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.

IN THE HOUSE OF REPRESENTATIVES

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

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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act”.
SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision, the reference shall be considered to be made to a provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 3. FLEXIBILITY IN REBUILDING FISH STOCKS.

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

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

(2) in paragraph (4)—

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

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

“(ii) may not exceed the time the stock would be rebuilt without fishing occurring plus one mean generation, except in a case in which—
“(I) the biology of the stock of fish, other environmental conditions, or management measures under an international agreement in which the United States participates dictate otherwise;

“(II) the Secretary determines that the cause of the stock being depleted is outside the jurisdiction of the Council or the rebuilding program cannot be effective only by limiting fishing activities;

“(III) the Secretary determines that one or more components of a mixed-stock fishery is depleted but cannot be rebuilt within that time-frame without significant economic harm to the fishery or cannot be rebuilt without causing another component of the mixed-stock fishery to approach a depleted status;

“(IV) the Secretary determines that recruitment, distribution, or life history of, or fishing activities for, the stock are affected by informal
transboundary agreements under which management activities outside the exclusive economic zone by another country may hinder conservation efforts by United States fishermen; and

“(V) the Secretary determines that the stock has been affected by unusual events that make rebuilding within the specified time period improbable without significant economic harm to fishing communities;”;

(C) by striking “and” after the semicolon at the end of subparagraph (B), by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), and by inserting after subparagraph (A) the following:

“(B) take into account environmental condition including predator/prey relationships;”;

and

(D) by striking the period at the end of subparagraph (D) (as so redesignated) and inserting “; and”, and by adding at the end the following:
“(E) specify a schedule for reviewing the rebuilding targets, evaluating environmental impacts on rebuilding progress, and evaluating progress being made toward reaching rebuilding targets.”;

(3) by adding at the end the following:

“(8) A fishery management plan, plan amendment, or proposed regulations may use alternative rebuilding strategies, including harvest control rules and fishing mortality targets.

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

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

“(B) the completion of the next stock assessment after such determination.”.

(b) EMERGENCY REGULATIONS AND INTERIM MEASURES.—Section 305(c)(3)(B) (16 U.S.C. 1855(c)(3)(B)) is amended by striking “180 days after” and all that follows through “provided” and inserting “1 year after the date of publication, and may be extended by publication
in the Federal Register for one additional period of not
more than 1 year, if”.

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

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

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

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

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

“(2) LIMITATIONS TO ANNUAL CATCH LIMIT
REQUIREMENT FOR SPECIAL FISHERIES.—Notwith-
standing subsection (h)(6), a Council is not required
to develop an annual catch limit for—
“A) an ecosystem component species;
“B) a fishery for a species that has a life
cycle of approximately 1 year, unless the Sec-
retary has determined the fishery is subject to
overfishing; or
“(C) a stock for which—
“(i) more than half of a single-year
class will complete their life cycle in less
than 18 months; and
“(ii) fishing mortality will have little
impact on the stock.
“(3) Relationship to International Ef-
forts.—Each annual catch limit shall take into ac-
count—
“(A) management measures under inter-
national agreements in which the United States
participates; and
“(B) informal transboundary agreements
under which management activities by another
country outside the exclusive economic zone
may hinder conservation efforts by United
States fishermen for a species for which any of
the recruitment, distribution, life history, or
fishing activities are transboundary.

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

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

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

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

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

“(B) is not likely to become subject to
overfishing or depleted in the absence of con-
servation and management measures.”.
(b) **ANNUAL CATCH LIMIT CAP.—**Section 302(h)(6) (16 U.S.C. 1852(h)(6)) is amended by striking “fishing” and inserting “overfishing”.

**SEC. 5. DISTINGUISHING BETWEEN OVERFISHED AND DEPLETED.**

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

(1) in paragraph (34), by striking “and ‘overfished’ mean” and inserting “means”; and

(2) by inserting after paragraph (8) the following:

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

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

(c) **CLARITY IN ANNUAL REPORT.—**Section 304(e)(1) (16 U.S.C. 1854(e)(1)) is amended by adding at the end the following: “The report shall distinguish between fisheries that are depleted (or approaching that condition) as a result of fishing and fisheries that are depleted (or approaching that condition) as a result of factors other
than fishing. The report shall state, for each fishery identified as depleted or approaching that condition, whether the fishery is the target of directed fishing.”.

SEC. 6. TRANSPARENCY AND PUBLIC PROCESS FOR SCIENTIFIC AND MANAGEMENT ACTIONS.

(a) Scientific Advice.—Section 302(g)(1)(B) (16 U.S.C. 1852(g)(1)(B)) is amended by adding at the end the following: “Each scientific and statistical committee shall develop such scientific advice in a transparent manner and allow for public involvement in the process.”.

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

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

“(i) to the extent practicable, a live broadcast of each meeting of the Council, and of the Council Coordination Committee established under subsection (l), that is not closed in accordance with paragraph (3); and

“(ii) audio, video (if the meeting was in person or by video conference), and a complete transcript of each meeting of the Council and the Scientific and Statistical Committee of the Council by not later than 30 days after the conclusion of the meeting.
“(H) The Secretary shall maintain and make available to the public an archive of Council and Scientific and Statistical Committee meeting audios, videos, and transcripts made available under subparagraph (G)(ii).”.

(c) Compliance With National Environmental Policy Act of 1969.—

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

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

“Any fishery management plan, amendment to such a plan, or regulation implementing such a plan that is prepared in accordance with applicable provisions of sections 303 and 304 of this Act shall be considered to satisfy, and to have been prepared in compliance with, the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) by the Secretary.”.

(2) CLERICAL AMENDMENT.—The table of contents in the first section is amended by adding at the end of the items relating to title III the following:

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

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

SEC. 7. LIMITATION ON FUTURE CATCH SHARE PROGRAMS.

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

“(2a) The term ‘catch share’ means any fishery management program that allocates a specific percentage of the total allowable catch for a fishery, or a specific fishing area, to an individual, cooperative, community, sector, processor, or regional fishery organization established in accordance with section 303A(e)(4), or other entity.”.

(b) CATCH SHARE REFERENDUM PILOT PROGRAM.—

(1) IN GENERAL.—Section 303A(e)(6)(D) (16 U.S.C. 1853a(e)(6)(D)) is amended to read as follows:

“(D) CATCH SHARE REFERENDUM PILOT PROGRAM.—

“(i) The New England, Mid-Atlantic, South Atlantic, and Gulf of Mexico Councils may not submit a fishery management plan or amendment that creates a catch
share program for a fishery, and the Secretary may not approve or implement such a plan or amendment submitted by such a Council or a secretarial plan or amendment under section 304(c) that creates such a program, unless the final program has been approved, in a referendum in accordance with this subparagraph, by a majority of the permit holders eligible to participate in the fishery. For multispecies permits in the Gulf of Mexico, any permit holder with landings from the fishery being considered for the catch share program within the 5-year period preceding the date of the referendum and still active in fishing in the fishery shall be eligible to participate in such a referendum. If a catch share program is not approved by the requisite number of permit holders, it may be revised and submitted for approval in a subsequent referendum.

“(ii) The Secretary shall conduct a referendum under this subparagraph, including notifying all permit holders eligible
to participate in the referendum and making available to them—

“(I) a copy of the proposed program;

“(II) an estimate of the costs of the program, including costs to participants;

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

“(IV) information concerning the schedule, procedures, and eligibility requirements for the referendum process.

“(iii) For the purposes of this subparagraph, the term ‘permit holder eligible to participate’ does not include the holder of a permit for a fishery under which fishing has not occurred in 3 of the 5 years preceding a referendum for the fishery unless sickness, injury, or other unavoidable hardship prevented the permit holder from engaging in such fishing.

“(iv) The Secretary may not implement any catch share program for any
fishery managed exclusively by the Secretary unless first petitioned by a majority of those eligible to participate in the fishery.”.

(2) LIMITATION ON APPLICATION.—The amendment made by paragraph (1) shall not apply to a catch share program that is submitted to, or proposed by, the Secretary of Commerce before the date of enactment of this Act.

(3) REGULATIONS.—Before conducting a referendum under the amendment made by paragraph (1), the Secretary of Commerce shall issue regulations implementing such amendment after providing an opportunity for submission by the public of comments on the regulations.

SEC. 8. DATA COLLECTION AND DATA CONFIDENTIALITY.

(a) USE OF ELECTRONIC MONITORING.—

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

(A) develop objectives, performance standards, and regulations to govern the use of elec-
tronic monitoring for data collection and monitoring purposes; and

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

(2) LIMITATION ON ENFORCEMENT USE.—Regulations under this subsection shall not include provisions authorizing use of electronic monitoring for law enforcement.

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

(A) issue regulations that establish such standards and implement electronic monitoring programs for fisheries under the jurisdiction of such Council that are subject to a fishery management plan; and

(B) implement plans to substitute electronic monitoring for human observers, if—

(i) electronic monitoring will provide the same level of coverage as a human observer; and

(ii) standards for electronic monitoring are in effect.
(b) Video and Acoustic Survey Technologies.—The Secretary shall work with the Regional Fishery Management Councils and nongovernmental entities to develop and implement the use pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) of video survey technologies and expanded use of acoustic survey technologies.

(c) Confidentiality of Information.—

(1) In General.—Section 402(b) (16 U.S.C. 1881a(b)) is amended—

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

(B) by striking so much as precedes paragraph (6), as so redesignated, and inserting the following:

“(b) Confidentiality of Information.—

“(1) Any information submitted to the Secretary, a State fishery management agency, or a Marine Fisheries Commission by any person in compliance with the requirements of this Act, including confidential information, shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code, except—
“(A) to Federal employees and Council employees who are responsible for fishery management plan development, monitoring, or enforcement;

“(B) to State or Marine Fisheries Commission employees as necessary for achievement of the purposes of this Act, subject to a confidentiality agreement between the State or commission, as appropriate, and the Secretary that prohibits public disclosure of confidential information relating to any person;

“(C) to any State employee who is responsible for fishery management plan enforcement, if the State employing that employee has entered into a fishery enforcement agreement with the Secretary and the agreement is in effect;

“(D) when required by court order;

“(E) if such information is used by State, Council, or Marine Fisheries Commission employees to verify catch under a catch share program, but only to the extent that such use is consistent with subparagraph (B);

“(F) to a Council or State, if the Secretary has obtained written authorization from the person submitting such information to release
such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate any other requirement of this Act; or

“(G) if such information is required to be submitted to the Secretary for any determination under a catch share program.

“(2) Any information submitted to the Secretary, a State fisheries management agency, or a Marine Fisheries Commission by any person in compliance with the requirements of this Act, including confidential information, may only be used for purposes of fisheries management and monitoring and enforcement under this Act.

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

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

“(B) when such information is necessary in proceedings to adjudicate observer certifications; or
“(C) as authorized by any regulations issued under paragraph (6) allowing the collection of observer information, pursuant to a confidentiality agreement between the observers, observer employers, and the Secretary prohibiting disclosure of the information by the observers or observer employers, in order—

“(i) to allow the sharing of observer information among observers and between observers and observer employers as necessary to train and prepare observers for deployments on specific vessels; or

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

“(4) The Secretary may enter into a memorandum of understanding with the heads of other Federal agencies for the sharing of confidential information to ensure safety of life at sea or for fisheries enforcement purposes, including information obtained through a vessel monitoring system or other electronic enforcement and monitoring systems, if—

“(A) the Secretary determines there is a compelling need to do so; and
“(B) the heads of the other Federal agencies agree—

“(i) to maintain the confidentiality of the information in accordance with the requirements that apply to the Secretary under this section; and

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

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

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

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

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

“(4a) The term ‘confidential information’ means—
“(A) trade secrets;

“(B) proprietary information; or

“(C) commercial or financial information the disclosure of which is likely to result in harm to the competitive position of the person that submitted the information to the Secretary.”; and

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

“(27a) The term ‘observer information’ means any information collected, observed, retrieved, or created by an observer or electronic monitoring system pursuant to authorization by the Secretary, or collected as part of a cooperative research initiative, including fish harvest or fish processing observations, fish sampling or weighing data, vessel logbook data, vessel- or fish processor-specific information (including any safety, location, or operating condition observations), and video, audio, photographic, or written documents.”.

(d) INCREASED DATA COLLECTION AND ACTIONS TO ADDRESS DATA-POOR FISHERIES.—Section 404 (16 U.S.C. 1881c) is amended by adding at the end the following:
“(e) Use of the Asset Forfeiture Fund for Fishery Independent Data Collection.—

“(1) In general.—

“(A) The Secretary, subject to appropriations, may obligate for data collection purposes in accordance with prioritizations under paragraph (3) a portion of amounts received by the United States as fisheries enforcement penalties.

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

“(2) Included purposes.—The purposes referred to in paragraph (1) include—

“(A) the use of State personnel and resources, including fishery survey vessels owned and maintained by States to survey or assess data-poor fisheries for which fishery management plans are in effect under this Act; and

“(B) cooperative research activities to improve or enhance the fishery independent data used in fishery stock assessments.

“(3) Data-poor fisheries priority lists.—

Each Council shall—
“(A) identify those fisheries in its region considered to be data-poor fisheries;

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

“(C) provide those priorities to the Secretary.

“(4) DEFINITIONS.—In this subsection:

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

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

“(ii) for which a fishery stock assessment has not been performed within the preceding 5-year period; or

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

“(B) The term ‘fisheries enforcement penalties’ means any fine or penalty imposed, or proceeds of any property seized, for a violation of this Act or of any other marine resource law enforced by the Secretary.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Sec-
retary for each fiscal year to carry out this sub-
section up to 80 percent of the fisheries enforcement
penalties collected during the preceding fiscal year.”.

SEC. 9. COUNCIL JURISDICTION FOR OVERLAPPING FISHERIES.

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

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

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

and

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

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

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

and

(B) by inserting before the period at the end “and a liaison to represent the interests of fisheries under the jurisdiction of the New Eng-
land Fishery Management Council”.
SEC. 10. GULF OF MEXICO COOPERATIVE RESEARCH AND RED SNAPPER MANAGEMENT.

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

(b) REPORTING AND DATA COLLECTION PROGRAM.—The Secretary of Commerce shall—

(1) in conjunction with the States, the Gulf of Mexico Fishery Management Council, and the charter and recreational fishing sectors, develop and implement a real-time reporting and data collection program for the Gulf of Mexico red snapper fishery using available technology; and

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

(c) COOPERATIVE RESEARCH PROGRAM.—The Secretary of Commerce—

(1) shall, in conjunction with the States, the Gulf of Mexico and South Atlantic Fishery Management Councils, and the commercial, charter, and recreational fishing sectors, develop and implement a cooperative research program for the fisheries of the Gulf of Mexico and South Atlantic regions, giving
priority to those fisheries that are considered data-poor; and

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

(d) Stock Surveys and Stock Assessments.—

The Secretary of Commerce, acting through the National Marine Fisheries Service Regional Administrator of the Southeast Regional Office, shall for purposes of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)—

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

(2) direct the Southeast Science Center Director to implement such schedule; and

(3) in such development and implementation—

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

(B) ensure that each such important stock is surveyed at least every 5 years.
(e) Use of Fisheries Information in Stock Assessments.—The Southeast Science Center Director shall ensure that fisheries information made available through research funded under Public Law 112–141 is incorporated as soon as possible into any fisheries stock assessments conducted after the date of the enactment of this Act.

(f) State Seaward Boundaries in the Gulf of Mexico with Respect to Red Snapper.—Section 306(b) (16 U.S.C. 1856(b)) is amended by adding at the end the following: Section 3(11) (16 U.S.C. 1802) is amended by inserting before the period the following: “and the seaward boundary of a coastal State in the Gulf of Mexico is a line 9 miles seaward from the baseline from which the territorial sea of the United States is measured”.

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

SEC. 11. NORTH PACIFIC FISHERY MANAGEMENT CLARIFICATION.

Section 306(a)(3)(C) (16 U.S.C. 1856(a)(3)(C)) is amended—
(1) by striking “was no” and inserting “is no”;
and
(2) by striking “on August 1, 1996”.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

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

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

(2) by striking “fiscal year 2013” and inserting “each of fiscal years 2014 through 2018”.

SEC. 13. ENSURING CONSISTENT MANAGEMENT FOR FISHERIES THROUGHOUT THEIR RANGE.

(a) IN GENERAL.—The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) is amended by inserting after section 4 the following:

“SEC. 5. ENSURING CONSISTENT FISHERIES MANAGEMENT UNDER OTHER FEDERAL LAWS.

“(a) NATIONAL MARINE SANCTUARIES ACT AND ANTIQUITIES ACT OF 1906.—In any case of a conflict between this Act and the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) or the Antiquities Act of 1906 (16 U.S.C. 431 et seq.), this Act shall control.

“(b) FISHERIES RESTRICTIONS UNDER ENDANGERED SPECIES ACT OF 1973.—To ensure transparency and consistent management of fisheries throughout their range, any restriction on the management of fishery re-
sources that is necessary to implement a recovery plan under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall be implemented—

“(1) using authority under this Act; and

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

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

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