

**AMENDMENT TO H.R. 200, AS REPORTED
OFFERED BY MR. HUFFMAN OF CALIFORNIA**

Page 3, strike line 7 and all that follows and insert
the following:

1 SEC. 2. TABLE OF CONTENTS.

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

Sec. 1. Short title
Sec. 2. Table of contents

TITLE I—MSA AMENDMENTS AND REAUTHORIZATION

Sec. 101. Definitions.
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Sec. 103. Amendments to findings and purpose.
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TITLE II—FISHERIES MANAGEMENT FLEXIBILITY AND
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Sec. 206. Flexibility and accountability in rebuilding fish stocks.
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TITLE III—HEALTHY FISHERIES THROUGH BETTER SCIENCE

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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.

8 **SEC. 102. REFERENCES.**

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

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

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

19 “(13) While both provide significant cultural
20 and economic benefits to the Nation, recreational
21 fishing (including charter fishing) and commercial
22 fishing are different activities. Therefore, manage-
23 ment approaches may be adapted to the characteris-
24 tics of each sector.”.

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

3 “(3) Commercial and recreational fishing (in-
4 cluding charter fishing) constitute major sources of
5 employment and contribute significantly to the econ-
6 omy of the Nation. Many coastal areas are depend-
7 ent upon fishing and related activities, and their
8 economies have been badly damaged by the over-
9 fishing of fishery resources; ensuring sustainable uti-
10 lization of fishery resources is essential to the eco-
11 nomic wellbeing of these areas.”.

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

15 (d) MARINE ECOSYSTEMS.—Section 2 (16 U.S.C.
16 1801) is amended by inserting “degradation of marine
17 ecosystems, including the” after “the continuing” and by
18 inserting “and ecosystem” after “Habitat”.

19 **SEC. 104. AMENDMENTS TO DEFINITIONS.**

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

22 (1) by striking paragraph (34) and inserting
23 the following:

24 “(34) The term ‘overfishing’ means a rate or
25 level of fishing mortality that jeopardizes the capaci-

1 ity of a fishery to produce the maximum sustainable
2 yield on a continuing basis.

3 “(34a) The term ‘overfished or otherwise de-
4 pleted’ means, with respect to a stock or stock com-
5 plex, that its biomass has declined below the level at
6 which the capacity of the stock or stock complex to
7 produce maximum sustainable yield on a continuing
8 basis has been jeopardized.”;

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

11 “(27a) The term ‘marine aquaculture’ means
12 the propagation and rearing of aquatic species in
13 controlled or selected environments in the exclusive
14 economic zone and other marine waters.”;

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

19 (4) by inserting after paragraph (43) the fol-
20 lowing:

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

1 of nonedible byproducts taken for personal or family
2 consumption, for barter, or sharing for personal or
3 family consumption; and for customary trade.

4 “(B) In this paragraph—

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

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

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

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

15 (5) by inserting after paragraph (10) the fol-
16 lowing:

17 “(10a) The term ‘habitat areas of particular
18 concern’ means specific types or areas of habitat
19 within essential fish habitat that are of particular
20 concern based on one or more of the following con-
21 siderations:

22 “(A) The importance of the ecological
23 function provided by the habitat, including for
24 maintaining and restoring the biomass, demo-

1 graphic, spatial and genetic characteristics of
2 fish populations.

3 “(B) The extent to which the habitat is
4 sensitive to human-induced environmental deg-
5 radation.

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

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

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

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

16 “(13a) The term ‘forage fish’ means any low-
17 trophic level fish that, throughout their life cycle,
18 contribute significantly to the diets of other fish,
19 marine mammals, or birds and that serve as a con-
20 duit for energy transfer from lower to higher trophic
21 levels.”.

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

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

4 (2) by striking “overfished” each place it ap-
5 pears and inserting “overfished or otherwise de-
6 pleted”.

7 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

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

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

11 (2) by striking “fiscal year 2013” and inserting
12 “fiscal year 2019, and for each of fiscal years 2020
13 through 2023, the amount applicable under this sec-
14 tion for the preceding fiscal year increased by the es-
15 timated percentage change in the Consumer Price
16 Index for the most recent year preceding such fiscal
17 year”.

18 **TITLE II—FISHERIES MANAGE-**
19 **MENT FLEXIBILITY AND MOD-**
20 **ERNIZATION**

21 **SEC. 201. AUTHORITY TO USE ALTERNATIVE FISHERY MAN-**
22 **AGEMENT MEASURES.**

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

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

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

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

5 “(8) in implementing the annual catch limits
6 set pursuant to paragraph (6) and section
7 303(a)(15), consider fishery management measures
8 such as extraction rates, fishing mortality targets,
9 and harvest control rules, particularly in recreational
10 fisheries or recreational components of mixed-use
11 fisheries; and”.

12 **SEC. 202. MODIFICATIONS TO THE ANNUAL CATCH LIMIT**
13 **REQUIREMENT.**

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

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

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

23 “(2) LIMITATIONS TO ANNUAL CATCH LIMIT
24 REQUIREMENT FOR SPECIAL FISHERIES.—Notwith-

1 standing subsection (h)(6), a Council is not required
2 to develop an annual catch limit for—

3 “(A) an ecosystem component species; and

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

7 “(i) is not subject to overfishing, is
8 not approaching an overfished or otherwise
9 depleted condition, and is not overfished or
10 otherwise depleted; and

11 “(ii) is not likely to become subject to
12 overfishing or depleted, based on the best
13 scientific information available, in the ab-
14 sence of conservation and management
15 measures.

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

21 “(A) may take into account management
22 measures under international agreements in
23 which the United States participates; and

24 “(B) in the case of an annual catch limit
25 for a species, shall take into account fishing for

1 the species outside the exclusive economic zone
2 that is not subject to the jurisdiction of the
3 United States, such that fishing by vessels of
4 the United States does not contribute to over-
5 fishing of the species as a whole.

6 “(4) AUTHORIZATION FOR MULTISPECIES COM-
7 PLEXES AND MULTIYEAR ANNUAL CATCH LIMITS.—
8 A Council may establish—

9 “(A) an annual catch limit for a stock
10 complex that prevents overfishing on all species
11 in the complex; or

12 “(B) annual catch limits for each year in
13 any continuous period that is not more than
14 three years in duration.

15 “(5) ECOSYSTEM COMPONENT SPECIES DE-
16 FINED.—In this subsection the term ‘ecosystem com-
17 ponent species’ means a stock of fish that a Council
18 or the Secretary has determined does not require
19 conservation and management, but has determined
20 should be listed in a fishery management plan in
21 order to achieve ecosystem management objectives.”.

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

23 (a) DECISIONS AND RECOMMENDATIONS.—Section
24 302(g)(5) (16 U.S.C. 1852(g)(5)) is amended by inserting

1 before the period “, and shall be developed in a trans-
2 parent manner”.

3 (b) MEETINGS.—Section 302(i)(2) (16 U.S.C.
4 1852(i)(2)) is amended by adding at the end the following:

5 “(G) Each Council shall make available on
6 the internet website of the Council—

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

14 “(ii) audio, video (if the meeting was
15 in person or by video conference), or a
16 searchable audio or written transcript of
17 each meeting of the Council and of the
18 meetings of committees referred to in sec-
19 tion 302(g)(1)(B) of the Council by not
20 later than 30 days after the conclusion of
21 the meeting.

22 “(H) The Secretary shall maintain and
23 make available to the public an archive of
24 Council and scientific and statistical committee
25 meeting audios, videos, and transcripts made

1 available under clauses (i) and (ii) of subpara-
2 graph (G).”.

3 (c) RECORDED VOTES.—Section 302(e)(5) (16
4 U.S.C. 1852(e)(5)) is amended by striking “At the request
5 of any voting member of a Council, the Council shall hold
6 a roll call vote on any matter before the Council.” and
7 inserting “Each Council shall hold a recorded vote on all
8 nonprocedural matters before the Council.”.

9 **SEC. 204. ADDITIONAL AMENDMENTS RELATING TO FISH-**
10 **ERY MANAGEMENT COUNCILS.**

11 (a) Section 302(a)(1) (16 U.S.C. 1852(a)(1)) is
12 amended—

13 (1) in subparagraph (A), in the second sen-
14 tence—

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

16 and

17 (B) by inserting before the period at the
18 end “, and a liaison who is a member of the
19 Mid-Atlantic Fishery Management Council to
20 represent the interests of fisheries under the ju-
21 risdiction of such Council”;

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

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

25 and

1 (B) by inserting before the period at the
2 end “a liaison who is a member of the New
3 England Fishery Management Council to rep-
4 resent the interests of fisheries under the juris-
5 diction of such Council, and a liaison who is a
6 member of the South Atlantic Fishery Manage-
7 ment Council to represent the interests of fish-
8 eries under the jurisdiction of such Council”;
9 and

10 (3) in subparagraph (C), in the second sen-
11 tence—

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

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

19 (b) COUNCIL SEAT.—Section 302(b)(2) (16 U.S.C.
20 1852(b)(2)) is amended—

21 (1) in subparagraph (A), by striking “or rec-
22 reational” and inserting “, recreational, or subsist-
23 ence fishing”; and

24 (2) in subparagraph (C), in the second sen-
25 tence, by inserting “, and in the case of the Gov-

1 error of Alaska with the subsistence fishing interests
2 of the State,” after “interests of the State”.

3 (c) CONTROLLING TRAVEL COSTS.—Section 302(e)
4 is amended by adding at the end the following:

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

9 (d) FISHERIES HABITAT AND BYCATCH PLAN-
10 NING.—Section 302(h) (16 U.S.C. 1852(h)), as amended
11 by section 201 of this Act, is further amended by redesignig-
12 nating paragraph (8) as paragraph (13), striking “and”
13 at the end of paragraph (7), and adding after paragraph
14 (7) the following:

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

18 “(A) quantitative and measurable mile-
19 stones and goals for increasing the quality and
20 quantity of such habitat; and

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

23 “(9) develop and implement a plan to reduce
24 bycatch in the region under the authority of the
25 Council, which shall prioritize reduction of bycatch

1 of species with high ecological, economic, or cultural
2 importance, and shall include—

3 “(A) quantitative and measurable mile-
4 stones and goals for decreasing bycatch; and

5 “(B) conservation and management meas-
6 ures to implement the plan;

7 “(10) within 2 years after of the completion of
8 each Secretarial review under section 304(k), review
9 and amend the plans required by paragraphs (8),
10 and (9) of this subsection consistent with such Sec-
11 retarial review and simultaneously amend its fishery
12 management plans as necessary and appropriate;

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

19 (e) REPORT ON FISHERY MANAGEMENT COUN-
20 CILS.—The Comptroller General of the United States
21 shall, within 180 days after the date of the enactment of
22 this Act, report to the Congress on the operations of the
23 Regional Fishery Management Councils. Such report shall
24 include—

1 (1) a full accounting of all grant money re-
2 ceived and distributed by the Councils for the 10
3 years preceding the enactment of this Act, including
4 an analysis of the deliverables and results of all
5 grant-funded projects;

6 (2) an assessment of interactions of the Coun-
7 cils and Council staff with Congress for the 10 years
8 preceding the enactment of this Act, including an
9 analysis of the extent to which such interactions
10 comply with the provisions of section 1913 of title
11 10, United States Code, and the conditions of grants
12 received by the Councils from the National Marine
13 Fisheries Service; and

14 (3) an assessment of Council member and staff
15 conflicts of interest.

16 **SEC. 206. FLEXIBILITY AND ACCOUNTABILITY IN REBUILD-**
17 **ING FISH STOCKS.**

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

20 (1) in paragraph (4)—

21 (A) by amending subparagraph (A)(ii) to
22 read as follows:

23 “(ii) not exceed the time the stock of
24 fish would be rebuilt without fishing occur-
25 ring plus one mean generation, unless

1 management measures under an inter-
2 national agreement in which the United
3 States participates dictate otherwise;” and
4 (B) by striking “and” after the semicolon
5 at the end of subparagraph (B), by striking the
6 period at the end of subparagraph (C) and in-
7 serting “; and”, and by adding at the end the
8 following:

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

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

16 “(7)(A) The Secretary shall review any fishery
17 management plan, plan amendment, or regulations
18 required by this subsection at routine intervals that
19 may not exceed 2 years. The Secretary shall find
20 that adequate progress toward ending overfishing
21 and rebuilding affected fish stocks has not resulted
22 if—

23 “(i) the biomass of the stock is not in-
24 creasing at a sufficient rate, such that it be-
25 comes unlikely that the stock will be rebuilt

1 within the time period for rebuilding set pursu-
2 ant to this subsection without changes to the
3 plan, plan amendment, or regulations;

4 “(ii) the level of fishing mortality or catch
5 consistent with the fishery management plan,
6 plan amendment, or regulations is exceeded,
7 and the causes and rebuilding consequences of
8 such exceedances have not been corrected;

9 “(iii) when the rebuilding expectations of a
10 stock or stock complex are significantly changed
11 due to new information about the status of the
12 stock; or

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

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

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

1 “(ii) for all other fisheries, immediately no-
2 tify the appropriate Council, including rec-
3 ommendation of further conservation and man-
4 agement measures the Council should consider
5 under paragraph (3) to achieve adequate
6 progress.

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

15 “(D) A Council shall not adopt, and the Sec-
16 retary shall not approve, a fishery management plan,
17 plan amendment, or proposed regulation required
18 under this subsection for any fishery that has pre-
19 viously been under such a plan that did not rebuild
20 such fishery to the biomass necessary to achieve
21 maximum sustainable yield, as determined by the
22 Council’s scientific and statistical committee, unless
23 the new plan, amendment, or proposed regulation
24 has at least a 75-percent chance of rebuilding the
25 overfished or otherwise depleted fishery within the

1 time limit proposed by the Council, as calculated by
2 the Council's scientific and statistical committee
3 pursuant to section 302(g)(1)(B)."; and

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

5 "(8) A fishery management plan, plan amend-
6 ment, or proposed regulations may use alternative
7 rebuilding strategies, including harvest control rules
8 and fishing mortality rate targets to the extent they
9 are in compliance with the requirements of this Act.

10 "(9) A Council may terminate the application of
11 paragraph (3) to a fishery if the Council's scientific
12 and statistical committee determines and the Sec-
13 retary concurs that the stock was not overfished in
14 the year that the overfished determination was based
15 on and has never been overfished in any subsequent
16 year including the current year."

17 (b) REVIEW OF ADEQUATE PROGRESS.—Section 304
18 (16 U.S.C. 1854) is amended by adding at the end the
19 following—

20 "(k) REVIEW OF HABITAT, FORAGE, BYCATCH, AND
21 REBUILDING PLANS.—At routine intervals not to exceed
22 5 years, the Secretary shall review implementation of each
23 Council's plans developed under paragraphs (8) and (9)
24 of sections 302(h). If the Secretary finds as a result of
25 such review that there is a lack of adequate progress to-

1 ward achieving the objectives of any plan, including mile-
2 stones and goals, the Secretary shall recommend plan revi-
3 sions, including further conservation and management
4 measures, that the Council shall consider in order to
5 achieve adequate progress.”.

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

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

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

21 “(B) Within 30 days after receiving a rec-
22 ommendation under subparagraph (A), a Federal
23 agency shall provide a detailed response in writing to
24 any Council commenting under paragraph (3) and
25 the Secretary regarding the matter. The response

1 shall include a description of measures proposed by
2 the agency for avoiding, mitigating, or offsetting the
3 adverse effects of the action on essential fish habi-
4 tat. A Federal agency shall ensure that any action
5 authorized, funded, or undertaken by such agency
6 avoids the adverse effects of such action on such
7 habitat or, to the extent that adverse effects cannot
8 be avoided, mitigates or offsets such adverse effects.
9 In the case of a response that is inconsistent with
10 the recommendations of the Secretary, the Federal
11 agency shall explain its reasons for not following the
12 recommendations.”.

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

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

23 **SEC. 208. SENSE OF CONGRESS ON ECOSYSTEM-BASED**
24 **FISHERIES MANAGEMENT.**

25 It is the sense of the Congress that—

1 (1) healthy fisheries and the coastal economies
2 they support depend upon healthy marine eco-
3 systems;

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

7 (3) the National Marine Fisheries Service
8 should continue to refine and implement ecosystem-
9 based approaches to the management of marine fish-
10 ery resources.

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

13 **SEC. 301. HEALTHY FISHERIES THROUGH BETTER**
14 **SCIENCE.**

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

22 Such report shall—

23 (1) summarize the methods used for assess-
24 ments for all stocks of fish for which a fishery man-
25 agement plan is in effect under the Magnuson-Ste-

1 vens Fishery Conservation and Management Act (16
2 U.S.C. 1801 et seq.), and explain which stocks have
3 not been assessed, and why;

4 (2) summarize each stock assessment and stock
5 assessment update completed during the preceding
6 year;

7 (3) include the schedule for all upcoming stock
8 assessments and stock assessment updates; and

9 (4) identify data and analysis, especially con-
10 cerning recreational fishing, that, if available, would
11 reduce uncertainty in and improve the accuracy of
12 future stock assessments, including whether such
13 data and analysis could be provided by fishermen,
14 fishing communities, universities, and research insti-
15 tutions.

16 (b) IMPROVING SCIENCE.—Section 2(a)(8) of the
17 Magnuson-Stevens Fishery Conservation and Manage-
18 ment Act (16 U.S.C. 1801) is amended by adding at the
19 end the following: “Fisheries management is most effec-
20 tive when it uses the best scientific information available,
21 and incorporates such information from governmental and
22 nongovernmental sources, including State and Federal
23 agency staff, fishermen, fishing communities, universities,
24 nonprofit organizations, traditional knowledge from Tribes
25 and subsistence fishermen, and research institutions. Sci-

1 entific and statistical committees should consider such in-
2 formation when seeking the best scientific information
3 available to form the basis of conservation and manage-
4 ment.”.

5 (c) COST REDUCTION REPORT.—Within 1 year after
6 the date of the enactment of this Act, the Secretary of
7 Commerce, in consultation with the Regional Fishery
8 Management Councils, shall submit a report to Congress
9 that, with respect to each fishery governed by a fishery
10 management plan in effect under the Magnuson-Stevens
11 Fishery Conservation and Management Act (16 U.S.C.
12 1801 et seq.)—

13 (1) identifies the goals of the applicable pro-
14 grams governing monitoring and enforcement of
15 fishing that is subject to such plan;

16 (2) identifies methods to accomplish those
17 goals, including human observers, electronic moni-
18 toring, and vessel monitoring systems; and

19 (3) reviews the relative appropriateness of each
20 method, based on effectiveness at gathering desired
21 information and short-term and long-term costs and
22 benefits.

1 **SEC. 302. COOPERATIVE RESEARCH AND MANAGEMENT**
2 **PROGRAM.**

3 (a) COOPERATIVE RESEARCH PLAN.—Section 318
4 (16 U.S.C. 1867) is amended—

5 (1) in subsection (a), by inserting “(1)” before
6 the first sentence, and by adding at the end the fol-
7 lowing:

8 “(2) Within one year after the date of the enactment
9 of Strengthening Fishing Communities through Improving
10 Science, Increasing Flexibility, and Modernizing Fisheries
11 Management Act, and after consultation with the Coun-
12 cils, the Secretary shall publish a plan for implementing
13 and conducting the program established in paragraph (1).
14 Such plan shall identify and describe critical regional fish-
15 ery management and research needs, possible projects that
16 may address those needs, and estimated costs for such
17 projects. The plan shall be revised and updated every 5
18 years, and updated plans shall include a brief description
19 of projects that were funded in the preceding 5-year period
20 and the research and management needs that were ad-
21 dressed by those projects.”;

22 (2) in subsection (b), by striking “in consulta-
23 tion with the Secretary.” and inserting “. Each
24 Council shall provide a list of such needs to the Sec-
25 retary on an annual basis, identifying and
26 prioritizing such needs.”;

1 (3) in subsection (c)—

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

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

7 “(A) the use of fishing vessels or acoustic
8 or other marine technology;

9 “(B) expanding the use of electronic catch
10 reporting programs and technology; and

11 “(C) improving monitoring and observer
12 coverage through the expanded use of electronic
13 monitoring devices and satellite tracking sys-
14 tems.”; and

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

16 “(g) ACCEPTANCE OF FUNDING.—Subject to the
17 availability of funds through Acts of appropriation, the
18 Secretary may, using the authority established under sec-
19 tion 208 of Public Law 109–479 (16 U.S.C. 1891b), ac-
20 cept and use funding from other Federal agencies, aca-
21 demic institutions, persons, including fishery participants,
22 and nongovernmental organizations to expand cooperative
23 fisheries research and management efforts, including ef-
24 forts to improve data collection in recreational fisheries,

1 for the purposes of improving management certainty and
2 outcomes.”.

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

7 “(f) ALLOCATION EXCEPTION.—Notwithstanding
8 subsection (d), the Secretary may apportion monies from
9 the Fund to a specific project or region if such monies
10 were identified by the Council that designated them for
11 inclusion in the Fund under subsection (c)(1), or by the
12 appropriation Act, State, public source, or nonprofit or or-
13 ganization from which received under subsection (c)(2), as
14 being deposited for that specific project or region.”.

15 **SEC. 303. RECREATIONAL DATA COLLECTION.**

16 (a) FEDERAL-STATE PARTNERSHIPS.—Section
17 401(g) (16 U.S.C. 1881(g)) is amended by redesignating
18 paragraph (4) as paragraph (5), and by inserting after
19 paragraph (3) the following:

20 “(4) FEDERAL-STATE PARTNERSHIPS.—

21 “(A) ESTABLISHMENT.—The Secretary
22 shall establish partnerships with States to de-
23 velop best practices for implementation of State
24 programs established pursuant to paragraph
25 (2).

1 “(B) GUIDANCE.—The Secretary shall de-
2 velop guidance, in cooperation with the States,
3 that details best practices for administering
4 State programs pursuant to paragraph (2), and
5 provide such guidance to the States.

6 “(C) BIENNIAL REPORT.—The Secretary
7 shall submit to the Congress and publish bien-
8 nial reports that include—

9 “(i) the estimated accuracy of the reg-
10 istry program established under paragraph
11 (1) and of State programs that are ex-
12 empted under paragraph (2);

13 “(ii) priorities for improving rec-
14 reational fishing data collection; and

15 “(iii) an explanation of any use of in-
16 formation collected by such State programs
17 and by the Secretary, including a descrip-
18 tion of any consideration given to the in-
19 formation by the Secretary.

20 “(D) STATES GRANT PROGRAM.—The Sec-
21 retary may make grants to States to improve
22 implementation of State programs consistent
23 with this subsection. The Secretary shall
24 prioritize such grants based on the ability of the

1 grant to improve the quality and accuracy of
2 such programs.”.

3 (b) ACTION BY SECRETARY.—The Secretary of Com-
4 merce shall—

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

9 (A) how the design of the Marine Rec-
10 reational Information Program, for the pur-
11 poses of stock assessment and the determina-
12 tion of stock management reference points, can
13 be improved to better meet the needs of in-sea-
14 son management of annual catch limits under
15 section 303(a)(15) of the Magnuson-Stevens
16 Fishery Conservation and Management Act (16
17 U.S.C. 1853(a)(15)); and

18 (B) what actions the Secretary, Councils,
19 and States could take to improve the accuracy
20 and timeliness of data collection and analysis to
21 improve the Marine Recreational Information
22 Program and facilitate in-season management.

23 (2) within 6 months after receiving the report
24 under paragraph (1), submit to Congress rec-
25 ommendations of changes to be made to the Marine

1 Recreational Information Program to make the pro-
2 gram better meet the needs of in-season manage-
3 ment of annual catch limits and other requirements
4 under such section.

5 **SEC. 304. MODERNIZING FISHERIES DATA COLLECTION**
6 **AND STORAGE.**

7 (a) VIDEO AND ACOUSTIC SURVEY TECH-
8 NOLOGIES.—The Secretary shall work with the Regional
9 Fishery Management Councils and nongovernmental enti-
10 ties to develop and implement the use pursuant to the
11 Magnuson-Stevens Fishery Conservation and Manage-
12 ment Act (16 U.S.C. 1801 et seq.) of video survey tech-
13 nologies and expanded use of acoustic survey technologies.

14 (b) IMPROVED DATA MANAGEMENT.—The Secretary
15 of Commerce shall—

16 (1) seek to enter into an agreement with the
17 United States Digital Service within 90 days after
18 the date of the enactment of this Act, under which
19 the Service shall make recommendations to mod-
20 ernize and streamline the fishery data collection,
21 processing, analysis, and storage systems of the Na-
22 tional Marine Fisheries Service, and specify in the
23 agreement that the Secretary is seeking, at a min-
24 imum, recommendations that promote user-centered

1 data and include open, secure architecture and clear
2 data performance specifications;

3 (2) under the agreement, provide the United
4 States Digital Service with access to all data collec-
5 tion, processing, analysis, and storage systems of the
6 National Marine Fisheries Service and any other in-
7 formation necessary to enable the development of
8 recommendations that will ensure the optimization
9 and modernization of such systems;

10 (3) working with the Councils and fishery
11 stakeholders, consider and implement any rec-
12 ommendations made by the United States Digital
13 Service , as appropriate; and

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

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

21 (a) **REPORTING AND DATA COLLECTION PRO-**
22 **GRAM.**—The Secretary of Commerce shall—

23 (1) in conjunction with the States, the Gulf of
24 Mexico Fishery Management Council, and the rec-
25 reational fishing sectors, develop and implement a

1 real-time reporting and data collection program for
2 the Gulf of Mexico red snapper fishery using avail-
3 able technology; and

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

9 (b) FISHERIES COOPERATIVE RESEARCH PRO-
10 GRAM.—The Secretary of Commerce—

11 (1) shall, in conjunction with the States, the
12 Gulf States Marine Fisheries Commission and the
13 Atlantic States Marine Fisheries Commission, the
14 Gulf of Mexico and South Atlantic Fishery Manage-
15 ment Councils, and the commercial, charter, and
16 recreational fishing sectors, develop and implement a
17 cooperative research program authorized under sec-
18 tion 318 of the Magnuson-Stevens Fishery Con-
19 servation and Management Act (16 U.S.C. 1867) for
20 the fisheries of the Gulf of Mexico and South Atlan-
21 tic regions, giving priority to those fisheries that are
22 considered data-poor; and

23 (2) may, subject to the availability of appropria-
24 tions, use funds received by the Secretary under sec-
25 tion 2 of the Act of August 11, 1939 (commonly

1 known as the “Saltonstall-Kennedy Act”) (15 U.S.C.
2 713e-3) to implement this subsection.

3 (c) USE OF FISHERIES INFORMATION IN STOCK AS-
4 SESSMENTS.—The Director of the National Oceanic and
5 Atmospheric Administration’s Southeast Fisheries Science
6 Center shall ensure that fisheries information made avail-
7 able through fisheries programs funded under Public Law
8 112–141 is incorporated as soon as possible into any fish-
9 eries stock assessments conducted after the date of the
10 enactment of this Act.

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

18 **SEC. 306. SCIENCE AND MANAGEMENT FOR SHIFTING**
19 **STOCKS.**

20 Section 305(a) of the Magnuson-Stevens Fishery
21 Conservation and Management Act (16 U.S.C. 1855a) is
22 amended—

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

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

8 (2) by amending paragraph (4) to read as fol-
9 lows:

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

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

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

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

12 **TITLE IV—STRENGTHENING** 13 **FISHING COMMUNITIES**

14 **SEC. 401. FISHERY RESOURCE DISASTER ASSISTANCE.**

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

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

19 (2) by redesignating subparagraphs (A) through
20 (C) as clauses (i) through (iii), respectively, of sub-
21 paragraph (A) (as designated by the amendment
22 made by paragraph (1)); and

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

24 “(B) The Secretary shall publish the esti-
25 mated cost of recovery from a fishery resource

1 disaster no later than 30 days after the Sec-
2 retary makes the determination under subpara-
3 graph (A) with respect to such disaster. Such
4 an estimate shall include financial impacts to
5 the broader seafood economy and coastal com-
6 munities, including but not limited to har-
7 vesters, processors, charter fishing companies,
8 ports and related infrastructure owners and/or
9 service providers, and seafood shipping compa-
10 nies”.

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

17 “(2) The Secretary shall make a decision re-
18 garding a request from a Governor under paragraph
19 (1) within 120 days after the completion of the fish-
20 ing season or other period for which the relief was
21 requested.”.

22 **SEC. 402. STRENGTHENING PARTICIPATION FOR PACIFIC**
23 **TERRITORIES.**

24 Section 102 (16 U.S.C. 1812) is amended by adding
25 at the end the following:

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

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

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

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

11 and

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

