

Agenda Item H-7
December, 1979

MEMORANDUM

DATE: December 7, 1979
TO: Council Members, Scientific & Statistical Committee and
Advisory Panel
FROM: Jim H. Branson
SUBJECT: A Bill (HR 5611) To Amend the FCMA

ACTION REQUIRED

Comment is requested.

BACKGROUND

Congressman Don Young of Alaska has introduced HR 5611 to amend the Fishery Conservation and Management Act of 1976 to provide for the expedited review of fishery management plans and to change the composition of the Pacific Council. The Bill proposes several basic changes to the Act:

It would add Alaska to the Pacific Fishery Management Council as a voting member and change the voting membership from 13 to 15; it would change the Secretarial appointments from 8 to 10 on the Pacific Council and require at least two of these appointments to be from each state provided that only one member shall be appointed from Alaska; and it proposes a "sundown clause" on the Secretary of Commerce review of a fishery management plan or amendment.

The Bill proposes that within 45 days the Secretary must approve such plan or amendment or disapprove such plan or amendment and if no action is taken within 60 days, the plan or amendment will automatically take effect as though approved.

An editorial mistake in the Bill would have given the Pacific Council authority over Alaska, but I've been assured the mistake will be corrected.

Attached
HR 5611

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96TH CONGRESS
1ST SESSION

H. R. 5611

To amend the Fishery Conservation and Management Act of 1976 to provide for expedited review of fishery management plans and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 16, 1979

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

A BILL

To amend the Fishery Conservation and Management Act of 1976 to provide for expedited review of fishery management plans 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 That this Act may be cited as the "Fishery Conservation and
4 Management Act Amendments of 1979".

5 SEC. 2. Section 302(a)(6) of the Fishery Conservation
6 and Management Act of 1976 (Public Law 94-265) is
7 amended—

Pacific Council

1 (1) by inserting after "Washington," the word
2 "Alaska,";

3 (2) by striking "13" and inserting in lieu thereof
4 "15";

5 (3) by striking "8" and inserting in lieu thereof
6 "10";

7 (4) by striking all that appears within the paren-
8 theses beginning with "at" and continuing through
9 "State" and inserting in lieu thereof "at least two of
10 whom shall be appointed from each State: *Provided,*
11 That only one member shall be appointed from the
12 State of Alaska".

13 SEC. 3. Section 302(c) of the Fishery Conservation and
14 Management Act of 1976 (Public Law 94-265) is amended
15 by striking all of paragraph (2).

16 SEC. 4. Section 304 of the Fishery Conservation and
17 Management Act of 1976 (Public Law 94-265) is amended
18 by striking all of subsection (a) and inserting in lieu thereof:

19 "(a) ACTION BY THE SECRETARY AFTER RECEIPT OF
20 PLAN.—Within forty-five days after the Secretary receives
21 any fishery management plan, or any amendment to any such
22 plan, which is prepared by any Council, the Secretary
23 shall—

24 (1) approve such plan or amendment; or

1 (2) disapprove such plan or amendment if such
2 plan or amendment does not contain the provisions re-
3 quired by section 303(a) and, within fifteen days of dis-
4 approval (but no more than sixty days from the date
5 that such plan or amendment was submitted to the
6 Secretary) notify such Council of his reasons for disap-
7 proval and any suggestions for improvement.

8 If no action is taken by the Secretary pursuant to
9 paragraphs (1) or (2) above within sixty days from the
10 date that such plan or amendment was submitted to
11 the Secretary, such plan or amendment will automati-
12 cally take effect as though approved pursuant to para-
13 graph (1) above.”