

[DISCUSSION DRAFT]

113TH CONGRESS  
1ST SESSION

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

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

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IN THE HOUSE OF REPRESENTATIVES

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

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**A BILL**

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

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

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. 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. 3. FLEXIBILITY IN REBUILDING FISH STOCKS.**

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

11 (1) in paragraph (3)(A), by inserting before the  
12 semicolon the following: “, except that in the case of  
13 a highly dynamic fishery the Council (or the Sec-  
14 retary, for fisheries under section 302(a)(3)) may  
15 phase-in the rebuilding plan over a 3-year period to  
16 lessen economic harm to fishing communities”;

17 (2) in paragraph (4)—

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

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

22 “(ii) may not exceed the time the  
23 stock would be rebuilt without fishing oc-  
24 ccurring plus one mean generation, except  
25 in a case in which—

1           “(I) the biology of the stock of  
2 fish, other environmental conditions,  
3 or management measures under an  
4 international agreement in which the  
5 United States participates dictate oth-  
6 erwise;

7           “(II) the Secretary determines  
8 that the cause of the stock being de-  
9 pleted is outside the jurisdiction of the  
10 Council or the rebuilding program  
11 cannot be effective only by limiting  
12 fishing activities;

13           “(III) the Secretary determines  
14 that one or more components of a  
15 mixed-stock fishery is depleted but  
16 cannot be rebuilt within that time-  
17 frame without significant economic  
18 harm to the fishery or cannot be re-  
19 built without causing another compo-  
20 nent of the mixed-stock fishery to ap-  
21 proach a depleted status;

22           “(IV) the Secretary determines  
23 that recruitment, distribution, or life  
24 history of, or fishing activities for, the  
25 stock are affected by informal

1 transboundary agreements under  
2 which management activities outside  
3 the exclusive economic zone by an-  
4 other country may hinder conservation  
5 efforts by United States fishermen;  
6 and

7 “(V) the Secretary determines  
8 that the stock has been affected by  
9 unusual events that make rebuilding  
10 within the specified time period im-  
11 probable without significant economic  
12 harm to fishing communities;”;

13 (C) by striking “and” after the semicolon  
14 at the end of subparagraph (B), by redesign-  
15 ating subparagraphs (B) and (C) as subpara-  
16 graphs (C) and (D), and by inserting after sub-  
17 paragraph (A) the following:

18 “(B) take into account environmental con-  
19 dition including predator/prey relationships;”;  
20 and

21 (D) by striking the period at the end of  
22 subparagraph (D) (as so redesignated) and in-  
23 serting “; and”, and by adding at the end the  
24 following:

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 (3) by adding at the end the following:

7 “(8) A fishery management plan, plan amend-  
8 ment, or proposed regulations may use alternative  
9 rebuilding strategies, including harvest control rules  
10 and fishing mortality targets.

11 “(9) A Council may terminate the application of  
12 paragraph (3) to a fishery if the Council determines  
13 that the fishery is not depleted, by the earlier of—

14 “(A) the end of the 2-year period begin-  
15 ning on the effective date a fishery management  
16 plan, plan amendment, or proposed regulation  
17 for a fishery under this subsection takes effect;  
18 or

19 “(B) the completion of the next stock as-  
20 sessment after such determination.”.

21 (b) EMERGENCY REGULATIONS AND INTERIM MEAS-  
22 URES.—Section 305(c)(3)(B) (16 U.S.C. 1855(c)(3)(B))  
23 is amended by striking “180 days after” and all that fol-  
24 lows through “provided” and inserting “1 year after the  
25 date of publication, and may be extended by publication

1 in the Federal Register for one additional period of not  
2 more than 1 year, if”.

3 (c) **AUTHORITY TO PHASE-IN REBUILDING.**—Section  
4 304(e)(3)(A) (16 U.S.C. 1853(e)(3)(A)) is amended by in-  
5 serting before the semicolon the following: “, except that  
6 for a fishery for which chronic overfishing has not oc-  
7 curred and for which an immediate end to overfishing will  
8 result in significant adverse economic impacts to fishing  
9 communities, the Secretary may authorize a Council to  
10 phase in fishing restrictions over a continuous period of  
11 not more than 3 years”.

12 **SEC. 4. MODIFICATIONS TO THE ANNUAL CATCH LIMIT RE-**  
13 **QUIREMENT.**

14 (a) **FLEXIBILITY FOR COUNCILS.**—Section 302 (16  
15 U.S.C. 1852) is amended by adding at the end the fol-  
16 lowing:

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

19 “(1) **CONSIDERATION OF ECOSYSTEM AND ECO-**  
20 **NOMIC IMPACTS.**—In establishing annual catch lim-  
21 its a Council may consider changes in an ecosystem  
22 and the economic needs of the fishing communities.

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;

4 “(B) a fishery for a species that has a life  
5 cycle of approximately 1 year, unless the Sec-  
6 retary has determined the fishery is subject to  
7 overfishing; or

8 “(C) a stock for which—

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

12 “(ii) fishing mortality will have little  
13 impact on the stock.

14 “(3) RELATIONSHIP TO INTERNATIONAL EF-  
15 FORTS.—Each annual catch limit shall take into ac-  
16 count—

17 “(A) management measures under inter-  
18 national agreements in which the United States  
19 participates; and

20 “(B) informal transboundary agreements  
21 under which management activities by another  
22 country outside the exclusive economic zone  
23 may hinder conservation efforts by United  
24 States fishermen for a species for which any of

1 the recruitment, distribution, life history, or  
2 fishing activities are transboundary.

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

7 “(A) an annual catch limit for a stock  
8 complex; or

9 “(B) annual catch limits for each year in  
10 any continuous period that is not more than  
11 three years in duration.

12 “(5) ECOSYSTEM COMPONENT SPECIES DE-  
13 FINED.—In this subsection the term ‘ecosystem com-  
14 ponent species’ means a stock of fish that is a non-  
15 target, incidentally harvested stock of fish in a fish-  
16 ery, or a nontarget, incidentally harvested stock of  
17 fish that a Council or the Secretary has deter-  
18 mined—

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

21 “(B) is not likely to become subject to  
22 overfishing or depleted in the absence of con-  
23 servation and management measures.”.



1 (b) ANNUAL CATCH LIMIT CAP.—Section 302(h)(6)  
2 (16 U.S.C. 1852(h)(6)) is amended by striking “fishing”  
3 and inserting “overfishing”.

4 **SEC. 5. DISTINGUISHING BETWEEN OVERFISHED AND DE-**  
5 **PLETED.**

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

8 (1) in paragraph (34), by striking “and ‘over-  
9 fished’ mean” and inserting “means”; and

10 (2) by inserting after paragraph (8) the fol-  
11 lowing:

12 “(8a) The term ‘depleted’ means, with respect  
13 to a stock of fish, that the stock is of a size that  
14 is below the natural range of fluctuation associated  
15 with the production of maximum sustainable yield.”.

16 (b) SUBSTITUTION OF TERM.—The Magnuson-Ste-  
17 vens Fishery Conservation and Management Act (16  
18 U.S.C. 1801 et seq.) is amended by striking “overfished”  
19 each place it appears and inserting “depleted”.

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

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

4 **SEC. 6. TRANSPARENCY AND PUBLIC PROCESS FOR SCI-**  
5 **ENTIFIC AND MANAGEMENT ACTIONS.**

6 (a) **SCIENTIFIC ADVICE.**—Section 302(g)(1)(B) (16  
7 U.S.C. 1852(g)(1)(B)) is amended by adding at the end  
8 the following: “Each scientific and statistical committee  
9 shall develop such scientific advice in a transparent man-  
10 ner and allow for public involvement in the process.”.

11 (b) **MEETINGS.**—Section 302(i)(2) (16 U.S.C.  
12 1852(i)(2)) is amended by adding at the end the following:

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

15 “(i) to the extent practicable, a live broad-  
16 cast of each meeting of the Council, and of the  
17 Council Coordination Committee established  
18 under subsection (l), that is not closed in ac-  
19 cordance with paragraph (3); and

20 “(ii) audio, video (if the meeting was in  
21 person or by video conference), and a complete  
22 transcript of each meeting of the Council and  
23 the Scientific and Statistical Committee of the  
24 Council by not later than 30 days after the con-  
25 clusion of the meeting.

1           “(H) The Secretary shall maintain and make  
2           available to the public an archive of Council and Sci-  
3           entific and Statistical Committee meeting audios,  
4           videos, and transcripts made available under sub-  
5           paragraph (G)(ii).”.

6           (c) COMPLIANCE WITH NATIONAL ENVIRONMENTAL  
7 POLICY ACT OF 1969.—

8           (1) IN GENERAL.—Title III (16 U.S.C. 1851 et  
9           seq.) is amended by adding at the end the following:

10 **“SEC. 315. COMPLIANCE WITH NATIONAL ENVIRONMENTAL**  
11 **POLICY ACT OF 1969.**

12           “Any fishery management plan, amendment to such  
13 a plan, or regulation implementing such a plan that is pre-  
14 pared in accordance with applicable provisions of sections  
15 303 and 304 of this Act shall be considered to satisfy,  
16 and to have been prepared in compliance with, the require-  
17 ments of section 102(2)(C) of the National Environmental  
18 Policy Act of 1969 (42 U.S.C. 4332(2)(C)) by the Sec-  
19 retary.”.

20           (2) CLERICAL AMENDMENT.—The table of con-  
21 tents in the first section is amended by adding at  
22 the end of the items relating to title III the fol-  
23 lowing:

“Sec. 315. Compliance with National Environmental Policy Act of 1969.”.

24           (3) EFFECT ON TIME REQUIREMENTS.—Section  
25 305(e) (16 U.S.C. 1855(E)) is amended by inserting

1 “the National Environmental Policy Act of 1969 (42  
2 U.S.C. 4321 et seq.),” after “the Regulatory Flexi-  
3 bility Act (5 U.S.C. 601 et seq.)”.

4 **SEC. 7. LIMITATION ON FUTURE CATCH SHARE PROGRAMS.**

5 (a) CATCH SHARE DEFINED.—Section 3 (16 U.S.C.  
6 1802) is amended by inserting after paragraph (2) the fol-  
7 lowing:

8 “(2a) The term ‘catch share’ means any fishery  
9 management program that allocates a specific per-  
10 centage of the total allowable catch for a fishery, or  
11 a specific fishing area, to an individual, cooperative,  
12 community, sector, processor, or regional fishery or-  
13 ganization established in accordance with section  
14 303A(c)(4), or other entity.”.

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

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

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

22 “(i) The New England, Mid-Atlantic,  
23 South Atlantic, and Gulf of Mexico Coun-  
24 cils may not submit a fishery management  
25 plan or amendment that creates a catch

1 share program for a fishery, and the Sec-  
2 retary may not approve or implement such  
3 a plan or amendment submitted by such a  
4 Council or a secretarial plan or amendment  
5 under section 304(c) that creates such a  
6 program, unless the final program has  
7 been approved, in a referendum in accord-  
8 ance with this subparagraph, by a majority  
9 of the permit holders eligible to participate  
10 in the fishery. For multispecies permits in  
11 the Gulf of Mexico, any permit holder with  
12 landings from the fishery being considered  
13 for the catch share program within the 5-  
14 year period preceding the date of the ref-  
15 erendum and still active in fishing in the  
16 fishery shall be eligible to participate in  
17 such a referendum. If a catch share pro-  
18 gram is not approved by the requisite num-  
19 ber of permit holders, it may be revised  
20 and submitted for approval in a subse-  
21 quent referendum.

22 “(ii) The Secretary shall conduct a  
23 referendum under this subparagraph, in-  
24 cluding notifying all permit holders eligible

1 to participate in the referendum and mak-  
2 ing available to them—

3 “(I) a copy of the proposed pro-  
4 gram;

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

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

11 “(IV) information concerning the  
12 schedule, procedures, and eligibility  
13 requirements for the referendum proc-  
14 ess.

15 “(iii) For the purposes of this sub-  
16 paragraph, the term ‘permit holder eligible  
17 to participate’ does not include the holder  
18 of a permit for a fishery under which fish-  
19 ing has not occurred in 3 of the 5 years  
20 preceding a referendum for the fishery un-  
21 less sickness, injury, or other unavoidable  
22 hardship prevented the permit holder from  
23 engaging in such fishing.

24 “(iv) The Secretary may not imple-  
25 ment any catch share program for any

1 fishery managed exclusively by the Sec-  
2 retary unless first petitioned by a majority  
3 of those eligible to participate in the fish-  
4 ery.”.

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

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

16 **SEC. 8. DATA COLLECTION AND DATA CONFIDENTIALITY.**

17 (a) USE OF ELECTRONIC MONITORING.—

18 (1) IN GENERAL.—The Secretary of Commerce  
19 shall, in conjunction with the Councils and the Pa-  
20 cific States Marine Fisheries Commission and by not  
21 later than the end of the 6-month period beginning  
22 on the date of the enactment of this Act—

23 (A) develop objectives, performance stand-  
24 ards, and regulations to govern the use of elec-

1           tronic monitoring for data collection and moni-  
2           toring purposes; and

3                   (B) provide an opportunity for the fishing  
4           industry to comment before the regulations are  
5           finalized.

6           (2) LIMITATION ON ENFORCEMENT USE.—Reg-  
7           ulations under this subsection shall not include pro-  
8           visions authorizing use of electronic monitoring for  
9           law enforcement.

10           (3) ACTION BY COUNCILS.—If the Secretary  
11           fails to develop such regulations within the period  
12           referred to in paragraph (1), each Council may, in  
13           compliance with paragraphs (1)(B) and (2)—

14                   (A) issue regulations that establish such  
15           standards and implement electronic monitoring  
16           programs for fisheries under the jurisdiction of  
17           such Council that are subject to a fishery man-  
18           agement plan; and

19                   (B) implement plans to substitute elec-  
20           tronic monitoring for human observers, if—

21                           (i) electronic monitoring will provide  
22           the same level of coverage as a human ob-  
23           server; and

24                           (ii) standards for electronic moni-  
25           toring are in effect.



1 (b) VIDEO AND ACOUSTIC SURVEY TECH-  
2 NOLOGIES.—The Secretary shall work with the Regional  
3 Fishery Management Councils and nongovernmental enti-  
4 ties to develop and implement the use pursuant to the  
5 Magnuson-Stevens Fishery Conservation and Manage-  
6 ment Act (16 U.S.C. 1801 et seq.) of video survey tech-  
7 nologies and expanded use of acoustic survey technologies.

8 (c) CONFIDENTIALITY OF INFORMATION.—

9 (1) IN GENERAL.—Section 402(b) (16 U.S.C.  
10 1881a(b)) is amended—

11 (A) by redesignating paragraph (3) as  
12 paragraph (6), and resetting it 2 ems from the  
13 left margin;

14 (B) by striking so much as precedes para-  
15 graph (6), as so redesignated, and inserting the  
16 following:

17 “(b) CONFIDENTIALITY OF INFORMATION.—

18 “(1) Any information submitted to the Sec-  
19 retary, a State fishery management agency, or a  
20 Marine Fisheries Commission by any person in com-  
21 pliance with the requirements of this Act, including  
22 confidential information, shall be exempt from dis-  
23 closure under section 552(b)(3) of title 5, United  
24 States Code, except—

1           “(A) to Federal employees and Council em-  
2           ployees who are responsible for fishery manage-  
3           ment plan development, monitoring, or enforce-  
4           ment;

5           “(B) to State or Marine Fisheries Commis-  
6           sion employees as necessary for achievement of  
7           the purposes of this Act, subject to a confiden-  
8           tiality agreement between the State or commis-  
9           sion, as appropriate, and the Secretary that  
10          prohibits public disclosure of confidential infor-  
11          mation relating to any person;

12          “(C) to any State employee who is respon-  
13          sible for fishery management plan enforcement,  
14          if the State employing that employee has en-  
15          tered into a fishery enforcement agreement with  
16          the Secretary and the agreement is in effect;

17          “(D) when required by court order;

18          “(E) if such information is used by State,  
19          Council, or Marine Fisheries Commission em-  
20          ployees to verify catch under a catch share pro-  
21          gram, but only to the extent that such use is  
22          consistent with subparagraph (B);

23          “(F) to a Council or State, if the Secretary  
24          has obtained written authorization from the  
25          person submitting such information to release

1 such information to persons for reasons not  
2 otherwise provided for in this subsection, and  
3 such release does not violate any other require-  
4 ment of this Act; or

5 “(G) if such information is required to be  
6 submitted to the Secretary for any determina-  
7 tion under a catch share program.

8 “(2) Any information submitted to the Sec-  
9 retary, a State fisheries management agency, or a  
10 Marine Fisheries Commission by any person in com-  
11 pliance with the requirements of this Act, including  
12 confidential information, may only be used for pur-  
13 poses of fisheries management and monitoring and  
14 enforcement under this Act.

15 “(3) Any observer information, and information  
16 obtained through a vessel monitoring system or  
17 other technology used on-board for enforcement or  
18 data collection purposes, shall be confidential and  
19 shall not be disclosed, except—

20 “(A) in accordance with the requirements  
21 of subparagraphs (A) through (G) of paragraph  
22 (1);

23 “(B) when such information is necessary  
24 in proceedings to adjudicate observer certifi-  
25 cations; or

1           “(C) as authorized by any regulations  
2           issued under paragraph (6) allowing the collec-  
3           tion of observer information, pursuant to a con-  
4           fidentiality agreement between the observers,  
5           observer employers, and the Secretary prohib-  
6           iting disclosure of the information by the ob-  
7           servers or observer employers, in order—

8                   “(i) to allow the sharing of observer  
9                   information among observers and between  
10                  observers and observer employers as nec-  
11                  essary to train and prepare observers for  
12                  deployments on specific vessels; or

13                   “(ii) to validate the accuracy of the  
14                  observer information collected.

15           “(4) The Secretary may enter into a memo-  
16           randum of understanding with the heads of other  
17           Federal agencies for the sharing of confidential in-  
18           formation to ensure safety of life at sea or for fish-  
19           eries enforcement purposes, including information  
20           obtained through a vessel monitoring system or  
21           other electronic enforcement and monitoring sys-  
22           tems, if—

23                   “(A) the Secretary determines there is a  
24                  compelling need to do so; and

1           “(B) the heads of the other Federal agen-  
2           cies agree—

3                   “(i) to maintain the confidentiality of  
4           the information in accordance with the re-  
5           quirements that apply to the Secretary  
6           under this section; and

7                   “(ii) to use the information only for  
8           the purposes for which it was shared with  
9           the agencies.

10           “(5) The Secretary may not provide any vessel-  
11           specific or aggregate vessel information from a fish-  
12           ery that is collected for monitoring and enforcement  
13           purposes to any person for the purposes of coastal  
14           and marine spatial planning under Executive Order  
15           13547.”; and

16                   (C) in paragraph (5), as so redesignated,  
17           in the second sentence by striking “or the use,”  
18           and all that follows through the end of the sen-  
19           tence and inserting a period.

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

22                   (A) by inserting after paragraph (4) the  
23           following:

24                   “(4a) The term ‘confidential information’  
25           means—

1 “(A) trade secrets;

2 “(B) proprietary information; or

3 “(C) commercial or financial information  
4 the disclosure of which is likely to result in  
5 harm to the competitive position of the person  
6 that submitted the information to the Sec-  
7 retary.”; and

8 (B) by inserting after paragraph (27) the  
9 following:

10 “(27a) The term ‘observer information’ means  
11 any information collected, observed, retrieved, or cre-  
12 ated by an observer or electronic monitoring system  
13 pursuant to authorization by the Secretary, or col-  
14 lected as part of a cooperative research initiative, in-  
15 cluding fish harvest or fish processing observations,  
16 fish sampling or weighing data, vessel logbook data,  
17 vessel- or fish processor-specific information (includ-  
18 ing any safety, location, or operating condition ob-  
19 servations), and video, audio, photographic, or writ-  
20 ten documents.”.

21 (d) INCREASED DATA COLLECTION AND ACTIONS TO  
22 ADDRESS DATA-POOR FISHERIES.—Section 404 (16  
23 U.S.C. 1881c) is amended by adding at the end the fol-  
24 lowing:

1 “(e) USE OF THE ASSET FORFEITURE FUND FOR  
2 FISHERY INDEPENDENT DATA COLLECTION.—

3 “(1) IN GENERAL.—

4 “(A) The Secretary, subject to appropria-  
5 tions, may obligate for data collection purposes  
6 in accordance with prioritizations under para-  
7 graph (3) a portion of amounts received by the  
8 United States as fisheries enforcement pen-  
9 alties.

10 “(B) Amounts may be obligated under this  
11 paragraph only in the fishery management region  
12 with respect to which they are collected.

13 “(2) INCLUDED PURPOSES.—The purposes re-  
14 ferred to in paragraph (1) include—

15 “(A) the use of State personnel and re-  
16 sources, including fishery survey vessels owned  
17 and maintained by States to survey or assess  
18 data-poor fisheries for which fishery manage-  
19 ment plans are in effect under this Act; and

20 “(B) cooperative research activities to im-  
21 prove or enhance the fishery independent data  
22 used in fishery stock assessments.

23 “(3) DATA-POOR FISHERIES PRIORITY LISTS.—

24 Each Council shall—

1 “(A) identify those fisheries in its region  
2 considered to be data-poor fisheries;

3 “(B) prioritize those fisheries based on the  
4 need of each fishery for up-to-date information;  
5 and

6 “(C) provide those priorities to the Sec-  
7 retary.

8 “(4) DEFINITIONS.—In this subsection:

9 “(A) The term ‘data-poor fishery’ means a  
10 fishery—

11 “(i) that has not been surveyed in the  
12 preceding 5-year period;

13 “(ii) for which a fishery stock assess-  
14 ment has not been performed within the  
15 preceding 5-year period; or

16 “(iii) for which limited information on  
17 the status of the fishery is available for  
18 management purposes.

19 “(B) The term ‘fisheries enforcement pen-  
20 alties’ means any fine or penalty imposed, or  
21 proceeds of any property seized, for a violation  
22 of this Act or of any other marine resource law  
23 enforced by the Secretary.

24 “(5) AUTHORIZATION OF APPROPRIATIONS.—

25 There is authorized to be appropriated to the Sec-



1       retary for each fiscal year to carry out this sub-  
2       section up to 80 percent of the fisheries enforcement  
3       penalties collected during the preceding fiscal year.”.

4   **SEC. 9. COUNCIL JURISDICTION FOR OVERLAPPING FISH-**  
5       **ERIES.**

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

7           (1) in subparagraph (A), in the second sen-  
8       tence—

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

10          and

11           (B) by inserting before the period at the  
12       end “and a liaison to represent the interests of  
13       fisheries under the jurisdiction of the Mid-At-  
14       lantic Fishery Management Council”; and

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

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

18          and

19           (B) by inserting before the period at the  
20       end “and a liaison to represent the interests of  
21       fisheries under the jurisdiction of the New Eng-  
22       land Fishery Management Council”.

1 **SEC. 10. GULF OF MEXICO COOPERATIVE RESEARCH AND**  
2 **RED SNAPPER MANAGEMENT.**

3 (a) REPEAL.—Section 407 (16 U.S.C. 1883), and the  
4 item relating to such section in the table of contents in  
5 the first section, are repealed.

6 (b) REPORTING AND DATA COLLECTION PRO-  
7 GRAM.—The Secretary of Commerce shall—

8 (1) in conjunction with the States, the Gulf of  
9 Mexico Fishery Management Council, and the char-  
10 ter and recreational fishing sectors, develop and im-  
11 plement a real-time reporting and data collection  
12 program for the Gulf of Mexico red snapper fishery  
13 using available technology; and

14 (2) make implementation of this subsection a  
15 priority for funds received by the Secretary under  
16 section 2 of the Act of August 11, 1939 (commonly  
17 known as the “Saltonstall-Kennedy Act”) (15 U.S.C.  
18 713e–3).

19 (c) COOPERATIVE RESEARCH PROGRAM.—The Sec-  
20 retary of Commerce—

21 (1) shall, in conjunction with the States, the  
22 Gulf of Mexico and South Atlantic Fishery Manage-  
23 ment Councils, and the commercial, charter, and  
24 recreational fishing sectors, develop and implement a  
25 cooperative research program for the fisheries of the  
26 Gulf of Mexico and South Atlantic regions, giving

1 priority to those fisheries that are considered data-  
2 poor; and

3 (2) may, subject to the availability of appropria-  
4 tions, use funds received by the Secretary under sec-  
5 tion 2 of the Act of August 11, 1939 (commonly  
6 known as the “Saltonstall-Kennedy Act”) (15 U.S.C.  
7 713e–3) to implement this subsection.

8 (d) STOCK SURVEYS AND STOCK ASSESSMENTS.—  
9 The Secretary of Commerce, acting through the National  
10 Marine Fisheries Service Regional Administrator of the  
11 Southeast Regional Office, shall for purposes of the Mag-  
12 nuson-Stevens Fishery Conservation and Management Act  
13 (16 U.S.C. 1801 et seq.)—

14 (1) develop a schedule of stock surveys and  
15 stock assessments for the Gulf of Mexico Region and  
16 the South Atlantic Region for the 5-year period be-  
17 ginning on the date of the enactment of this Act and  
18 for every 5-year period thereafter;

19 (2) direct the Southeast Science Center Direc-  
20 tor to implement such schedule; and

21 (3) in such development and implementation—

22 (A) give priority to those stocks that are  
23 commercially or recreationally important; and

24 (B) ensure that each such important stock  
25 is surveyed at least every 5 years.

1 (e) USE OF FISHERIES INFORMATION IN STOCK AS-  
2 SESSMENTS.—The Southeast Science Center Director  
3 shall ensure that fisheries information made available  
4 through research funded under Public Law 112–141 is in-  
5 corporated as soon as possible into any fisheries stock as-  
6 sessments conducted after the date of the enactment of  
7 this Act.

8 (f) STATE SEAWARD BOUNDARIES IN THE GULF OF  
9 MEXICO WITH RESPECT TO RED SNAPPER.—Section  
10 306(b) (16 U.S.C. 1856(b)) is amended by adding at the  
11 end the following:3(11) (16 U.S.C. 1802) is amended by  
12 inserting before the period the following: “and the seaward  
13 boundary of a coastal State in the Gulf of Mexico is a  
14 line 9 miles seaward from the baseline from which the ter-  
15 ritorial sea of the United States is measured”.

16 “(3) Notwithstanding section 3(11), for the purposes  
17 of managing the Gulf of Mexico red snapper fishery, the  
18 seaward boundary of a coastal State in the Gulf of Mexico  
19 is a line 9 miles seaward from the baseline from which  
20 the territorial sea of the United States is measured”.

21 **SEC. 11. NORTH PACIFIC FISHERY MANAGEMENT CLARI-**  
22 **FICATION.**

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

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

2 and

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

4 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

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

6 (1) by striking “this Act” and all that follows

7 through “(7)” and inserting “this Act”; and

8 (2) by striking “fiscal year 2013” and inserting

9 “each of fiscal years 2014 through 2018”.

10 **SEC. 13. ENSURING CONSISTENT MANAGEMENT FOR FISH-**

11 **ERIES THROUGHOUT THEIR RANGE.**

12 (a) IN GENERAL.—The Magnuson-Stevens Fishery

13 Conservation and Management Act (16 U.S.C. 1801 et

14 seq.) is amended by inserting after section 4 the following:

15 **“SEC. 5. ENSURING CONSISTENT FISHERIES MANAGEMENT**

16 **UNDER OTHER FEDERAL LAWS.**

17 “(a) NATIONAL MARINE SANCTUARIES ACT AND AN-

18 TIQUITIES ACT OF 1906.—In any case of a conflict be-

19 tween this Act and the National Marine Sanctuaries Act

20 (16 U.S.C. 1431 et seq.) or the Antiquities Act of 1906

21 (16 U.S.C. 431 et seq.), this Act shall control.

22 “(b) FISHERIES RESTRICTIONS UNDER ENDAN-

23 GERED SPECIES ACT OF 1973.—To ensure transparency

24 and consistent management of fisheries throughout their

25 range, any restriction on the management of fishery re-

1 sources that is necessary to implement a recovery plan  
2 under the Endangered Species Act of 1973 (16 U.S.C.  
3 1531 et seq.) shall be implemented—

4           “(1) using authority under this Act; and

5           “(2) in accordance with processes and time  
6 schedules required under this Act.”.

7       (b) CLERICAL AMENDMENT.—The table of contents  
8 in the first section is amended by inserting after the item  
9 relating to section 4 the following:

“Sec. 5. Ensuring consistent fisheries management under other Federal laws.”.