

115TH CONGRESS
1ST SESSION

H. R. 200

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2017

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Natural Resources

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”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act, any term used that is defined in section
9 3 of the Magnuson-Stevens Fishery Conservation and

1 Management Act (16 U.S.C. 1802) shall have the same
2 meaning such term has under that section.

3 **SEC. 3. REFERENCES.**

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

10 **SEC. 4. FLEXIBILITY IN REBUILDING FISH STOCKS.**

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

13 (1) in paragraph (4)—

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

16 (B) by amending subparagraph (A)(ii) to
17 read as follows:

18 “(ii) may not exceed the time the
19 stock would be rebuilt without fishing oc-
20 ccurring plus one mean generation, except
21 in a case in which—

22 “(I) the biology of the stock of
23 fish, other environmental conditions,
24 or management measures under an
25 international agreement in which the

1 United States participates dictate oth-
2 erwise;

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

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

18 “(IV) the Secretary determines
19 that recruitment, distribution, or life
20 history of, or fishing activities for, the
21 stock are affected by informal trans-
22 boundary agreements under which
23 management activities outside the ex-
24 clusive economic zone by another
25 country may hinder conservation and

1 management efforts by United States
2 fishermen; and

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

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

14 “(B) take into account environmental con-
15 dition including predator/prey relationships;”;
16 and

17 (D) by striking the period at the end of
18 subparagraph (D) (as so redesignated) and in-
19 serting “; and”, and by adding at the end the
20 following:

21 “(E) specify a schedule for reviewing the
22 rebuilding targets, evaluating environmental im-
23 pacts on rebuilding progress, and evaluating
24 progress being made toward reaching rebuilding
25 targets.”; and

1 (2) by adding at the end the following:

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

7 “(9) A Council may terminate the application of
8 paragraph (3) to a fishery if the Council’s scientific
9 and statistical committee determines and the Sec-
10 retary concurs that the original determination that
11 the fishery was depleted was erroneous, either—

12 “(A) within the 2-year period beginning on
13 the effective date a fishery management plan,
14 plan amendment, or proposed regulation for a
15 fishery under this subsection takes effect; or

16 “(B) within 90 days after the completion
17 of the next stock assessment after such deter-
18 mination.”.

19 (b) EMERGENCY REGULATIONS AND INTERIM MEAS-
20 URES.—Section 305(c)(3)(B) (16 U.S.C. 1855(c)(3)(B))
21 is amended by striking “180 days after” and all that fol-
22 lows through “provided” and inserting “1 year after the
23 date of publication, and may be extended by publication
24 in the Federal Register for one additional period of not
25 more than 1 year, if”.

1 **SEC. 5. MODIFICATIONS TO THE ANNUAL CATCH LIMIT RE-**
2 **QUIREMENT.**

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

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

7 “(1) CONSIDERATION OF ECOSYSTEM AND ECO-
8 NOMIC IMPACTS.—In establishing annual catch lim-
9 its a Council may, consistent with section 302(h)(6),
10 consider changes in an ecosystem and the economic
11 needs of the fishing communities.

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

16 “(A) an ecosystem component species;

17 “(B) a fishery for a species that has a life
18 cycle of approximately 1 year, unless the Sec-
19 retary has determined the fishery is subject to
20 overfishing; or

21 “(C) a stock for which—

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

25 “(ii) fishing mortality will have little
26 impact on the stock.

1 “(3) RELATIONSHIP TO INTERNATIONAL FISH-
2 ERY EFFORTS.—

3 “(A) IN GENERAL.—Each annual catch
4 limit, consistent with section 302(h)(6)—

5 “(i) may take into account manage-
6 ment measures under international agree-
7 ments in which the United States partici-
8 pates; and

9 “(ii) in the case of an annual catch
10 limit developed by a Council for a species,
11 shall take into account fishing for the spe-
12 cies outside the exclusive economic zone
13 and the life-history characteristics of the
14 species that are not subject to the jurisdic-
15 tion of the Council.

16 “(B) EXCEPTION TO ANNUAL CATCH LIMIT
17 REQUIREMENT.—If fishery management activi-
18 ties by another country with respect to fishing
19 outside the exclusive economic zone may hinder
20 conservation efforts by United States fishermen
21 for a fish species for which any of the recruit-
22 ment, distribution, life history, or fishing activi-
23 ties are transboundary, and for which there is
24 no informal transboundary agreement with that
25 country in effect, then—

1 “(i) notwithstanding subsection
 2 (h)(6), no annual catch limit is required to
 3 be developed for the species by a Council;
 4 and

5 “(ii) if an annual catch limit is devel-
 6 oped by a Council for the species, the catch
 7 limit shall take into account fishing for the
 8 species outside the exclusive economic zone
 9 that is not subject to the jurisdiction of the
 10 Council.

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

15 “(A) an annual catch limit for a stock
 16 complex; or

17 “(B) annual catch limits for each year in
 18 any continuous period that is not more than
 19 three years in duration.

20 “(5) ECOSYSTEM COMPONENT SPECIES DE-
 21 FINED.—In this subsection the term ‘ecosystem com-
 22 ponent species’ means a stock of fish that is a non-
 23 target, incidentally harvested stock of fish in a fish-
 24 ery, or a nontarget, incidentally harvested stock of

1 fish that a Council or the Secretary has deter-
2 mined—

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

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

8 **SEC. 6. DISTINGUISHING BETWEEN OVERFISHED AND DE-**
9 **PLETED.**

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

12 (1) in paragraph (34), by striking “The terms
13 ‘overfishing’ and ‘overfished’ mean” and inserting
14 “The term ‘overfishing’ means”; and

15 (2) by inserting after paragraph (8) the fol-
16 lowing:

17 “(8a) The term ‘depleted’ means, with respect
18 to a stock of fish or stock complex, that the stock
19 or stock complex has a biomass that has declined
20 below a level that jeopardizes the capacity of the
21 stock or stock complex to produce maximum sustain-
22 able yield on a continuing basis.”.

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

1 (1) in the heading of section 304(e), by striking
 2 “OVERFISHED” and inserting “DEPLETED”; and
 3 (2) by striking “overfished” each place it ap-
 4 pears and inserting “depleted”.

5 (c) CLARITY IN ANNUAL REPORT.—Section
 6 304(e)(1) (16 U.S.C. 1854(e)(1)) is amended by adding
 7 at the end the following: “The report shall distinguish be-
 8 tween fisheries that are depleted (or approaching that con-
 9 dition) as a result of fishing and fisheries that are depleted
 10 (or approaching that condition) as a result of factors other
 11 than fishing. The report shall state, for each fishery iden-
 12 tified as depleted or approaching that condition, whether
 13 the fishery is the target of directed fishing.”.

14 **SEC. 7. TRANSPARENCY AND PUBLIC PROCESS.**

15 (a) ADVICE.—Section 302(g)(1)(B) (16 U.S.C.
 16 1852(g)(1)(B)) is amended by adding at the end the fol-
 17 lowing: “Each scientific and statistical committee shall de-
 18 velop such advice in a transparent manner and allow for
 19 public involvement in the process.”.

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 the
 23 Internet Web site of the Council—

24 “(i) to the extent practicable, a Webcast,
 25 an audio recording, or a live broadcast of each

1 meeting of the Council, and of the Council Co-
2 ordination Committee established under sub-
3 section (l), that is not closed in accordance with
4 paragraph (3); and

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

12 “(H) The Secretary shall maintain and make
13 available to the public an archive of Council and sci-
14 entific and statistical committee meeting audios, vid-
15 eos, and transcripts made available under clauses (i)
16 and (ii) of subparagraph (G).”.

17 (c) FISHERY IMPACT STATEMENTS.—

18 (1) REQUIREMENT.—Section 303 (16 U.S.C.
19 1853) is amended—

20 (A) in subsection (a), by striking para-
21 graph (9) and redesignating paragraphs (10)
22 through (15) as paragraphs (9) through (14),
23 respectively; and

24 (B) by adding at the end the following:

25 “(d) FISHERY IMPACT STATEMENT.—

1 “(1) Any fishery management plan (or fishery
2 management plan amendment) prepared by any
3 Council or by the Secretary pursuant to subsection
4 (a) or (b), or proposed regulations deemed necessary
5 pursuant to subsection (c), shall include a fishery
6 impact statement which shall assess, specify and
7 analyze the likely effects and impact of the proposed
8 action on the quality of the human environment.

9 “(2) The fishery impact statement shall de-
10 scribe—

11 “(A) a purpose of the proposed action;

12 “(B) the environmental impact of the pro-
13 posed action;

14 “(C) any adverse environmental effects
15 which cannot be avoided should the proposed
16 action be implemented;

17 “(D) a reasonable range of alternatives to
18 the proposed action;

19 “(E) the relationship between short-term
20 use of fishery resources and the enhancement of
21 long-term productivity;

22 “(F) the cumulative conservation and man-
23 agement effects; and

24 “(G) economic, and social impacts of the
25 proposed action on—

1 “(i) participants in the fisheries and
2 fishing communities affected by the pro-
3 posed action;

4 “(ii) participants in the fisheries con-
5 ducted in adjacent areas under the author-
6 ity of another Council, after consultation
7 with such Council and representatives of
8 those participants; and

9 “(iii) the safety of human life at sea,
10 including whether and to what extent such
11 measures may affect the safety of partici-
12 pants in the fishery.

13 “(3) A substantially complete fishery impact
14 statement, which may be in draft form, shall be
15 available not less than 14 days before the beginning
16 of the meeting at which a Council makes its final de-
17 cision on the proposal (for plans, plan amendments,
18 or proposed regulations prepared by a Council pur-
19 suant to subsection (a) or (c)). Availability of this
20 fishery impact statement will be announced by the
21 methods used by the council to disseminate public
22 information and the public and relevant government
23 agencies will be invited to comment on the fishery
24 impact statement.

1 “(4) The completed fishery impact statement
2 shall accompany the transmittal of a fishery man-
3 agement plan or plan amendment as specified in sec-
4 tion 304(a), as well as the transmittal of proposed
5 regulations as specified in section 304(b).

6 “(5) The Councils shall, subject to approval by
7 the Secretary, establish criteria to determine actions
8 or classes of action of minor significance regarding
9 subparagraphs (A), (B), (D), (E), and (F) of para-
10 graph (2), for which preparation of a fishery impact
11 statement is unnecessary and categorically excluded
12 from the requirements of this section, and the docu-
13 mentation required to establish the exclusion.

14 “(6) The Councils shall, subject to approval by
15 the Secretary, prepare procedures for compliance
16 with this section that provide for timely, clear, and
17 concise analysis that is useful to decisionmakers and
18 the public, reduce extraneous paperwork and effec-
19 tively involve the public, including—

20 “(A) using Council meetings to determine
21 the scope of issues to be addressed and identi-
22 fying significant issues related to the proposed
23 action;

24 “(B) integration of the fishery impact
25 statement development process with preliminary

1 and final Council decisionmaking in a manner
2 that provides opportunity for comment from the
3 public and relevant government agencies prior
4 to these decision points; and

5 “(C) providing scientific, technical, and
6 legal advice at an early stage of the develop-
7 ment of the fishery impact statement to ensure
8 timely transmittal and Secretarial review of the
9 proposed fishery management plan, plan
10 amendment, or regulations to the Secretary.

11 “(7) Actions taken in accordance with this sec-
12 tion are deemed to fulfill the requirements of the
13 National Environmental Policy Act of 1969 (42
14 U.S.C. 4321 et seq.) and all related implementing
15 regulations.”.

16 (2) EVALUATION OF ADEQUACY.—Section
17 304(a)(2) (16 U.S.C. 1854(a)(2)) is amended by
18 striking “and” after the semicolon at the end of sub-
19 paragraph (B), striking the period at the end of sub-
20 paragraph (C) and inserting “; and”, and by adding
21 at the end the following:

22 “(D) evaluate the adequacy of the accom-
23 panying fishery impact statement as basis for
24 fully considering the environmental impacts of

1 implementing the fishery management plan or
2 plan amendment.”.

3 (3) REVIEW OF REGULATIONS.—Section 304(b)
4 (16 U.S.C. 1854(b)) is amended by striking so much
5 as precedes subparagraph (A) of paragraph (1) and
6 inserting the following:

7 “(b) REVIEW OF REGULATIONS.—

8 “(1) Upon transmittal by the Council to the
9 Secretary of proposed regulations prepared under
10 section 303(c), the Secretary shall immediately ini-
11 tiate an evaluation of the proposed regulations to de-
12 termine whether they are consistent with the fishery
13 management plan, plan amendment, this Act and
14 other applicable law. The Secretary shall also imme-
15 diately initiate an evaluation of the accompanying
16 fishery impact statement as a basis for fully consid-
17 ering the environmental impacts of implementing the
18 proposed regulations. Within 15 days of initiating
19 such evaluation the Secretary shall make a deter-
20 mination and—”.

21 (4) EFFECT ON TIME REQUIREMENTS.—Section
22 305(e) (16 U.S.C. 1855(e)) is amended by inserting
23 “the National Environmental Policy Act of 1969 (42
24 U.S.C. 4321 et seq.),” after “the Regulatory Flexi-
25 bility Act (5 U.S.C. 601 et seq.),”.

1 **SEC. 8. LIMITATION ON FUTURE CATCH SHARE PROGRAMS.**

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

5 “(2a) The term ‘catch share’ means any fishery
6 management program that allocates a specific per-
7 centage of the total allowable catch for a fishery, or
8 a specific fishing area, to an individual, cooperative,
9 community, processor, representative of a commer-
10 cial sector, or regional fishery association established
11 in accordance with section 303A(c)(4), or other enti-
12 ty.”.

13 (b) CATCH SHARE REFERENDUM PILOT PRO-
14 GRAM.—

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

18 “(D) CATCH SHARE REFERENDUM PILOT
19 PROGRAM.—

20 “(i) The New England, Mid-Atlantic,
21 South Atlantic, and Gulf of Mexico Coun-
22 cils may not submit a fishery management
23 plan or amendment that creates a catch
24 share program for a fishery, and the Sec-
25 retary may not approve or implement such
26 a plan or amendment submitted by such a

1 Council or a secretarial plan or amendment
2 under section 304(c) that creates such a
3 program, unless the final program has
4 been approved, in a referendum in accord-
5 ance with this subparagraph, by a majority
6 of the permit holders eligible to participate
7 in the fishery. For multispecies permits in
8 the Gulf of Mexico, any permit holder with
9 landings from within the sector of the fish-
10 ery being considered for the catch share
11 program within the 5-year period pre-
12 ceding the date of the referendum and still
13 active in fishing in the fishery shall be eli-
14 gible to participate in such a referendum.
15 If a catch share program is not approved
16 by the requisite number of permit holders,
17 it may be revised and submitted for ap-
18 proval in a subsequent referendum.

19 “(ii) The Secretary may, at the re-
20 quest of the New England Fishery Man-
21 agement Council, allow participation in
22 such a referendum for a fishery under the
23 Council’s authority, by fishing vessel crew-
24 members who derive a significant portion
25 of their livelihood from such fishing.

1 “(iii) The Secretary shall conduct a
2 referendum under this subparagraph, in-
3 cluding notifying all permit holders eligible
4 to participate in the referendum and mak-
5 ing available to them—

6 “(I) a copy of the proposed pro-
7 gram;

8 “(II) an estimate of the costs of
9 the program, including costs to par-
10 ticipants;

11 “(III) an estimate of the amount
12 of fish or percentage of quota each
13 permit holder would be allocated; and

14 “(IV) information concerning the
15 schedule, procedures, and eligibility
16 requirements for the referendum proc-
17 ess.

18 “(iv) For the purposes of this sub-
19 paragraph, the term ‘permit holder eligible
20 to participate’ only includes the holder of
21 a permit for a fishery under which fishing
22 has occurred in 3 of the 5 years preceding
23 a referendum for the fishery, unless sick-
24 ness, injury, or other unavoidable hardship

1 prevented the permit holder from engaging
2 in such fishing.

3 “(v) The Secretary may not imple-
4 ment any catch share program for any
5 fishery managed exclusively by the Sec-
6 retary unless first petitioned by a majority
7 of those permit holders eligible to partici-
8 pate in the fishery.”.

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

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

20 **SEC. 9. REPORT ON FEE.**

21 Section 304(d)(2) (16 U.S.C. 1854(d)(2)) is amended
22 by adding at the end the following:

23 “(D) The Secretary shall report annually on the
24 amount collected under this paragraph from each

1 fishery and detail how the funds were spent in the
2 prior year on a fishery-by-fishery basis, to—

3 “(i) Congress; and

4 “(ii) each Council from whose fisheries the
5 fee under this paragraph were collected.”.

6 **SEC. 10. COOPERATIVE RESEARCH AND MANAGEMENT**
7 **PROGRAM.**

8 Section 318 (16 U.S.C. 1867) is amended—

9 (1) in subsection (a), by inserting “(1)” before
10 the first sentence, and by adding at the end the fol-
11 lowing:

12 “(2) Within one year after the date of enactment of
13 the Strengthening Fishing Communities and Increasing
14 Flexibility in Fisheries Management Act, and after con-
15 sultation with the Councils, the Secretary shall publish a
16 plan for implementing and conducting the program estab-
17 lished in paragraph (1). Such plan shall identify and de-
18 scribe critical regional fishery management and research
19 needs, possible projects that may address those needs, and
20 estimated costs for such projects. The plan shall be revised
21 and updated every 5 years, and updated plans shall in-
22 clude a brief description of projects that were funded in
23 the prior 5-year period and the research and management
24 needs that were addressed by those projects.”; and

25 (2) in subsection (c)—

1 (A) in the heading, by striking “FUNDING”
 2 and inserting “PRIORITIES”; and

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

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

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

10 “(C) improving monitoring and observer
 11 coverage through the expanded use of electronic
 12 monitoring devices.”.

13 **SEC. 11. COUNCIL JURISDICTION FOR OVERLAPPING FISH-**
 14 **ERIES.**

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

16 (1) in subparagraph (A), in the second sen-
 17 tence—

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

20 (B) by inserting before the period at the
 21 end “and a liaison who is a member of the Mid-
 22 Atlantic Fishery Management Council to rep-
 23 resent the interests of fisheries under the juris-
 24 diction of such Council”; and

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

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

5 (B) by inserting before the period at the
6 end “and a liaison who is a member of the New
7 England Fishery Management Council to rep-
8 resent the interests of fisheries under the juris-
9 diction of such Council”.

10 **SEC. 12. GULF OF MEXICO FISHERIES COOPERATIVE RE-**
11 **SEARCH AND RED SNAPPER MANAGEMENT.**

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

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

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

23 (2) make implementation of this subsection a
24 priority for funds received by the Secretary and allo-
25 cated to this region under section 2 of the Act of

1 August 11, 1939 (commonly known as the
2 “Saltonstall-Kennedy Act”) (15 U.S.C. 713c–3).

3 (c) FISHERIES COOPERATIVE RESEARCH PRO-
4 GRAM.—The Secretary of Commerce—

5 (1) shall, in conjunction with the States, the
6 Gulf States Marine Fisheries Commission and the
7 Atlantic States Marine Fisheries Commission, the
8 Gulf of Mexico and South Atlantic Fishery Manage-
9 ment Councils, and the commercial, charter, and
10 recreational fishing sectors, develop and implement a
11 cooperative research program authorized under sec-
12 tion 318 for the fisheries of the Gulf of Mexico and
13 South Atlantic regions, giving priority to those fish-
14 eries that are considered data-poor; and

15 (2) may, subject to the availability of appropria-
16 tions, use funds received by the Secretary under sec-
17 tion 2 of the Act of August 11, 1939 (commonly
18 known as the “Saltonstall-Kennedy Act”) (15 U.S.C.
19 713c–3) to implement this subsection.

20 (d) STOCK SURVEYS AND STOCK ASSESSMENTS.—
21 The Secretary of Commerce, acting through the National
22 Marine Fisheries Service Regional Administrator of the
23 Southeast Regional Office, shall for purposes of the Mag-
24 nuson-Stevens Fishery Conservation and Management Act
25 (16 U.S.C. 1801 et seq.)—

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

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

8 (3) in such development and implementation—

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

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

13 (e) USE OF FISHERIES INFORMATION IN STOCK AS-
14 SESSMENTS.—The Southeast Science Center Director
15 shall ensure that fisheries information made available
16 through fisheries programs funded under Public Law
17 112–141 is incorporated as soon as possible into any fish-
18 eries stock assessments conducted after the date of the
19 enactment of this Act.

20 (f) STATE FISHERIES MANAGEMENT IN THE GULF
21 OF MEXICO WITH RESPECT TO RED SNAPPER.—Section
22 306(b) (16 U.S.C. 1856(b)) is amended by adding at the
23 end the following:

24 “(4) Notwithstanding section 3(11), for the purposes
25 of managing the recreational sector of the Gulf of Mexico

1 red snapper fishery, the seaward boundary of a coastal
2 State in the Gulf of Mexico is a line 9 miles seaward from
3 the baseline from which the territorial sea of the United
4 States is measured.”.

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

12 **SEC. 13. NORTH PACIFIC FISHERY MANAGEMENT CLARI-**
13 **FICATION.**

14 Section 306(a)(3)(C) (16 U.S.C. 1856(a)(3)(C)) is
15 amended—

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

17 and

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

19 **SEC. 14. ENSURING CONSISTENT MANAGEMENT FOR FISH-**
20 **ERIES THROUGHOUT THEIR RANGE.**

21 (a) IN GENERAL.—The Act is amended by inserting
22 after section 4 the following:

1 **“SEC. 5. ENSURING CONSISTENT FISHERIES MANAGEMENT**
 2 **UNDER CERTAIN OTHER FEDERAL LAWS.**

3 “(a) NATIONAL MARINE SANCTUARIES ACT AND AN-
 4 TIQUITIES ACT OF 1906.—In any case of a conflict be-
 5 tween this Act and the National Marine Sanctuaries Act
 6 (16 U.S.C. 1431 et seq.) or the Antiquities Act of 1906
 7 (16 U.S.C. 431 et seq.), this Act shall control.

8 “(b) FISHERIES RESTRICTIONS UNDER ENDAN-
 9 GERED SPECIES ACT OF 1973.—To ensure transparency
 10 and consistent management of fisheries throughout their
 11 range, any restriction on the management of fish in the
 12 exclusive economic zone that is necessary to implement a
 13 recovery plan under the Endangered Species Act of 1973
 14 (16 U.S.C. 1531 et seq.) shall be implemented—

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

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

18 (b) CLERICAL AMENDMENT.—The table of contents
 19 in the first section is amended by inserting after the item
 20 relating to section 3 the following:

“Sec. 4. Authorization of appropriations.

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

1 **SEC. 15. LIMITATION ON HARVEST IN NORTH PACIFIC DI-**
 2 **RECTED POLLOCK FISHERY.**

3 Section 210(e)(1) of the American Fisheries Act (title
 4 II of division C of Public Law 105–277; 16 U.S.C. 1851
 5 note) is amended to read as follows:

6 “(1) HARVESTING.—

7 “(A) LIMITATION.—No particular indi-
 8 vidual, corporation, or other entity may harvest,
 9 through a fishery cooperative or otherwise, a
 10 percentage of the pollock available to be har-
 11 vested in the directed pollock fishery that ex-
 12 ceeds the percentage established for purposes of
 13 this paragraph by the North Pacific Council.

14 “(B) MAXIMUM PERCENTAGE.—The per-
 15 centage established by the North Pacific Coun-
 16 cil shall not exceed 24 percent of the pollock
 17 available to be harvested in the directed pollock
 18 fishery.”.

19 **SEC. 16. RECREATIONAL FISHING DATA.**

20 (a) RECREATIONAL DATA COLLECTION.—Section
 21 401(g) (16 U.S.C. 1881(g)) is amended by redesignating
 22 paragraph (4) as paragraph (5), and by inserting after
 23 paragraph (3) the following:

24 “(4) FEDERAL-STATE PARTNERSHIPS.—

25 “(A) ESTABLISHMENT.—The Secretary
 26 shall establish partnerships with States to de-

1 develop best practices for implementation of State
2 programs established pursuant to paragraph
3 (2).

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

9 “(C) BIENNIAL REPORT.—The Secretary
10 shall submit to the Congress and publish bien-
11 nial reports that include—

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

16 “(ii) priorities for improving rec-
17 reational fishing data collection; and

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

23 “(D) STATES GRANT PROGRAM.—The Sec-
24 retary shall make grants to States to improve
25 implementation of State programs consistent

1 with this subsection. The Secretary shall
2 prioritize such grants based on the ability of the
3 grant to improve the quality and accuracy of
4 such programs.”.

5 (b) STUDY ON RECREATIONAL FISHERIES DATA.—
6 Section 401(g) (16 U.S.C. 1881(g)) is further amended
7 by adding at the end the following:

8 “(6) STUDY ON PROGRAM IMPLEMENTATION.—

9 “(A) IN GENERAL.—Not later than 60
10 days after the enactment of this paragraph, the
11 Secretary shall enter into an agreement with
12 the National Research Council of the National
13 Academy of Sciences to study the implementa-
14 tion of the programs described in this section.
15 The study shall—

16 “(i) provide an updated assessment of
17 recreational survey methods established or
18 improved since the publication of the
19 Council’s report ‘Review of Recreational
20 Fisheries Survey Methods (2006)’;

21 “(ii) evaluate the extent to which the
22 recommendations made in that report were
23 implemented pursuant to paragraph
24 (3)(B); and

1 “(iii) examine any limitations of the
 2 Marine Recreational Fishery Statistics
 3 Survey and the Marine Recreational Infor-
 4 mation Program established under para-
 5 graph (1).

6 “(B) REPORT.—Not later than 1 year
 7 after entering into an agreement under sub-
 8 paragraph (A), the Secretary shall submit a re-
 9 port to Congress on the results of the study
 10 under subparagraph (A).”.

11 **SEC. 17. STOCK ASSESSMENTS USED FOR FISHERIES MAN-**
 12 **AGED UNDER GULF OF MEXICO COUNCIL’S**
 13 **REEF FISH MANAGEMENT PLAN.**

14 (a) IN GENERAL.—Title IV (16 U.S.C. 1881 et seq.)
 15 is amended by adding at the end the following:

16 **“SEC. 409. STOCK ASSESSMENTS USED FOR FISHERIES**
 17 **MANAGED UNDER GULF OF MEXICO COUN-**
 18 **CIL’S REEF FISH MANAGEMENT PLAN.**

19 “(a) IN GENERAL.—The Gulf States Marine Fish-
 20 eries Commission shall conduct all fishery stock assess-
 21 ments used for management purposes by the Gulf of Mex-
 22 ico Fishery Management Council for the fisheries man-
 23 aged under the Council’s Reef Fish Management Plan.

24 “(b) USE OF OTHER INFORMATION AND ASSETS.—

1 “(1) IN GENERAL.—Such fishery assessments
2 shall—

3 “(A) incorporate fisheries survey informa-
4 tion collected by university researchers; and

5 “(B) to the extent practicable, use State,
6 university, and private assets to conduct fish-
7 eries surveys.

8 “(2) SURVEYS AT ARTIFICIAL REEFS.—Any
9 such fishery stock assessment conducted after the
10 date of the enactment of the Strengthening Fishing
11 Communities and Increasing Flexibility in Fisheries
12 Management Act shall incorporate fishery surveys
13 conducted, and other relevant fisheries information
14 collected, on and around natural and artificial reefs.

15 “(c) CONSTITUENT AND STAKEHOLDER PARTICIPA-
16 TION.—Each such fishery assessment shall—

17 “(1) emphasize constituent and stakeholder
18 participation in the development of the assessment;

19 “(2) contain all of the raw data used in the as-
20 sessment and a description of the methods used to
21 collect that data; and

22 “(3) employ an assessment process that is
23 transparent and includes—

1 “(A) includes a rigorous and independent
 2 scientific review of the completed fishery stock
 3 assessment; and

4 “(B) a panel of independent experts to re-
 5 view the data and assessment and make rec-
 6 ommendations on the most appropriate values
 7 of critical population and management quan-
 8 tities.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
 10 in the first section is amended by adding at the end of
 11 the items relating to title IV the following:

“Sec. 408. Deep sea coral research and technology program.

“Sec. 409. Stock assessments used for fisheries managed under Gulf of Mexico
 Council’s Reef Fish Management Plan.”.

12 **SEC. 18. ESTIMATION OF COST OF RECOVERY FROM FISH-**
 13 **ERY RESOURCE DISASTER.**

14 Section 312(a)(1) (16 U.S.C. 1861a(1)) is amend-
 15 ed—

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

17 (2) by redesignating existing subparagraphs (A)
 18 through (C) as clauses (i) through (iii), respectively,
 19 of subparagraph (A) (as designated by the amend-
 20 ment made by paragraph (1)); and

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

22 “(B) The Secretary shall publish the estimated cost
 23 of recovery from a fishery resource disaster no later than

1 30 days after the Secretary makes the determination
2 under subparagraph (A) with respect to such disaster.”.

3 **SEC. 19. DEADLINE FOR ACTION ON REQUEST BY GOV-**
4 **ERNOR FOR DETERMINATION REGARDING**
5 **FISHERY RESOURCE DISASTER.**

6 Section 312(a) (16 U.S.C. 1861a(a)) is amended by
7 redesignating paragraphs (2) through (4) as paragraphs
8 (3) through (5), and by inserting after paragraph (1) the
9 following:

10 “(2) The Secretary shall make a decision regarding
11 a request from a Governor under paragraph (1) within 90
12 days after receiving an estimate of the economic impact
13 of the fishery resource disaster from the entity requesting
14 the relief.”.

15 **SEC. 20. PROHIBITION ON CONSIDERING RED SNAPPER**
16 **KILLED DURING REMOVAL OF OIL RIGS.**

17 Any red snapper that are killed during the removal
18 of any offshore oil rig in the Gulf of Mexico shall not be
19 considered in determining under the Magnuson-Stevens
20 Fishery Conservation and Management Act (16 U.S.C.
21 1801 et seq.) whether the total allowable catch for red
22 snapper has been reached.

1 **SEC. 21. PROHIBITION ON CONSIDERING FISH SEIZED**
2 **FROM FOREIGN FISHING.**

3 Any fish that are seized from a foreign vessel engaged
4 in illegal fishing activities in the Exclusive Economic Zone
5 shall not be considered in determining under the Magnu-
6 son-Stevens Fishery Conservation and Management Act
7 (16 U.S.C. 1801 et seq.) the total allowable catch for that
8 fishery.

9 **SEC. 22. SUBSISTENCE FISHING.**

10 (a) DEFINITION.—Section 3 (16 U.S.C. 1802) is
11 amended by inserting after paragraph (43) the following:

12 “(43a)(A) The term ‘subsistence fishing’ means
13 fishing in which the fish harvested are intended for
14 customary and traditional uses, including for direct
15 personal or family consumption as food or clothing;
16 for the making or selling of handicraft articles out
17 of nonedible byproducts taken for personal or family
18 consumption, for barter, or sharing for personal or
19 family consumption; and for customary trade.

20 “(B) In this paragraph—

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

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

1 “(I) for another fish or fish part; or
 2 “(II) for other food or for nonedible
 3 items other than money if the exchange is
 4 of a limited and noncommercial nature.”.

5 (b) COUNCIL SEAT.—Section 302(b)(2) (16 U.S.C.
 6 1852(b)(2)) is amended—

7 (1) in subparagraph (A), by striking “or rec-
 8 reational” and inserting “, recreational, or subsist-
 9 ence fishing”; and

10 (2) in subparagraph (C), in the second sen-
 11 tence, by inserting “, and in the case of the Gov-
 12 ernor of Alaska with the subsistence fishing interests
 13 of the State,” after “interests of the State”.

14 (c) PURPOSE.—Section 2(b)(3) (16 U.S.C.
 15 1801(b)(3)) is amended by striking “and recreational”
 16 and inserting “, recreational, and subsistence”.

17 **SEC. 23. INTER-SECTOR TRADING OF COMMERCIAL CATCH**

18 **SHARE ALLOCATIONS IN THE GULF OF MEX-**

19 **ICO.**

20 Section 301 (16 U.S.C. 1851) is amended by adding
 21 at the end the following:

22 “(c) INTER-SECTOR TRADING OF COMMERCIAL
 23 CATCH SHARE ALLOCATIONS IN THE GULF OF MEX-
 24 ICO.—Notwithstanding any other provision of this Act,
 25 any commercial fishing catch share allocation in a fishery

1 in the Gulf of Mexico may only be traded by sale or lease
2 within the same commercial fishing sector.”.

3 **SEC. 24. ARCTIC COMMUNITY DEVELOPMENT QUOTA.**

4 Section 313 (16 U.S.C. 1862) is amended by adding
5 at the end the following:

6 “(k) ARCTIC COMMUNITY DEVELOPMENT QUOTA.—
7 If the North Pacific Fishery Management Council issues
8 a fishery management plan for the exclusive economic zone
9 in the Arctic Ocean, or an amendment to the Fishery
10 Management Plan for Fish Resources of the Arctic Man-
11 agement Area issued by such Council, that makes avail-
12 able to commercial fishing, and establishes a sustainable
13 harvest level, for any part of such zone, the Council shall
14 set aside not less than 10 percent of the total allowable
15 catch therein as a community development quota for
16 coastal villages located north and east of the Bering
17 Strait.”.

18 **SEC. 25. PREFERENCE FOR STUDENTS STUDYING WATER**
19 **RESOURCE ISSUES.**

20 Section 402(e) (16 U.S.C. 1881a(e)) is amended by
21 adding at the end the following:

22 “(4) The Secretary shall, to the extent practicable,
23 when hiring individuals to collect information regarding
24 marine recreational fishing under this subsection, give
25 preference to students studying fisheries conservation and

1 management, water resource issues, or other relevant sub-
 2 jects at an institution of higher education in the United
 3 States.”.

4 **SEC. 26. REQUIREMENTS FOR LIMITED ACCESS PRIVI-**
 5 **LEGES.**

6 Section 3303A(c)(1)(G) (16 U.S.C. 1853a(c)(1)(G))
 7 is amended to read as follows:

8 “(G) include provisions for a formal and
 9 detailed review 5 years after the implementation
 10 of the program, and thereafter the regular mon-
 11 itoring and review by the Council and the Sec-
 12 retary of the operations and impacts of the pro-
 13 gram, to coincide with scheduled Council review
 14 of the relevant fishery management plan (but
 15 no less frequently than once every 7 years) in-
 16 cluding—

17 “(i) determining progress in meeting
 18 the goals of the program and this Act;

19 “(ii) delineating the positive and nega-
 20 tive economic effects of the program on
 21 fishermen and processors who are part of
 22 the program and the coastal communities
 23 in which they reside; and

24 “(iii) any necessary modification of
 25 the program to meet those goals, including

1 a formal schedule for action to be taken
2 within 2 years;”.

3 **SEC. 27. HEALTHY FISHERIES THROUGH BETTER SCIENCE.**

4 (a) DEFINITION OF STOCK ASSESSMENT.—Section 3
5 (16 U.S.C. 1802), as amended by section 22(a) of this
6 Act, is further amended by redesignating the paragraphs
7 after paragraph (42) in order as paragraphs (44) through
8 (53), and by inserting after 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.”.

21 (b) STOCK ASSESSMENT PLAN.—

22 (1) IN GENERAL.—Section 404 (16 U.S.C.
23 1881c), as amended by section 9(d) of this Act, is
24 further amended by adding at the end the following:

25 “(f) STOCK ASSESSMENT PLAN.—

1 “(1) IN GENERAL.—The Secretary shall develop
2 and publish in the Federal Register, on the same
3 schedule as required for the strategic plan required
4 under subsection (b) of this section, a plan to con-
5 duct stock assessments for all stocks of fish for
6 which a fishery management plan is in effect under
7 this Act.

8 “(2) CONTENTS.—The plan shall—

9 “(A) for each stock of fish for which a
10 stock assessment has previously been con-
11 ducted—

12 “(i) establish a schedule for updating
13 the stock assessment that is reasonable
14 given the biology and characteristics of the
15 stock; and

16 “(ii) subject to the availability of ap-
17 propriations, require completion of a new
18 stock assessment, or an update of the most
19 recent stock assessment—

20 “(I) every 5 years; or

21 “(II) within such other time pe-
22 riod specified and justified by the Sec-
23 retary in the plan;

1 “(B) for each stock of fish for which a
2 stock assessment has not previously been con-
3 ducted—

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

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

15 “(C) identify data and analysis, especially
16 concerning recreational fishing, that, if avail-
17 able, would reduce uncertainty in and improve
18 the accuracy of future stock assessments, in-
19 cluding whether such data and analysis could
20 be provided by fishermen, fishing communities,
21 universities, and research institutions.

22 “(3) WAIVER OF STOCK ASSESSMENT REQUIRE-
23 MENT.—Notwithstanding subparagraphs (A)(ii) and
24 (B)(ii), a stock assessment is not required for a
25 stock of fish in the plan if the Secretary determines

1 that such a stock assessment is not necessary and
2 justifies such determination in the Federal Register
3 notice required by this subsection.”.

4 (2) DEADLINE.—Notwithstanding paragraph
5 (1) of section 404(f) of the Magnuson-Stevens Fish-
6 ery Conservation and Management Act, as amended
7 by this section, the Secretary of Commerce shall
8 issue the first stock assessment plan under such sec-
9 tion by not later than 2 years after the date of en-
10 actment of this Act.

11 (c) IMPROVING SCIENCE.—

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

1 (2) IMPROVING DATA COLLECTION AND ANAL-
2 YSIS.—Section 404 (16 U.S.C. 1881c), as amended
3 by this section, is further amended by adding at the
4 end the following:

5 “(g) IMPROVING DATA COLLECTION AND ANAL-
6 YSIS.—

7 “(1) IN GENERAL.—The Secretary, in consulta-
8 tion with the Councils acting in reliance on their
9 science and statistical committees established under
10 section 302(g), shall develop and publish in the Fed-
11 eral Register guidelines that will facilitate greater
12 incorporation of data, analysis, and stock assess-
13 ments from nongovernmental sources, including fish-
14 ermen, fishing communities, universities, and re-
15 search institutions, into fisheries management deci-
16 sions.

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

18 “(A) identify types of data and analysis,
19 especially concerning recreational fishing, that
20 can be reliably used as the basis for estab-
21 lishing conservation and management measures
22 as required by section 303(a)(1), including set-
23 ting standards for the collection and use of
24 such data and analysis in stock assessments
25 and for other purposes; and

1 “(B) provide specific guidance for col-
2 lecting data and performing analyses identified
3 as necessary to reduce the uncertainty referred
4 to in section 404(f)(2)(C).

5 “(3) ACCEPTANCE AND USE OF DATA AND
6 ANALYSES.—The Secretary and Regional Fishery
7 Management Councils shall—

8 “(A) use all data and analyses that meet
9 the guidelines published under paragraph (1) as
10 the best scientific information available for pur-
11 poses of this Act in fisheries management deci-
12 sions, unless otherwise determined by the
13 science and statistical committee of the Coun-
14 cils established pursuant to section 302(g) of
15 the Act; and

16 “(B) explain in the Federal Register notice
17 announcing the fishery management decision
18 how such data and analyses have been used to
19 establish conservation and management meas-
20 ures.”.

21 (3) DEADLINE.—The Secretary of Commerce
22 shall develop and publish guidelines under the
23 amendment made by paragraph (2) by not later
24 than 1 year after the date of enactment of this Act.

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

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

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

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

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

19 **SEC. 28. AUTHORIZATION OF APPROPRIATIONS.**

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

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

23 (2) by striking “fiscal year 2013” and inserting
24 “each of fiscal years 2018 through 2022”.

1 **SEC. 29. AUTHORITY TO USE ALTERNATIVE FISHERY MAN-**
2 **AGEMENT MEASURES.**

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

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

6 (2) by inserting after paragraph (7), the fol-
7 lowing:

8 “(8) have the authority to use alternative fish-
9 ery management measures in a recreational fishery
10 (or the recreational component of a mixed-use fish-
11 ery), including extraction rates, fishing mortality
12 targets, and harvest control rules, in developing a
13 fishery management plan, plan amendment, or pro-
14 posed regulations.”.

○