

AMENDMENT TO H.R. 1335
OFFERED BY MR. WITTMAN OF VIRGINIA

Add at the end the following:

1 **SEC. ____.** **HEALTHY FISHERIES THROUGH BETTER**
2 **SCIENCE .**

3 (a) **DEFINITION OF STOCK ASSESSMENT.**—Section 3
4 of the Magnuson-Stevens Fishery Conservation and Man-
5 agement Act (16 U.S.C. 1802) is amended by redesi-
6 nating the paragraphs after paragraph (42) in order as
7 paragraphs (44) through (52), and by inserting after
8 paragraph (42) the following:

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

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

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

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

20 “(B) fishing for the stock.”.

1 (b) STOCK ASSESSMENT PLAN.—

2 (1) IN GENERAL.—Section 404 of the Magnu-
3 son-Stevens Fishery Conservation and Management
4 Act (16 U.S.C. 18881c) is amended by adding at the
5 end the following:

6 “(e) STOCK ASSESSMENT PLAN.—

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

13 “(2) CONTENTS.—The plan shall—

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

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

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

25 “(I) every 5 years; or

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

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

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

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

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

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

8 (2) DEADLINE.—Notwithstanding paragraph
9 (1) of section 404(e) of such Act, as amended by
10 this subsection, the Secretary of Commerce shall
11 issue the first stock assessment plan under such sec-
12 tion by not later than 1 year after the date of enact-
13 ment of this Act.

14 (c) IMPROVING SCIENCE.—

15 (1) INCORPORATION OF INFORMATION FROM
16 WIDE VARIETY OF SOURCES.—Section 2(a)(8) of the
17 Magnuson-Stevens Fishery Conservation and Man-
18 agement Act (16 U.S.C. 1801) is amended by add-
19 ing at the end the following: “Fisheries management
20 is most effective when it incorporates information
21 provided by governmental and nongovernmental
22 sources, including State and Federal agency staff,
23 fishermen, fishing communities, universities, re-
24 search institutions, and other appropriate entities.
25 As appropriate, such information should be consid-

1 ered the best scientific information available and
2 form the basis of conservation and management
3 measures as required by this Act.”.

4 (2) IMPROVING DATA COLLECTION AND ANAL-
5 YSIS.—

6 (A) IN GENERAL.—Section 404 of the
7 Magnuson-Stevens Fishery Conservation and
8 Management Act (16 U.S.C. 1881c), as amend-
9 ed by this section, is further amended by add-
10 ing at the end the following:

11 “(f) IMPROVING DATA COLLECTION AND ANAL-
12 YSIS.—

13 “(1) IN GENERAL.—The Secretary, in consulta-
14 tion with the science and statistical committee of the
15 Councils established under section 302(g), shall de-
16 velop and publish in the Federal Register guidelines
17 that will facilitate greater incorporation of data,
18 analysis, and stock assessments from nongovern-
19 mental sources, including fishermen, fishing commu-
20 nities, universities, and research institutions, into
21 fisheries management decisions.

22 “(2) CONTENT.—The guidelines shall—

23 “(A) identify types of data and analysis,
24 especially concerning recreational fishing, that
25 can be reliably used as the best scientific infor-

1 mation available for purposes of this Act and
2 the basis for establishing conservation and man-
3 agement measures as required by section
4 303(a)(1), including setting standards for the
5 collection and use of such data and analysis in
6 stock assessments and for other purposes;

7 “(B) provide specific guidance for col-
8 lecting data and performing analyses identified
9 as necessary to reduce the uncertainty referred
10 to in section 404(e)(2)(C); and

11 “(C) establish a registry of persons pro-
12 viding such information.

13 “(3) ACCEPTANCE AND USE OF DATA AND
14 ANALYSES.—The Secretary and Regional Fishery
15 Management Councils shall—

16 “(A) use all data and analyses that meet
17 the guidelines published under paragraph (1) as
18 the best scientific information available for pur-
19 poses of this Act in fisheries management deci-
20 sions, unless otherwise determined by the
21 science and statistical committee of the Coun-
22 cils established pursuant to section 302(g) of
23 the Act;

24 “(B) explain in the Federal Register notice
25 announcing the fishery management decision

1 how such data and analyses have been used to
2 establish conservation and management meas-
3 ures; and

4 “(C) if any such data or analysis is not
5 used, provide in the Federal Register notice an-
6 nouncing the fishery management decision an
7 explanation developed by such science and sta-
8 tistical committee of why such data or analysis
9 was not used.”.

10 (3) DEADLINE.—The Secretary of Commerce
11 shall develop and publish guidelines under the
12 amendment made by paragraph (1) by not later
13 than 1 year after the date of enactment of this Act.

14 (d) COST REDUCTION REPORT.—Within 1 year after
15 the date of enactment of this Act, the Secretary of Com-
16 merce, in consultation with the Regional Fishery Manage-
17 ment Councils, shall submit a report to Congress that,
18 with respect to each fishery governed by a fishery manage-
19 ment plan in effect under the Magnuson-Stevens Fishery
20 Conservation and Management Act (16 U.S.C. 1801 et
21 seq.)—

22 (1) identifies the goals of the applicable pro-
23 grams governing monitoring and enforcement of
24 fishing that is subject to such plan;

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

4 (3) certifies which such methods are most cost-
5 effective for fishing that is subject to such plan; and

6 (4) explains why such most-cost-effective meth-
7 ods are not required, if applicable.

8 (e) COST SHARING.—Section 304(d) of the Magnu-
9 son-Stevens Fishery Conservation and Management Act
10 (16 U.S.C. 1854(d)) is amended by adding at the end the
11 following:

12 “(3) The Secretary shall not collect any fee
13 under this section or section 313(a) before preparing
14 an analysis that identifies the costs that will be re-
15 covered by the fee and the costs that will not be re-
16 covered by the fee. Such analysis shall be included
17 in the applicable fisheries management plan.”.

