding from other Federal agencies, academic institu-  
12 tions, persons, including fishery participants, and non-  
13 governmental organizations to expand cooperative fish-  
14 eries research and management efforts, including efforts  
15 to improve data collection in recreational fisheries, for the  
16 purposes of improving management certainty and out-  
17 comes.”.

18 (b) ALLOCATION EXCEPTION.—Section 208 of the  
19 Magnuson-Stevens Fishery Conservation and Manage-  
20 ment Reauthorization Act of 2006 (16 U.S.C. 1891b) is  
21 amended by adding at the end the following:

22 “(f) ALLOCATION EXCEPTION.—Notwithstanding  
23 subsection (d), the Secretary may apportion monies from  
24 the Fund to a specific project or region if such monies  
25 were identified by the Council that designated them for

1 inclusion in the Fund under subsection (c)(1), or by the  
2 appropriation Act, State, public source, or nonprofit or or-  
3 ganization from which received under subsection (c)(2), as  
4 being deposited for that specific project or region.”.

5 **SEC. 303. RECREATIONAL DATA COLLECTION.**

6 (a) FEDERAL-STATE PARTNERSHIPS.—Section  
7 401(g) (16 U.S.C. 1881(g)) is amended by redesignating  
8 paragraph (4) as paragraph (5), and by inserting after  
9 paragraph (3) the following:

10 “(4) FEDERAL-STATE PARTNERSHIPS.—

11 “(A) ESTABLISHMENT.—The Secretary  
12 shall establish partnerships with States to de-  
13 velop best practices for implementation of State  
14 programs established pursuant to paragraph  
15 (2).

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

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

24 “(i) the estimated accuracy of the reg-  
25 istry program established under paragraph

1 (1) and of State programs that are ex-  
2 empted under paragraph (2);

3 “(ii) priorities for improving rec-  
4 reational fishing data collection; and

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

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

17 (b) ACTION BY SECRETARY.—The Secretary of Com-  
18 merce shall—

19 (1) within 90 days after the date of the enact-  
20 ment of this Act, enter into an agreement with the  
21 National Academy of Sciences to evaluate, in the  
22 form of a report, the following:

23 (A) how the design of the Marine Rec-  
24 reational Information Program, for the pur-  
25 poses of stock assessment and the determina-

1 tion of stock management reference points, can  
2 be improved to better meet the needs of in-sea-  
3 son management of annual catch limits under  
4 section 303(a)(15) of the Magnuson-Stevens  
5 Fishery Conservation and Management Act (16  
6 U.S.C. 1853(a)(15)); and

7 (B) what actions the Secretary, Councils,  
8 and States could take to improve the accuracy  
9 and timeliness of data collection and analysis to  
10 improve the Marine Recreational Information  
11 Program and facilitate in-season management.

12 (2) within 6 months after receiving the report  
13 under paragraph (1), submit to Congress rec-  
14 ommendations of changes to be made to the Marine  
15 Recreational Information Program to make the pro-  
16 gram better meet the needs of in-season manage-  
17 ment of annual catch limits and other requirements  
18 under such section.

19 **SEC. 304. MODERNIZING FISHERIES DATA COLLECTION**  
20 **AND STORAGE.**

21 (a) VIDEO AND ACOUSTIC SURVEY TECH-  
22 NOLOGIES.—The Secretary shall work with the Regional  
23 Fishery Management Councils and nongovernmental enti-  
24 ties to develop and implement the use pursuant to the  
25 Magnuson-Stevens Fishery Conservation and Manage-

1 ment Act (16 U.S.C. 1801 et seq.) of video survey tech-  
2 nologies and expanded use of acoustic survey technologies.

3 (b) IMPROVED DATA MANAGEMENT.—The Secretary  
4 of Commerce shall—

5 (1) seek to enter into an agreement with the  
6 United States Digital Service within 90 days after  
7 the date of the enactment of this Act, under which  
8 the Service shall make recommendations to mod-  
9 ernize and streamline the fishery data collection,  
10 processing, analysis, and storage systems of the Na-  
11 tional Marine Fisheries Service, and specify in the  
12 agreement that the Secretary is seeking, at a min-  
13 imum, recommendations that promote user-centered  
14 data and include open, secure architecture and clear  
15 data performance specifications;

16 (2) under the agreement, provide the United  
17 States Digital Service with access to all data collec-  
18 tion, processing, analysis, and storage systems of the  
19 National Marine Fisheries Service and any other in-  
20 formation necessary to enable the development of  
21 recommendations that will ensure the optimization  
22 and modernization of such systems;

23 (3) working with the Councils and fishery  
24 stakeholders, consider and implement any rec-



1 ommendations made by the United States Digital  
2 Service , as appropriate; and

3 (4) within one year of the date of enactment of  
4 this Act, and every two years thereafter, report to  
5 Congress on the status of the agreement entered  
6 into pursuant to paragraph (1) and progress made  
7 in modernizing fisheries data systems.

8 **SEC. 305. GULF OF MEXICO FISHERIES COOPERATIVE RE-**  
9 **SEARCH AND RED SNAPPER MANAGEMENT.**

10 (a) REPORTING AND DATA COLLECTION PRO-  
11 GRAM.—The Secretary of Commerce shall—

12 (1) in conjunction with the States, the Gulf of  
13 Mexico Fishery Management Council, and the rec-  
14 reational fishing sectors, develop and implement a  
15 real-time reporting and data collection program for  
16 the Gulf of Mexico red snapper fishery using avail-  
17 able technology; and

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

23 (b) FISHERIES COOPERATIVE RESEARCH PRO-  
24 GRAM.—The Secretary of Commerce—

1 (1) shall, in conjunction with the States, the  
2 Gulf States Marine Fisheries Commission and the  
3 Atlantic States Marine Fisheries Commission, the  
4 Gulf of Mexico and South Atlantic Fishery Manage-  
5 ment Councils, and the commercial, charter, and  
6 recreational fishing sectors, develop and implement a  
7 cooperative research program authorized under sec-  
8 tion 318 of the Magnuson-Stevens Fishery  
9 Conservatoin and Management Act (16 U.S.C.  
10 1867) for the fisheries of the Gulf of Mexico and  
11 South Atlantic regions, giving priority to those fish-  
12 eries that are considered data-poor; and

13 (2) may, subject to the availability of appropria-  
14 tions, use funds received by the Secretary under sec-  
15 tion 2 of the Act of August 11, 1939 (commonly  
16 known as the “Saltonstall-Kennedy Act”) (15 U.S.C.  
17 713e-3) to implement this subsection.

18 (c) USE OF FISHERIES INFORMATION IN STOCK AS-  
19 SESSMENTS.—The Director of the Southeast Fisheries  
20 Science Center of the National Oceanic and Atmospheric  
21 Administration? shall ensure that fisheries information  
22 made available through fisheries programs funded under  
23 Public Law 112–141 is incorporated as soon as possible  
24 into any fisheries stock assessments conducted after the  
25 date of the enactment of this Act.

1 (d) FUNDING OF STOCK ASSESSMENTS.—The Sec-  
2 retary of Commerce and the Secretary of the Interior, act-  
3 ing through the Bureau of Ocean Energy Management,  
4 shall enter into a cooperative agreement for the funding  
5 of stock assessments that are necessitated by any action  
6 by the Bureau with respect to offshore oil rigs in the Gulf  
7 of Mexico that adversely impacts red snapper.

8 **SEC. 306. SCIENCE AND MANAGEMENT FOR SHIFTING**  
9 **STOCKS.**

10 (a) BEST AVAILABLE SCIENCE.—Section 805(a) of  
11 the Atlantic Coastal Fisheries Cooperative Management  
12 Act (16 U.S.C. 5104) is amended by adding at the end  
13 the following:

14 “(3) In developing or updating a coastal fishery  
15 management plan or plan amendment, the Commis-  
16 sion shall account for, using the best scientific infor-  
17 mation available, any climate change impacts, in-  
18 cluding changes in fish abundance and distribution,  
19 on coastal fishery resources when establishing quota  
20 allocations between any State or other management  
21 unit.”.

22 (b) FISHERY AUTHORIZATION.—Section 305(a) of  
23 the Magnuson-Stevens Fishery Conservation and Manage-  
24 ment Act (16 U.S.C. 1855a)) is amended—

1 (1) by amending paragraph (3) to read as fol-  
2 lows:

3 “(3) The Secretary shall authorize the develop-  
4 ment of a new fishery not included on the list only  
5 when the Secretary determines the fishery’s eco-  
6 system impacts have been analyzed. Nothing in this  
7 subsection shall restrict the requirements for the ex-  
8 perimental permitting process under section  
9 318(d).”;

10 (2) by amending paragraph (4) to read as fol-  
11 lows:

12 “(4) Not later than 18 months after the date  
13 of enactment of the Strengthening Fishing Commu-  
14 nities through Improving Science, Increasing Flexi-  
15 bility, and Modernizing Fisheries Management Act,  
16 and at least once every 5 years after, each Council  
17 shall revise its list of approved current fisheries and  
18 gear in specific and narrow terms, including geo-  
19 graphic range, to ensure only active fisheries or new  
20 fisheries intended for Secretarial review under sec-  
21 tion 305(a)(3) are included, and submit such list to  
22 the Secretary. The Secretary shall make a deter-  
23 mination required under section 305(a)(3) and if the  
24 Secretary finds that the proposed change is con-  
25 sistent with section 305(a)(3) and other applicable

1 law, the Secretary shall publish a revised list, after  
2 notice and an opportunity for public comment. Once  
3 the determination has been made to include a new  
4 fishery on the list of approved current fisheries, a  
5 Council shall prepare a fishery management plan for  
6 the fishery or an amendment to include the fishery  
7 in an existing fishery management plan in accord-  
8 ance with section 303, in order for fishing in the  
9 new fishery to begin.”; and

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

11 “(7) The Secretary shall issue guidance for  
12 making a determination that a new fishery’s eco-  
13 system impacts have been sufficiently analyzed.”.

14 **TITLE IV—STRENGTHENING**  
15 **FISHING COMMUNITIES**

16 **SEC. 401. SALTONSTALL-KENNEDY ACT REFORM.**

17 Section 2(b) of the Act of August 11, 1939 (com-  
18 monly known as the “Saltonstall-Kennedy Act”) (15  
19 U.S.C. 713c-3(b)), is amended—

20 (1) by striking “(1)”;

21 (2) by striking “and ending on June 30,  
22 1957,”;

23 (3) by striking “moneys” the first place it ap-  
24 pears and inserting “monies”; and

1 (4) by striking “shall be maintained in a sepa-  
2 rate fund only for” and all that follows and inserting  
3 “and shall only be used for the purposes described  
4 under subsection (c).”.

5 **SEC. 402. FISHERY RESOURCE DISASTER ASSISTANCE.**

6 (a) ESTIMATION OF COST OF RECOVERY FROM FISH-  
7 ERY RESOURCE DISASTER.—Section 312(a)(1) (16  
8 U.S.C. 1861a(a)(1)) is amended—

9 (1) by inserting “(A)” after “(1)”;

10 (2) by redesignating subparagraphs (A) through  
11 (C) as clauses (i) through (iii), respectively, of sub-  
12 paragraph (A) (as designated by the amendment  
13 made by paragraph (1)); and

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

15 “(B) The Secretary shall publish the esti-  
16 mated cost of recovery from a fishery resource  
17 disaster no later than 30 days after the Sec-  
18 retary makes the determination under subpara-  
19 graph (A) with respect to such disaster. Such  
20 an estimate shall include financial impacts to  
21 the broader seafood economy and coastal com-  
22 munities, including but not limited to har-  
23 vesters, processors, charter fishing companies,  
24 ports and related infrastructure owners and/or

1 service providers, and seafood shipping compa-  
2 nies”.

3 (b) DEADLINE FOR ACTION ON REQUEST BY GOV-  
4 ERNOR FOR DETERMINATION REGARDING DISASTER AS-  
5 SISTANCE.—Section 312(a) (16 U.S.C. 1861a(a)) is  
6 amended by redesignating paragraphs (2) through (4) as  
7 paragraphs (3) through (5), and by inserting after para-  
8 graph (1) the following:

9 “(2) The Secretary shall make a decision re-  
10 garding a request from a Governor under paragraph  
11 (1) within 120 days after the completion of the fish-  
12 ing season or other period for which the relief was  
13 requested.”.

14 (c) DISASTER FUNDING AUTHORITY.—Section  
15 251(b)(2)(D) of the Balanced Budget and Emergency  
16 Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)) is  
17 amended—

18 (1) in clause (i)—

19 (A) in the matter preceding subclause (I),  
20 by striking “ the total of—” and inserting “an  
21 amount equal to the difference between”—;

22 (B) by redesignating subclauses (I) and  
23 (II) as items (aa) and (bb), respectively, and in-  
24 denting the items appropriately;

1 (C) by inserting before item (aa) (as so re-  
2 designated) the following:

3 “(I) the sum obtained by add-  
4 ing—”;

5 (D) in item (bb) of subclause (I) (as so re-  
6 designated)—

7 (i) by striking “subclause (I)” and in-  
8 serting “item (aa)”; and

9 (ii) by striking the period at the end  
10 and inserting “; and”; and

11 (E) by adding at the end the following:

12 “(II) the additional new budget  
13 authority provided in an appropria-  
14 tions Act for fisheries disaster assist-  
15 ance pursuant to subparagraph (E)  
16 for the preceding fiscal year.”; and by  
17 adding at the end the following:

18 “(v) Beginning in fiscal year  
19 2018 and for each fiscal year there-  
20 after, the calculation of the ‘average  
21 funding provided for fishery resource  
22 disaster assistance over the previous  
23 10 years’ shall include, for each fiscal  
24 year during that period, the additional  
25 new budget authority provided in an



1 appropriations Act for fisheries re-  
2 source disaster assistance consistent  
3 with the recommendations of the Sec-  
4 retary.”.

5 **SEC. 403. REFINANCING OF PACIFIC COAST GROUND FISH**  
6 **FISHING CAPACITY REDUCTION LOAN.**

7 Within 90 days after the date of the enactment of  
8 this Act, the Secretary shall implement section 3095 of  
9 Public Law 113–291 without further appropriation from  
10 Congress.

11 **SEC. 404. STRENGTHENING PARTICIPATION FOR PACIFIC**  
12 **TERRITORIES.**

13 (a) PARTICIPATION FOR UNITED STATES TERRI-  
14 TORIES.—Section 102 (16 U.S.C. 1812) is amended by  
15 adding at the end the following:

16 “(d) UNITED STATES TERRITORIES.—The Secretary  
17 shall ensure participation for, and consider the interests  
18 of, United States territories and their fishing communities  
19 in managing highly migratory species that frequent the  
20 exclusive economic zone adjoining such territories.”.

21 (b) APPOINTMENTS TO COMMISSION FOR THE CON-  
22 SERVATION AND MANAGEMENT OF HIGHLY MIGRATORY  
23 FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC  
24 OCEAN.—Section 503 of the Western and Central Pacific  
25 Fisheries Convention Implementation Act (16 U.S.C.

1 6902) is amended by striking subsection (a) and inserting  
2 the following:

3 “(a) UNITED STATES COMMISSIONERS.—

4 “(1) IN GENERAL.—The United States shall be  
5 represented on the Commission by 5 United States  
6 Commissioners. The President shall appoint individ-  
7 uals to serve on the Commission at the pleasure of  
8 the President. In making the appointments, the  
9 President shall select Commissioners from among in-  
10 dividuals who are knowledgeable or experienced con-  
11 cerning highly migratory fish stocks in the Western  
12 and Central Pacific Ocean.

13 “(2) REQUIRED APPOINTMENTS.—Of the Com-  
14 missioners appointed under paragraph (1)—

15 “(A) one shall be an officer or employee of  
16 the Department of Commerce;

17 “(B) one shall be the chairman or another  
18 member of the Western Pacific Fishery Man-  
19 agement Council; and

20 “(C) one shall be a resident of American  
21 Samoa, Guam, or the Commonwealth of the  
22 Northern Mariana Islands who is not a member  
23 of the Western Pacific Fishery Management  
24 Council.

25 “(3) TERMS.—

1           “(A) IN GENERAL.—The term of a Com-  
2           missioner shall be 3 years.

3           “(B) COUNCIL APPOINTEES.—A Commis-  
4           sioner who is appointed as a member of the  
5           Western Pacific Fishery Management Council  
6           and whose term on that Council ends during his  
7           or her term as Commissioner may complete the  
8           current term as Commissioner but shall not be  
9           eligible for reappointment.

10           “(C) LIMIT ON CONSECUTIVE TERMS.—An  
11           individual appointed under paragraph (1) shall  
12           not be eligible to serve more than 2 consecutive  
13           terms as a Commissioner.

14           “(D) ROTATION OF TERRITORIAL AP-  
15           POINTMENTS.—Appointments under paragraph  
16           (2)(C) shall be rotated among residents of  
17           American Samoa, Guam, and the Northern  
18           Mariana Islands to ensure equal representation  
19           of such territories.

20           “(4) CHAIRMAN.—The United States Commis-  
21           sioners may adopt such rules of procedure as they  
22           find necessary and may? select a chairman from  
23           among such Commissioners who are officers or em-  
24           ployees of the United States Government.”.

1 (c) USE OF WESTERN PACIFIC SUSTAINABLE FISH-  
2 ERIES FUND.—

3 (1) IN GENERAL.—Section 204(e)(7) (16  
4 U.S.C. 1824(e)(7)) is amended—

5 (A) in subparagraph (A), by inserting “ex-  
6 cept as provided in subparagraph (D),” after  
7 “(A)”;

8 (B) in subparagraph (B)—

9 (i) by inserting “except as provided in  
10 subparagraph (D),” after “(B)”;

11 (ii) by striking “and” after the semi-  
12 colon at the end;

13 (C) in subparagraph (C)—

14 (i) by inserting “except as provided in  
15 subparagraph (D),” after “(C)”;

16 (ii) by striking the period at the end  
17 and inserting “; and”;

18 (D) by adding at the end the following:

19 “(D) in the case of funds that are attrib-  
20 utable to a particular United States Partici-  
21 pating Territory under section 113 of division  
22 B of Public Law 112–55 (125 Stat. 603) and  
23 any regulation approving or otherwise giving ef-  
24 fect to such agreement, or any subsequent  
25 agreement, the Treasury of the United States

1 Participating Territory to which those funds are  
2 attributed under this Act.”.

3 (2) CATCH LIMIT ARRANGEMENT FUNDING.—

4 Section 113(b) of division B of Public Law 112–55  
5 (125 Stat. 603) is amended—

6 (A) by striking “Western Pacific Regional  
7 Fisheries Management Council” and inserting  
8 “Secretary”;

9 (B) by adding “and” after the semicolon  
10 at the end of paragraph (1);

11 (C) in paragraph (2)—

12 (i) by striking “use” and inserting  
13 “transfer”;

14 (ii) by striking “only”; and

15 (iii) by striking “; and” and inserting  
16 “or for such other purposes as the govern-  
17 ment of the United States Participating  
18 Territory determines.”; and

19 (D) by striking paragraph (3).

20 **SEC. 405. NORTH PACIFIC FISHERY MANAGEMENT CLARI-**  
21 **FICATION.**

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

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

25 and

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