[DISCUSSION DRAFT]

115TH CONGRESS 1ST SESSION

H. R. ______

To amend and reauthorize the Magnuson-Stevens Fishery Conservation and Management Act, and for other purposes.

_________

IN THE HOUSE OF REPRESENTATIVES

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

_________

A BILL

To amend and reauthorize the Magnuson-Stevens Fishery Conservation and Management Act, 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; TABLE OF CONTENTS.

4 (a) SHORT TITLE.—This Act may be cited as the
5 "Strengthening Fishing Communities through Improving
6 Science, Increasing Flexibility, and Modernizing Fisheries
7 Management Act".

8 (b) TABLE OF CONTENTS.—The table of contents for
9 this Act is as follows:
Sec. 1. Short title; table of contents.

TITLE I—MSA AMENDMENTS AND REAUTHORIZATION

Sec. 101. Definitions.
Sec. 102. References.
Sec. 103. Amendments to findings and purpose.
Sec. 104. Amendments to definitions.
Sec. 105. Authorization of appropriations.

TITLE II—FISHERIES MANAGEMENT FLEXIBILITY AND MODERNIZATION

Sec. 201. Authority to use alternative fishery management measures.
Sec. 202. Modifications to the annual catch limit requirement.
Sec. 203. Council transparency and public process.
Sec. 204. Additional amendments relating to fishery management councils.
Sec. 206. Flexibility and accountability in rebuilding fish stocks.
Sec. 207. Protecting fish stocks and habitat.
Sec. 208. Sense of Congress on ecosystem-based fisheries management.

TITLE III—HEALTHY FISHERIES THROUGH BETTER SCIENCE

Sec. 301. Healthy fisheries through better science.
Sec. 302. Cooperative research and management program.
Sec. 303. Recreational data collection.
Sec. 304. Modernizing fisheries data collection and storage.
Sec. 305. Gulf of Mexico fisheries cooperative research and red snapper management.
Sec. 306. Science and management for shifting stocks.

TITLE IV—STRENGTHENING FISHING COMMUNITIES

Sec. 401. Saltonstall-Kennedy Act reform.
Sec. 402. Fishery resource disaster assistance.
Sec. 403. Refinancing of Pacific Coast groundfish fishing capacity reduction loan.
Sec. 404. Strengthening participation for Pacific territories.
Sec. 405. North Pacific fishery management clarification.

1 TITLE I—MSA AMENDMENTS AND REAUTHORIZATION

2 SEC. 101. DEFINITIONS.

In this Act, any term used that is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802) shall have the same meaning such term has under that section.
SEC. 102. 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. 103. AMENDMENTS TO FINDINGS AND PURPOSE.

(a) RECREATIONAL FISHING.—Section 2(a) (16 U.S.C. 1801(a)) is amended by adding at the end the following:

“(13) While both provide significant cultural and economic benefits to the Nation, recreational fishing (including charter fishing) and commercial fishing are different activities. Therefore, management approaches may be adapted to the characteristics of each sector.”.

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

“(3) Commercial and recreational fishing (including charter fishing) constitute major sources of employment and contribute significantly to the economy of the Nation. Many coastal areas are dependent upon fishing and related activities, and their economies have been badly damaged by the overfishing of fishery resources; ensuring sustainable uti-
lization of fishery resources is essential to the economic wellbeing of these areas.”.

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

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

SEC. 104. AMENDMENTS TO DEFINITIONS.

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

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

“(34) The term ‘overfishing’ means a rate or level of fishing mortality that jeopardizes the capacity of a fishery to produce the maximum sustainable yield on a continuing basis.

“(34a) The term ‘overfished or otherwise depleted’ means, with respect to a stock or stock complex, that its biomass has declined below the level at which the capacity of the stock or stock complex to produce maximum sustainable yield on a continuing basis has been jeopardized.”;
(2) by inserting after paragraph (27) the following:

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

(3) in paragraph (16), in the matter following subparagraph (D), by adding at the end the following: “Such term does not include marine aquaculture.”.

(4) by inserting after paragraph (43) the following:

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

“(B) In this paragraph—

“(i) the term ‘family’ means all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and
“(ii) the term ‘barter’ means the exchange
of a fish or fish part—

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

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

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

“(A) The importance of the ecological
function provided by the habitat, including for
maintaining and restoring the biomass, demo-
graphic, spatial and genetic characteristics of
fish populations.

“(B) The extent to which the habitat is
sensitive to human-induced environmental degr-
adation.

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

“(D) The rarity of the habitat type.
“(10b) The term ‘adverse effect’, with respect to essential fish habitat or habitat areas of particular concern, means any impact that reduces the quality or quantity of these habitats.”; and

(6) by inserting after paragraph (13) the following:

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

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

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

(2) by striking “overfished” each place it appears and inserting “overfished or otherwise depleted”.

SEC. 105. 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 “fiscal year 2018, and for each of fiscal years 2019 through 2022, the amount applicable under this section for the preceding fiscal year increased by the estimated percentage change in the Consumer Price Index for the most recent year preceding such fiscal year”.

TITLE II—FISHERIES MANAGEMENT FLEXIBILITY AND MODERNIZATION

SEC. 201. AUTHORITY TO USE ALTERNATIVE FISHERY MANAGEMENT MEASURES.

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

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

(2) by redesignating paragraph (8) as paragraph (9); and

(3) by inserting after paragraph (7) the following:

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

SEC. 202. MODIFICATIONS TO THE ANNUAL CATCH LIMIT REQUIREMENT.

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

“(m) CONSIDERATIONS FOR MODIFICATIONS TO ANNUAL CATCH LIMIT REQUIREMENTS.—

“(1) CONSIDERATION OF ECOSYSTEM AND ECONOMIC IMPACTS.—In establishing annual catch limits pursuant to section 302(h)(6), Councils shall account for relevant economic, social, and ecological factors consistent with section 3(33).

“(2) LIMITATIONS TO ANNUAL CATCH LIMIT REQUIREMENT FOR SPECIAL FISHERIES.—Notwithstanding subsection (h)(6), a Council is not required to develop an annual catch limit for—

“(A) an ecosystem component species; and

“(B) a fishery for a species that has a natural life cycle of approximately 1 year, and that the Secretary has determined—

“(i) is not subject to overfishing, is not approaching an overfished or otherwise depleted condition, and is not overfished or otherwise depleted; and
“(ii) is not likely to become subject to overfishing or depleted, based on the best scientific information available, in the absence of conservation and management measures.

“(3) Relationship to International Fishery Efforts.—In the course of setting annual catch limits to end and prevent overfishing, pursuant to section 302(h)(6) and section 303(a)(15), the Secretary and Councils—

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

“(B) in the case of an annual catch limit for a species, shall take into account fishing for the species outside the exclusive economic zone that is not subject to the jurisdiction of the United States, such that fishing by vessels of the United States does not contribute to overfishing of the species as a whole.

“(4) Authorization for Multispecies Complexes and Multiyear Annual Catch Limits.—A Council may establish—
“(A) an annual catch limit for a stock complex that prevents overfishing on all species in the 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 defined.—In this subsection the term ‘ecosystem component species’ means a stock of fish that a Council or the Secretary has determined does not require conservation and management, but has determined should be listed in a fishery management plan in order to achieve ecosystem management objectives.”.

SEC. 203. COUNCIL TRANSPARENCY AND PUBLIC PROCESS.

(a) Decisions and recommendations.—Section 302(g)(5) (16 U.S.C. 1852(g)(5)) is amended by inserting before the period “, and shall be developed in a transparent manner”.

(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 website of the Council—

“(i) to the extent practicable, a webcast, an audio recording, or 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), or a searchable audio or written transcript of each meeting of the Council and of the meetings of committees referred to in section 302(g)(1)(B) 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 clauses (i) and (ii) of subparagraph (G).”.

(e) **RECORDED VOTES.**—Section 302(e)(5) (16 U.S.C. 1852(e)(5)) is amended by striking “At the request of any voting member of a Council, the Council shall hold a roll call vote on any matter before the Council.” and inserting “Each Council shall hold a recorded vote on all nonprocedural matters before the Council.”.
SEC. 204. ADDITIONAL AMENDMENTS RELATING TO FISHERY MANAGEMENT COUNCILS.

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

(1) in subparagraph (A), in the second sentence—

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

and

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

(2) in subparagraph (B), in the second sentence—

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

and

(B) by inserting before the period at the end “a liaison who is a member of the New England Fishery Management Council to represent the interests of fisheries under the jurisdiction of such Council, and a liaison who is a member of the South Atlantic Fishery Management Council to represent the interests of fisheries under the jurisdiction of such Council”;

and
(3) in subparagraph (C), in the second sentence—

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

(B) by inserting before the period at the end “and a liaison who is a member of the Mid-Atlantic Fishery Management Council to represent the interests of fisheries under the jurisdiction of such Council”.

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

(1) in subparagraph (A), by striking “or recreational” and inserting “, recreational, or subsistence fishing”; and

(2) in subparagraph (C), in the second sentence, by inserting “, and in the case of the Governor of Alaska with the subsistence fishing interests of the State,” after “interests of the State”.

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

“(6) To the extent possible, each Council shall minimize the amount and cost of member and staff travel by use of electronic means for remote participation during meetings, including for voting.”.
(d) **Fisheries Habitat and Bycatch Planning.**—Section 302(h) (16 U.S.C. 1852(h)), as amended by section 201 of this Act, is further amended by redesignating paragraph (8) as paragraph (13), striking “and” at the end of paragraph (7), and adding after paragraph (7) the following:

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

“(A) quantitative and measurable milestones and goals for increasing the quality and quantity of such habitat; and

“(B) conservation and management measures to implement the plan;

“(9) develop and implement a plan to reduce bycatch in the region under the authority of the Council, which shall prioritize reduction of bycatch of species with high ecological, economic, or cultural importance, and shall include—

“(A) quantitative and measurable milestones and goals for decreasing bycatch; and

“(B) conservation and management measures to implement the plan;

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

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

(e) REPORT ON FISHERY MANAGEMENT COUN-
cils.—The Comptroller General of the United States
shall, within 180 days after the date of the enactmenent of
this Act, report to the Congress on the operations of the
Regional Fishery Management Councils. Such report shall
include—

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

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

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

SEC. 206. FLEXIBILITY AND ACCOUNTABILITY IN REBUILDING FISH STOCKS.

(a) General Requirements.—Section 304(e) (16 U.S.C. 1854(e)) is amended—

(1) in paragraph (4)—

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

“(ii) not exceed the time the stock of fish would be rebuilt without fishing occurring plus one mean generation, unless management measures under an international agreement in which the United States participates dictate otherwise;”; and—”.

(B) by striking the period at the end of subparagraph (D) 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.”;

(2) by amending paragraph (7) to read as follows—

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

“(i) the biomass of the stock is not increasing at a sufficient rate, such that it becomes unlikely that the stock will be rebuilt within the time period for rebuilding set pursuant to this subsection without changes to the plan, plan amendment, or regulations;

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

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

“(iv) for other reasons, as appropriate.

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

“(i) in the case of a fishery to which section 302(a)(3) applies, immediately make revisions necessary to achieve adequate progress; or

“(ii) for all other fisheries, immediately notify the appropriate Council, including recommendation of further conservation and management measures the Council should consider under paragraph (3) to achieve adequate progress.
“(C) For any stock or stock complex for which the Secretary determines a lack of adequate progress, a revised rebuilding plan should be developed that includes further conservation and management measures to ensure adequate progress is made. The deadline for rebuilding a stock or stock complex may not be changed unless a lack of adequate progress is found pursuant to subparagraph (A)(iii).

“(D) A Council shall not adopt, and the Secretary shall not approve, a fishery management plan, plan amendment, or proposed regulation required under this subsection for any fishery that has previously been under such a plan that did not rebuild such fishery to the biomass necessary to achieve maximum sustainable yield, as determined by the Council’s scientific and statistical committee, unless the new plan, amendment, or proposed regulation has at least a 75-percent chance of rebuilding the overfished or otherwise depleted fishery within the time limit proposed by the Council, as calculated by the Council’s scientific and statistical committee pursuant to section 302(g)(1)(B).”; and

(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 rate targets to the extent they are in compliance with the requirements of this Act.

“(9) A Council may terminate the application of paragraph (3) to a fishery if the Council’s scientific and statistical committee determines and the Secretary concurs that the stock was not overfished in the year that the overfished determination was based on and has never been overfished in any subsequent year including the current year.”.

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

“(k) REVIEW OF HABITAT, BYCATCH, AND REBUILDING PLANS.—At routine intervals not to exceed 5 years, the Secretary shall review implementation of each Council’s plan developed under sections 302(h)(8) and (19) (9). If the Secretary finds as a result of such review that there is a lack of adequate progress toward achieving the objectives of any plan, including milestones and goals, the Secretary shall recommend plan revisions, including further conservation and management measures, that the Council shall consider in order to achieve adequate progress.”.
SEC. 207. PROTECTING FISH STOCKS AND HABITAT.

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

“(4)(A) If the Secretary receives information from a Council or Federal or State agency or determines from other sources that an action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by any State or Federal agency would adversely affect any essential fish habitat identified under this Act or any stock of fish, the Secretary shall recommend to such agency measures that can be taken by such agency to avoid adverse effects of the action on such habitat or, to the extent that adverse effects cannot be avoided, to mitigate or offset such adverse effects.

“(B) Within 30 days after receiving a recommendation under subparagraph (A), a Federal agency shall provide a detailed response in writing to any Council commenting under paragraph (3) and the Secretary regarding the matter. The response shall include a description of measures proposed by the agency for avoiding, mitigating, or offsetting the adverse effects of the action on essential fish habitat. A Federal agency shall ensure that any action authorized, funded, or undertaken by such agency avoids the adverse effects of such action on such
habitat or, to the extent that adverse effects cannot be avoided, mitigates or offsets such adverse effects. In the case of a response that is inconsistent with the recommendations of the Secretary, the Federal agency shall explain its reasons for not following the recommendations.”.

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

“(7a)(B) describe and identify habitat areas of particular concern based on the guidelines established by the Secretary under section 305(b)(1)(A) and as updated under section 302(h)(9), prevent adverse effects on such habitat caused by fishing, monitor efficacy of actions to prevent adverse effects, and identify other actions to encourage the conservation and enhancement of such habitat;”.

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

It is the sense of the Congress that—

(1) healthy fisheries and the coastal economies they support depend upon healthy marine ecosystems;

(2) applying ecosystem science to fisheries decisionmaking reduces management uncertainty and increases the resiliency of valuable fish stocks; and
(3) the National Marine Fisheries Service should continue to refine and implement ecosystem-based approaches to the management of marine fishery resources.

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

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

(a) Stock Assessment Plan.—Within one year after the date of the enactment of the Act, and each subsequent year, the Secretary shall report to the Committee on Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, on the National Marine Fisheries Service’s progress on prioritizing and improving stock assessments. Such report shall—

(1) summarize the methods used for assessments for all stocks of fish for which a fishery management plan is in effect under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and explain which stocks have not been assessed, and why;

(2) summarize each stock assessment and stock assessment update completed during the preceding year;
(3) include the schedule for all upcoming stock assessments and stock assessment updates; and

(4) identify data and analysis, especially concerning recreational fishing, that, if available, would reduce uncertainty in and improve the accuracy of future stock assessments, including whether such data and analysis could be provided by fishermen, fishing communities, universities, and research institutions.

(b) IMPROVING SCIENCE.—Section 2(a)(8) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801) is amended by adding at the end the following: “Fisheries management is most effective when it uses the best scientific information available, and incorporates such information from governmental and nongovernmental sources, including State and Federal agency staff, fishermen, fishing communities, universities, nonprofit organizations, traditional knowledge from Tribes and subsistence fishermen, and research institutions. Scientific and statistical committees should consider such information when seeking the best scientific information available to form the basis of conservation and management.”.

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

(1) identifies the goals of the applicable programs governing monitoring and enforcement of fishing that is subject to such plan;

(2) identifies methods to accomplish those goals, including human observers, electronic monitoring, and vessel monitoring systems; and

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

SEC. 302. COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM.

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

(1) in subsection (a), by inserting “(1)” before the first sentence, and by adding at the end the following:

“(2) Within one year after the date of the enactment of Strengthening Fishing Communities through Improving
Science, Increasing Flexibility, and Modernizing Fisheries Management Act, and after consultation with the Councils, the Secretary shall publish a plan for implementing and conducting the program established in paragraph (1). Such plan shall identify and describe critical regional fishery management and research needs, possible projects that may address those needs, and estimated costs for such projects. The plan shall be revised and updated every 5 years, and updated plans shall include a brief description of projects that were funded in the preceding 5-year period and the research and management needs that were addressed by those projects.”;

(2) in subsection (b), by striking “in consultation with the Secretary.” and inserting “. Each Council shall provide a list of such needs to the Secretary on an annual basis, identifying and prioritizing such needs.”;

(3) in subsection (c)—

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

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

“(A) the use of fishing vessels or acoustic or other marine technology;
“(B) expanding the use of electronic catch
reporting programs and technology; and
“(C) improving monitoring and observer
coverage through the expanded use of electronic
monitoring devices and satellite tracking sys-
tems.”; and
(4) by adding at the end the following:
“(g) ACCEPTANCE OF FUNDING.—The Secretary
may, using the authority established under section 208 of
Public Law 109–479 (16 U.S.C. 1891b), accept and use
funding from other Federal agencies, academic institu-
tions, persons, including fishery participants, and non-
governmental organizations to expand cooperative fish-
ery research and management efforts, including efforts
to improve data collection in recreational fisheries, for the
purposes of improving management certainty and out-
comes.”.
(b) ALLOCATION EXCEPTION.—Section 208 of the
Magnuson-Stevens Fishery Conservation and Manage-
ment Reauthorization Act of 2006 (16 U.S.C. 1891b) is
amended by adding at the end the following:
“(f) ALLOCATION EXCEPTION.—Notwithstanding
subsection (d), the Secretary may apportion monies from
the Fund to a specific project or region if such monies
were identified by the Council that designated them for
inclusion in the Fund under subsection (c)(1), or by the appropriation Act, State, public source, or nonprofit or organization from which received under subsection (c)(2), as being deposited for that specific project or region.”.

SEC. 303. RECREATIONAL DATA COLLECTION.

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

“(4) FEDERAL-STATE PARTNERSHIPS.—

“(A) ESTABLISHMENT.—The Secretary shall establish partnerships with States to develop best practices for implementation of State programs established pursuant to paragraph (2).

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

“(C) BIENNIAL REPORT.—The Secretary shall submit to the Congress and publish biennial reports that include—

“(i) the estimated accuracy of the registry program established under paragraph
(1) and of State programs that are exempted under paragraph (2);

“(ii) priorities for improving recreational fishing data collection; and

“(iii) an explanation of any use of information collected by such State programs and by the Secretary, including a description of any consideration given to the information by the Secretary.

“(D) STATES GRANT PROGRAM.—The Secretary may make grants to States to improve implementation of State programs consistent with this subsection. The Secretary shall prioritize such grants based on the ability of the grant to improve the quality and accuracy of such programs.”.

(b) ACTION BY SECRETARY.—The Secretary of Commerce shall—

(1) within 90 days after the date of the enactment of this Act, enter into an agreement with the National Academy of Sciences to evaluate, in the form of a report, the following:

(A) how the design of the Marine Recreational Information Program, for the purposes of stock assessment and the determina-
tion of stock management reference points, can be improved to better meet the needs of in-season management of annual catch limits under section 303(a)(15) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853(a)(15)); and

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

(2) within 6 months after receiving the report under paragraph (1), submit to Congress recommendatons of changes to be made to the Marine Recreational Information Program to make the program better meet the needs of in-season management of annual catch limits and other requirements under such section.

SEC. 304. MODERNIZING FISHERIES DATA COLLECTION AND STORAGE.

(a) 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 Manage-
ment Act (16 U.S.C. 1801 et seq.) of video survey technologies and expanded use of acoustic survey technologies.

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

(1) seek to enter into an agreement with the United States Digital Service within 90 days after the date of the enactment of this Act, under which the Service shall make recommendations to modernize and streamline the fishery data collection, processing, analysis, and storage systems of the National Marine Fisheries Service, and specify in the agreement that the Secretary is seeking, at a minimum, recommendations that promote user-centered data and include open, secure architecture and clear data performance specifications;

(2) under the agreement, provide the United States Digital Service with access to all data collection, processing, analysis, and storage systems of the National Marine Fisheries Service and any other information necessary to enable the development of recommendations that will ensure the optimization and modernization of such systems;

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

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

SEC. 305. GULF OF MEXICO FISHERIES COOPERATIVE RESEARCH AND RED SNAPPER MANAGEMENT.

(a) 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 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 and allocated to this region under section 2 of the Act of August 11, 1939 (commonly known as the “Saltonstall-Kennedy Act”) (15 U.S.C. 713c–3).

(b) FISHERIES COOPERATIVE RESEARCH PROGRAM.—The Secretary of Commerce—
shall, in conjunction with the States, the Gulf States Marine Fisheries Commission and the Atlantic States Marine Fisheries Commission, 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 authorized under section 318 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1867) 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.

(c) USE OF FISHERIES INFORMATION IN STOCK ASSESSMENTS.—The Director of the Southeast Fisheries Science Center of the National Oceanic and Atmospheric Administration shall ensure that fisheries information made available through fisheries programs 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.
(d) **FUNDING OF STOCK ASSESSMENTS.**—The Secretary of Commerce and the Secretary of the Interior, acting through the Bureau of Ocean Energy Management, shall enter into a cooperative agreement for the funding of stock assessments that are necessitated by any action by the Bureau with respect to offshore oil rigs in the Gulf of Mexico that adversely impacts red snapper.

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

(a) **BEST AVAILABLE SCIENCE.**—Section 805(a) of the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5104) is amended by adding at the end the following:

“(3) In developing or updating a coastal fishery management plan or plan amendment, the Commission shall account for, using the best scientific information available, any climate change impacts, including changes in fish abundance and distribution, on coastal fishery resources when establishing quota allocations between any State or other management unit.”.

(b) **FISHERY AUTHORIZATION.**—Section 305(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855a)) is amended—
(1) by amending paragraph (3) to read as follows:

“(3) The Secretary shall authorize the development of a new fishery not included on the list only when the Secretary determines the fishery’s ecosystem impacts have been analyzed. Nothing in this subsection shall restrict the requirements for the experimental permitting process under section 318(d).”;

(2) by amending paragraph (4) to read as follows:

“(4) Not later than 18 months after the date of enactment of the Strengthening Fishing Communities through Improving Science, Increasing Flexibility, and Modernizing Fisheries Management Act, and at least once every 5 years after, each Council shall revise its list of approved current fisheries and gear in specific and narrow terms, including geographic range, to ensure only active fisheries or new fisheries intended for Secretarial review under section 305(a)(3) are included, and submit such list to the Secretary. The Secretary shall make a determination required under section 305(a)(3) and if the Secretary finds that the proposed change is consistent with section 305(a)(3) and other applicable
law, the Secretary shall publish a revised list, after
notice and an opportunity for public comment. Once
the determination has been made to include a new
fishery on the list of approved current fisheries, a
Council shall prepare a fishery management plan for
the fishery or an amendment to include the fishery
in an existing fishery management plan in accord-
ance with section 303, in order for fishing in the
new fishery to begin.”; and

(3) by adding at the end the following:

“(7) The Secretary shall issue guidance for
making a determination that a new fishery’s eco-

system impacts have been sufficiently analyzed.”.

**TITLE IV—STRENGTHENING FISHING COMMUNITIES**

**SEC. 401. SALTONSTALL-KENNEDY ACT REFORM.**

Section 2(b) of the Act of August 11, 1939 (com-
monly known as the “Saltonstall-Kennedy Act”) (15
U.S.C. 713c–3(b)), is amended—

(1) by striking “(1)”;

(2) by striking “and ending on June 30,
1957,”;

(3) by striking “moneys” the first place it ap-
ppears and inserting “monies”; and
(4) by striking “shall be maintained in a separate fund only for” and all that follows and inserting “and shall only be used for the purposes described under subsection (c).”.

SEC. 402. FISHERY RESOURCE DISASTER ASSISTANCE.

(a) ESTIMATION OF COST OF RECOVERY FROM FISHERY RESOURCE DISASTER.—Section 312(a)(1) (16 U.S.C. 1861a(a)(1)) is amended—

(1) by inserting “(A)” after “(1)”;

(2) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, of subparagraph (A) (as designated by the amendment made by paragraph (1)); and

(3) by adding at the end the following:

“(B) The Secretary shall publish the estimated cost of recovery from a fishery resource disaster no later than 30 days after the Secretary makes the determination under subparagraph (A) with respect to such disaster. Such an estimate shall include financial impacts to the broader seafood economy and coastal communities, including but not limited to harvesters, processors, charter fishing companies, ports and related infrastructure owners and/or
service providers, and seafood shipping companies”.

(b) **Deadline for Action on Request by Governor for Determination Regarding Disaster Assistance.**—Section 312(a) (16 U.S.C. 1861a(a)) is amended by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), and by inserting after paragraph (1) the following:

“(2) The Secretary shall make a decision regarding a request from a Governor under paragraph (1) within 120 days after the completion of the fishing season or other period for which the relief was requested.”.

(e) **Disaster Funding Authority.**—Section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking “the total of—” and inserting “an amount equal to the difference between”—;

(B) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and indenting the items appropriately;
(C) by inserting before item (aa) (as so redesignated) the following:

“(I) the sum obtained by adding—”;

(D) in item (bb) of subclause (I) (as so redesignated)—

(i) by striking “subclause (I)” and inserting “item (aa)”;

(ii) by striking the period at the end and inserting “; and”;

(E) by adding at the end the following:

“(II) the additional new budget authority provided in an appropriations Act for fisheries disaster assistance pursuant to subparagraph (E) for the preceding fiscal year.”; and by adding at the end the following:

“(v) Beginning in fiscal year 2018 and for each fiscal year thereafter, the calculation of the ‘average funding provided for fishery resource disaster assistance over the previous 10 years’ shall include, for each fiscal year during that period, the additional new budget authority provided in an
appropriations Act for fisheries resource disaster assistance consistent with the recommendations of the Secretary.”.

SEC. 403. REFINANCING OF PACIFIC COAST GROUNDFISH FISHING CAPACITY REDUCTION LOAN.

Within 90 days after the date of the enactment of this Act, the Secretary shall implement section 3095 of Public Law 113–291 without further appropriation from Congress.

SEC. 404. STRENGTHENING PARTICIPATION FOR PACIFIC TERRITORIES.

(a) Participation for United States Territories.—Section 102 (16 U.S.C. 1812) is amended by adding at the end the following:

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

(b) Appointments to Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.—Section 503 of the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C.
6902) is amended by striking subsection (a) and inserting the following:

“(a) UNITED STATES COMMISSIONERS.—

“(1) IN GENERAL.—The United States shall be represented on the Commission by 5 United States Commissioners. The President shall appoint individuals to serve on the Commission at the pleasure of the President. In making the appointments, the President shall select Commissioners from among individuals who are knowledgeable or experienced concerning highly migratory fish stocks in the Western and Central Pacific Ocean.

“(2) REQUIRED APPOINTMENTS.—Of the Commissioners appointed under paragraph (1)—

“(A) one shall be an officer or employee of the Department of Commerce;

“(B) one shall be the chairman or another member of the Western Pacific Fishery Management Council; and

“(C) one shall be a resident of American Samoa, Guam, or the Commonwealth of the Northern Mariana Islands who is not a member of the Western Pacific Fishery Management Council.

“(3) TERMS.—
“(A) IN GENERAL.—The term of a Commissioner shall be 3 years.

“(B) COUNCIL APPOINTEES.—A Commissioner who is appointed as a member of the Western Pacific Fishery Management Council and whose term on that Council ends during his or her term as Commissioner may complete the current term as Commissioner but shall not be eligible for reappointment.

“(C) LIMIT ON CONSECUTIVE TERMS.—An individual appointed under paragraph (1) shall not be eligible to serve more than 2 consecutive terms as a Commissioner.

“(D) ROTATION OF TERRITORIAL APPOINTMENTS.—Appointments under paragraph (2)(C) shall be rotated among residents of American Samoa, Guam, and the Northern Mariana Islands to ensure equal representation of such territories.

“(4) CHAIRMAN.—The United States Commissioners may adopt such rules of procedure as they find necessary and may select a chairman from among such Commissioners who are officers or employees of the United States Government.”.
(c) Use of Western Pacific Sustainable Fisheries Fund.—

(1) In General.—Section 204(e)(7) (16 U.S.C. 1824(e)(7)) is amended—

(A) in subparagraph (A), by inserting “except as provided in subparagraph (D),” after “(A)”;

(B) in subparagraph (B)—

(i) by inserting “except as provided in subparagraph (D),” after “(B);” and

(ii) by striking “and” after the semicolon at the end;

(C) in subparagraph (C)—

(i) by inserting “except as provided in subparagraph (D),” after “(C);” and

(ii) by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(D) in the case of funds that are attributable to a particular United States Participating Territory under section 113 of division B of Public Law 112–55 (125 Stat. 603) and any regulation approving or otherwise giving effect to such agreement, or any subsequent agreement, the Treasury of the United States
Participating Territory to which those funds are attributed under this Act.”.

(2) Catch limit arrangement funding.—

Section 113(b) of division B of Public Law 112–55 (125 Stat. 603) is amended—

(A) by striking “Western Pacific Regional Fisheries Management Council” and inserting “Secretary”;

(B) by adding “and” after the semicolon at the end of paragraph (1);

(C) in paragraph (2)—

(i) by striking “use” and inserting “transfer”;

(ii) by striking “only”; and

(iii) by striking “; and” and inserting “or for such other purposes as the government of the United States Participating Territory determines.”; and

(D) by striking paragraph (3).

Sec. 405. 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”.