

**COMMITTEE PRINT FOR H.R. 1335**  
**AS ORDERED REPORTED BY THE COMMITTEE ON**  
**NATURAL RESOURCES ON APRIL 30, 2015**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

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

**5 SEC. 2. DEFINITIONS.**

6       In this Act, any term used that is defined in section  
7 3 of the Magnuson-Stevens Fishery Conservation and  
8 Management Act (16 U.S.C. 1802) shall have the same  
9 meaning such term has under that section.

**10 SEC. 3. REFERENCES.**

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

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

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

4 (1) in paragraph (4)—

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

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

9 “(ii) may not exceed the time the  
10 stock would be rebuilt without fishing oc-  
11 ccurring plus one mean generation, except  
12 in a case in which—

13 “(I) the biology of the stock of  
14 fish, other environmental conditions,  
15 or management measures under an  
16 international agreement in which the  
17 United States participates dictate oth-  
18 erwise;

19 “(II) the Secretary determines  
20 that the cause of the stock being de-  
21 pleted is outside the jurisdiction of the  
22 Council or the rebuilding program  
23 cannot be effective only by limiting  
24 fishing activities;

25 “(III) the Secretary determines  
26 that one or more components of a

1 mixed-stock fishery is depleted but  
2 cannot be rebuilt within that time-  
3 frame without significant economic  
4 harm to the fishery, or cannot be re-  
5 built without causing another compo-  
6 nent of the mixed-stock fishery to ap-  
7 proach a depleted status;

8 “(IV) the Secretary determines  
9 that recruitment, distribution, or life  
10 history of, or fishing activities for, the  
11 stock are affected by informal trans-  
12 boundary agreements under which  
13 management activities outside the ex-  
14 clusive economic zone by another  
15 country may hinder conservation and  
16 management efforts by United States  
17 fishermen; and

18 “(V) the Secretary determines  
19 that the stock has been affected by  
20 unusual events that make rebuilding  
21 within the specified time period im-  
22 probable without significant economic  
23 harm to fishing communities;”;

24 (C) by striking “and” after the semicolon  
25 at the end of subparagraph (B), by redesign-

1 nating subparagraphs (B) and (C) as subpara-  
2 graphs (C) and (D), and by inserting after sub-  
3 paragraph (A) the following:

4 “(B) take into account environmental con-  
5 dition including predator/prey relationships;”;  
6 and

7 (D) by striking the period at the end of  
8 subparagraph (D) (as so redesignated) and in-  
9 serting “; and”, and by adding at the end the  
10 following:

11 “(E) specify a schedule for reviewing the  
12 rebuilding targets, evaluating environmental im-  
13 pacts on rebuilding progress, and evaluating  
14 progress being made toward reaching rebuilding  
15 targets.”; and

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

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

22 “(9) A Council may terminate the application of  
23 paragraph (3) to a fishery if the Council’s scientific  
24 and statistical committee determines and the Sec-

1       retary concurs that the original determination that  
2       the fishery was depleted was erroneous, either—

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

7               “(B) within 90 days after the completion  
8               of the next stock assessment after such deter-  
9               mination.”.

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

17       **SEC. 5. MODIFICATIONS TO THE ANNUAL CATCH LIMIT RE-**  
18       **QUIREMENT.**

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

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

23               “(1) CONSIDERATION OF ECOSYSTEM AND ECO-  
24       NOMIC IMPACTS.—In establishing annual catch lim-  
25       its a Council may, consistent with section 302(h)(6),

1 consider changes in an ecosystem and the economic  
2 needs of the fishing communities.

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

7 “(A) an ecosystem component species;

8 “(B) a fishery for a species that has a life  
9 cycle of approximately 1 year, unless the Sec-  
10 retary has determined the fishery is subject to  
11 overfishing; or

12 “(C) a stock for which—

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

16 “(ii) fishing mortality will have little  
17 impact on the stock.

18 “(3) RELATIONSHIP TO INTERNATIONAL FISH-  
19 ERY EFFORTS.—Each annual catch limit may, con-  
20 sistent with section 302(h)(6), take into account—

21 “(A) management measures under inter-  
22 national agreements in which the United States  
23 participates;

24 “(B) informal transboundary agreements  
25 under which fishery management activities by

1 another country outside the exclusive economic  
2 zone may hinder conservation efforts by United  
3 States fishermen for a fish species for which  
4 any of the recruitment, distribution, life history,  
5 or fishing activities are transboundary; and

6 “(C) in instances in which no transbound-  
7 ary agreement exists, activities by another  
8 country outside the exclusive economic zone  
9 that may hinder conservation efforts by United  
10 States fisherman for a fish species for which  
11 any of the recruitment, distribution, life history,  
12 or fishing activities are transboundary.

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

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

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

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

1       ery, or a nontarget, incidentally harvested stock of  
2       fish that a Council or the Secretary has deter-  
3       mined—

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

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

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

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

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

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

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

24       (b) SUBSTITUTION OF TERM.—The Magnuson-Ste-  
25       vens Fishery Conservation and Management Act (16



1 U.S.C. 1801 et seq.) is amended by striking “overfished”  
2 each place it appears and inserting “depleted”.

3 (c) CLARITY IN ANNUAL REPORT.—Section  
4 304(e)(1) (16 U.S.C. 1854(e)(1)) is amended by adding  
5 at the end the following: “The report shall distinguish be-  
6 tween fisheries that are depleted (or approaching that con-  
7 dition) as a result of fishing and fisheries that are depleted  
8 (or approaching that condition) as a result of factors other  
9 than fishing. The report shall state, for each fishery iden-  
10 tified as depleted or approaching that condition, whether  
11 the fishery is the target of directed fishing.”.

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

13 (a) ADVICE.—Section 302(g)(1)(B) (16 U.S.C.  
14 1852(g)(1)(B)) is amended by adding at the end the fol-  
15 lowing: “Each scientific and statistical committee shall de-  
16 velop such advice in a transparent manner and allow for  
17 public involvement in the process.”.

18 (b) MEETINGS.—Section 302(i)(2) (16 U.S.C.  
19 1852(i)(2)) is amended by adding at the end the following:

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

22 “(i) to the extent practicable, a Webcast,  
23 an audio recording, or a live broadcast of each  
24 meeting of the Council, and of the Council Co-  
25 ordination Committee established under sub-

1 section (l), that is not closed in accordance with  
2 paragraph (3); and

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

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

15 (c) FISHERY IMPACT STATEMENTS.—

16 (1) REQUIREMENT.—Section 303 (16 U.S.C.  
17 1853) is amended—

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

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

23 “(d) FISHERY IMPACT STATEMENT.—

24 “(1) Any fishery management plan (or fishery  
25 management plan amendment) prepared by any

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

7 “(2) The fishery impact statement shall de-  
8 scribe—

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

10 “(B) the environmental impact of the pro-  
11 posed action;

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

15 “(D) a reasonable range of alternatives to  
16 the proposed action;

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

20 “(F) the cumulative conservation and man-  
21 agement effects; and

22 “(G) economic, and social impacts of the  
23 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(e)(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. DATA COLLECTION AND DATA CONFIDENTIALITY.**

7 (a) **ELECTRONIC MONITORING.—**

8 (1) **ISSUANCE OF REGULATIONS.—**

9 (A) **REQUIREMENT.—**The Secretary shall  
10 issue regulations governing the use of electronic  
11 monitoring for the purposes of monitoring fish-  
12 eries that are subject to the Magnuson-Stevens  
13 Fishery Conservation and Management Act (16  
14 U.S.C. 1801 et seq.).

15 (B) **CONTENT.—**The regulations shall—

16 (i) distinguish between monitoring for  
17 data collection and research purposes and  
18 monitoring for compliance and enforcement  
19 purposes; and

20 (ii) include minimum criteria, objec-  
21 tives, or performance standards for elec-  
22 tronic monitoring.

23 (C) **PROCESS.—**In issuing the regulations  
24 the Secretary shall—

- 1 (i) consult with the Councils and fish-  
2 ery management commissions;  
3 (ii) publish the proposed regulations;  
4 and  
5 (iii) provide an opportunity for the  
6 submission by the public of comments on  
7 the proposed regulations.

8 (2) IMPLEMENTATION OF MONITORING.—

9 (A) IN GENERAL.—Subject to subpara-  
10 graph (B), and after the issuance of the final  
11 regulations, a Council, or the Secretary for fish-  
12 eries referred to in section 302(a)(3) of the  
13 Magnuson-Stevens Fishery Conservation and  
14 Management Act (16 U.S.C. 1852(a)(3)), may,  
15 in accordance with the regulations, on a fishery-  
16 by-fishery basis and consistent with the existing  
17 objectives and management goals of a fishery  
18 management plan and the Act for a fishery  
19 issued by the Council or the Secretary, respec-  
20 tively, amend such plan—

- 21 (i) to incorporate electronic moni-  
22 toring as an alternative tool for data col-  
23 lection and monitoring purposes or for  
24 compliance and enforcement purposes (or  
25 both); and

1                   (ii) to allow for the replacement of a  
2                   percentage of on-board observers with elec-  
3                   tronic monitoring.

4                   (B) COMPARABILITY.—Subparagraph (A)  
5                   shall apply to a fishery only if the Council or  
6                   Secretary, respectively, determines that such  
7                   monitoring will yield comparable data collection  
8                   and compliance results.

9                   (3) PILOT PROJECTS.—Before the issuance of  
10                  final regulations, a Council, or the Secretary for  
11                  fisheries referred to in section 302(a)(3), may, sub-  
12                  ject to the requirements of the Magnuson-Stevens  
13                  Fishery Conservation and Management Act, on a  
14                  fishery-by-fishery basis, and consistent with the ex-  
15                  isting objectives and management goals of a fishery  
16                  management plan for a fishery issued by the Council  
17                  or the Secretary, respectively, conduct a pilot project  
18                  for the use of electronic monitoring for the fishery.

19                  (4) DEADLINE.—The Secretary shall issue final  
20                  regulations under this subsection by not later than  
21                  12 months after the date of enactment of this Act.

22                  (b) VIDEO AND ACOUSTIC SURVEY TECH-  
23                  NOLOGIES.—The Secretary shall work with the Regional  
24                  Fishery Management Councils and nongovernmental enti-  
25                  ties to develop and implement the use pursuant to the

1 Magnuson-Stevens Fishery Conservation and Manage-  
2 ment Act (16 U.S.C. 1801 et seq.) of video survey tech-  
3 nologies and expanded use of acoustic survey technologies.

4 (c) CONFIDENTIALITY OF INFORMATION.—

5 (1) IN GENERAL.—Section 402(b) (16 U.S.C.  
6 1881a(b)) is amended—

7 (A) in paragraph (1)—

8 (i) by amending subparagraph (B) to  
9 read as follows:

10 “(B) to State or Marine Fisheries Commis-  
11 sion employees as necessary for achievement of  
12 the purposes of this Act, subject to a confiden-  
13 tiality agreement between the State or Commis-  
14 sion, respectively, and the Secretary that pro-  
15 hibits public disclosure of the identity of any  
16 person and of confidential information;”;

17 (ii) in subparagraph (E), by striking  
18 “limited access” and inserting “catch  
19 share”; and

20 (iii) in subparagraph (G), by striking  
21 “limited access” and inserting “catch  
22 share”;

23 (B) in paragraph (2)—

24 (i) in the matter preceding subpara-  
25 graph (A), by inserting “, and information

1           obtained through a vessel monitoring sys-  
2           tem or other technology used onboard a  
3           fishing vessel for enforcement or data col-  
4           lection purposes,” after “information”;

5           (ii) by striking “or” after the semi-  
6           colon at the end of subparagraph (B); and

7           (iii) by striking subparagraph (C) and  
8           inserting the following:

9           “(C) as authorized by any regulations  
10          issued under paragraph (6) allowing the collec-  
11          tion of observer information, pursuant to a con-  
12          fidentiality agreement between the observers,  
13          observer employers, and the Secretary prohib-  
14          iting disclosure of the information by the ob-  
15          servers or observer employers, in order—

16               “(i) to allow the sharing of observer  
17               information among observers and between  
18               observers and observer employers as nec-  
19               essary to train and prepare observers for  
20               deployments on specific vessels; or

21               “(ii) to validate the accuracy of the  
22               observer information collected; or

23               “(D) to other persons if the Secretary has  
24               obtained written authorization from the person  
25               who submitted such information or from the



1 person on whose vessel the information was col-  
2 lected, to release such information for reasons  
3 not otherwise provided for in this subsection.”;

4 (C) by redesignating paragraph (3) as  
5 paragraph (6); and

6 (D) by inserting after paragraph (2) the  
7 following:

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

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

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

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

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

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

10                  “(5) The Secretary may not provide any vessel-  
11                  specific or aggregate vessel information from a fish-  
12                  ery that is collected for monitoring and enforcement  
13                  purposes to any person for the purposes of coastal  
14                  and marine spatial planning under Executive Order  
15                  13547, unless the Secretary determines that pro-  
16                  viding such information is important for maintaining  
17                  or enhancing national security or for ensuring fish-  
18                  ermen continued access to fishing grounds.”.

19                  (2) CONFIDENTIAL INFORMATION DEFINED.—  
20                  Section 3 (16 U.S.C. 1802) is further amended by  
21                  inserting after paragraph (4) the following:

22                  “(4a) The term ‘confidential information’  
23                  means—

24                         “(A) trade secrets;

25                         “(B) proprietary information;

1 “(C) observer information; and

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

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

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

13 “(1) IN GENERAL.—

14 “(A) The Secretary, subject to appropria-  
15 tions, may obligate for data collection purposes  
16 in accordance with prioritizations under para-  
17 graph (3) a portion of amounts received by the  
18 United States as fisheries enforcement pen-  
19 alties.

20 “(B) Amounts may be obligated under this  
21 paragraph only in the fishery management re-  
22 gion with respect to which they are collected.

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

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

6           “(B) cooperative research activities author-  
7           ized under section 318 to improve or enhance  
8           the fishery independent data used in fishery  
9           stock assessments.

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

11          Each Council shall—

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

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

17                 “(C) provide those priorities to the Sec-  
18                 retary.

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

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

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

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

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

7                   “(B) The term ‘fisheries enforcement pen-  
8                   alties’ means any fine or penalty imposed, or  
9                   proceeds of any property seized, for a violation  
10                  of this Act or of any other marine resource law  
11                  enforced by the Secretary.

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

17 **SEC. 11. COOPERATIVE RESEARCH AND MANAGEMENT**  
18 **PROGRAM.**

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

20                  (1) in subsection (a), by inserting “(1)” before  
21                  the first sentence, and by adding at the end the fol-  
22                  lowing:

23                  “(2) Within one year after the date of enactment of  
24                  the Strengthening Fishing Communities and Increasing  
25                  Flexibility in Fisheries Management Act, and after con-

1 sultation with the Councils, the Secretary shall publish a  
2 plan for implementing and conducting the program estab-  
3 lished in paragraph (1). Such plan shall identify and de-  
4 scribe critical regional fishery management and research  
5 needs, possible projects that may address those needs, and  
6 estimated costs for such projects. The plan shall be revised  
7 and updated every 5 years, and updated plans shall in-  
8 clude a brief description of projects that were funded in  
9 the prior 5-year period and the research and management  
10 needs that were addressed by those projects.”; and

11 (2) in subsection (c)—

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

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

17 “(A) the use of fishing vessels or acoustic  
18 or other marine technology;

19 “(B) expanding the use of electronic catch  
20 reporting programs and technology; and

21 “(C) improving monitoring and observer  
22 coverage through the expanded use of electronic  
23 monitoring devices.”.

1 **SEC. 12. COUNCIL JURISDICTION FOR OVERLAPPING FISH-**  
2 **ERIES.**

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

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

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

7 and

8 (B) by inserting before the period at the  
9 end “and a liaison who is a member of the Mid-  
10 Atlantic Fishery Management Council to rep-  
11 resent the interests of fisheries under the juris-  
12 diction of such Council”; and

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

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

16 and

17 (B) by inserting before the period at the  
18 end “and a liaison who is a member of the New  
19 England Fishery Management Council to rep-  
20 resent the interests of fisheries under the juris-  
21 diction of such Council”.

22 **SEC. 13. GULF OF MEXICO FISHERIES COOPERATIVE RE-**  
23 **SEARCH AND RED SNAPPER MANAGEMENT.**

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

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

3 (1) in conjunction with the States, the Gulf of  
4 Mexico Fishery Management Council, and the rec-  
5 reational fishing sectors, develop and implement a  
6 real-time reporting and data collection program for  
7 the Gulf of Mexico red snapper fishery using avail-  
8 able technology; and

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

14 (c) FISHERIES COOPERATIVE RESEARCH PRO-  
15 GRAM.—The Secretary of Commerce—

16 (1) shall, in conjunction with the States, the  
17 Gulf States Marine Fisheries Commission and the  
18 Atlantic States Marine Fisheries Commission, the  
19 Gulf of Mexico and South Atlantic Fishery Manage-  
20 ment Councils, and the commercial, charter, and  
21 recreational fishing sectors, develop and implement a  
22 cooperative research program authorized under sec-  
23 tion 318 for the fisheries of the Gulf of Mexico and  
24 South Atlantic regions, giving priority to those fish-  
25 eries that are considered data-poor; and



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

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

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

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

19           (3) in such development and implementation—

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

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

24           (e) USE OF FISHERIES INFORMATION IN STOCK AS-  
25          SESSMENTS.—The Southeast Science Center Director

1 shall ensure that fisheries information made available  
2 through fisheries programs funded under Public Law  
3 112–141 is incorporated as soon as possible into any fish-  
4 eries stock assessments conducted after the date of the  
5 enactment of this Act.

6 (f) STATE FISHERIES MANAGEMENT IN THE GULF  
7 OF MEXICO WITH RESPECT TO RED SNAPPER.—Section  
8 306(b) (16 U.S.C. 1856(b)) is amended by adding at the  
9 end the following:

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

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

1 **SEC. 14. NORTH PACIFIC FISHERY MANAGEMENT CLARI-**  
2 **FICATION.**

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

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

6 and

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

8 **SEC. 15. ENSURING CONSISTENT MANAGEMENT FOR FISH-**  
9 **ERIES THROUGHOUT THEIR RANGE.**

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

13 **“SEC. 5. ENSURING CONSISTENT FISHERIES MANAGEMENT**  
14 **UNDER CERTAIN OTHER FEDERAL LAWS.**

15 “(a) NATIONAL MARINE SANCTUARIES ACT AND AN-  
16 TIQUITIES ACT OF 1906.—In any case of a conflict be-  
17 tween this Act and the National Marine Sanctuaries Act  
18 (16 U.S.C. 1431 et seq.) or the Antiquities Act of 1906  
19 (16 U.S.C. 431 et seq.), this Act shall control.

20 “(b) FISHERIES RESTRICTIONS UNDER ENDAN-  
21 GERED SPECIES ACT OF 1973.—To ensure transparency  
22 and consistent management of fisheries throughout their  
23 range, any restriction on the management of fish in the  
24 exclusive economic zone that is necessary to implement a  
25 recovery plan under the Endangered Species Act of 1973  
26 (16 U.S.C. 1531 et seq.) shall be implemented—

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

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

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

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

7 **SEC. 16. LIMITATION ON HARVEST IN NORTH PACIFIC DI-**  
8 **RECTED POLLOCK FISHERY.**

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

12 “(1) HARVESTING.—

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

20 “(B) MAXIMUM PERCENTAGE.—The per-  
21 centage established by the North Pacific Coun-  
22 cil shall not exceed 24 percent of the pollock  
23 available to be harvested in the directed pollock  
24 fishery.”.

1 **SEC. 17. RECREATIONAL FISHING DATA.**

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

6 “(4) FEDERAL-STATE PARTNERSHIPS.—

7 “(A) ESTABLISHMENT.—The Secretary  
8 shall establish partnerships with States to de-  
9 velop best practices for implementation of State  
10 programs established pursuant to paragraph  
11 (2).

12 “(B) GUIDANCE.—The Secretary shall de-  
13 velop guidance, in cooperation with the States,  
14 that details best practices for administering  
15 State programs pursuant to paragraph (2), and  
16 provide such guidance to the States.

17 “(C) BIENNIAL REPORT.—The Secretary  
18 shall submit to the Congress and publish bien-  
19 nial reports that include—

20 “(i) the estimated accuracy of the reg-  
21 istry program established under paragraph  
22 (1) and of State programs that are ex-  
23 empted under paragraph (2);

24 “(ii) priorities for improving rec-  
25 reational fishing data collection; and

1                   “(iii) an explanation of any use of in-  
2                   formation collected by such State programs  
3                   and by the Secretary, including a descrip-  
4                   tion of any consideration given to the in-  
5                   formation by the Secretary.

6                   “(D) STATES GRANT PROGRAM.—The Sec-  
7                   retary shall make grants to States to improve  
8                   implementation of State programs consistent  
9                   with this subsection. The Secretary shall  
10                  prioritize such grants based on the ability of the  
11                  grant to improve the quality and accuracy of  
12                  such programs.”.

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

16                  “(6) STUDY ON PROGRAM IMPLEMENTATION.—

17                         “(A) IN GENERAL.—Not later than 60  
18                         days after the enactment of this paragraph, the  
19                         Secretary shall enter into an agreement with  
20                         the National Research Council of the National  
21                         Academy of Sciences to study the implementa-  
22                         tion of the programs described in this section.  
23                         The study shall—

24                                 “(i) provide an updated assessment of  
25                                 recreational survey methods established or

1 improved since the publication of the  
2 Council's report 'Review of Recreational  
3 Fisheries Survey Methods (2006)';

4 “(ii) evaluate the extent to which the  
5 recommendations made in that report were  
6 implemented pursuant to paragraph  
7 (3)(B); and

8 “(iii) examine any limitations of the  
9 Marine Recreational Fishery Statistics  
10 Survey and the Marine Recreational Infor-  
11 mation Program established under para-  
12 graph (1).

13 “(B) REPORT.—Not later than 1 year  
14 after entering into an agreement under sub-  
15 paragraph (A), the Secretary shall submit a re-  
16 port to Congress on the results of the study  
17 under subparagraph (A).”.

18 **SEC. 18. STOCK ASSESSMENTS USED FOR FISHERIES MAN-**  
19 **AGED UNDER GULF OF MEXICO COUNCIL'S**  
20 **REEF FISH MANAGEMENT PLAN.**

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

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

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

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

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

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

14 “(B) to the extent practicable, use State,  
15 university, and private assets to conduct fish-  
16 eries surveys.

17 “(2) SURVEYS AT ARTIFICIAL REEFS.—Any  
18 such fishery stock assessment conducted after the  
19 date of the enactment of the Strengthening Fishing  
20 Communities and Increasing Flexibility in Fisheries  
21 Management Act shall incorporate fishery surveys  
22 conducted, and other relevant fisheries information  
23 collected, on and around natural and artificial reefs.

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



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

3           “(2) contain all of the raw data used in the as-  
4 sessment and a description of the methods used to  
5 collect that data; and

6           “(3) employ an assessment process that is  
7 transparent and includes—

8                   “(A) includes a rigorous and independent  
9 scientific review of the completed fishery stock  
10 assessment; and

11                   “(B) a panel of independent experts to re-  
12 view the data and assessment and make rec-  
13 ommendations on the most appropriate values  
14 of critical population and management quan-  
15 tities.”.

16       (b) CLERICAL AMENDMENT.—The table of contents  
17 in the first section is amended by inserting after the item  
18 relating to section 408 the following:

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

19 **SEC. 19. ESTIMATION OF COST OF RECOVERY FROM FISH-**  
20 **ERY RESOURCE DISASTER.**

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

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

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

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

6           “(B) The Secretary shall publish the estimated cost  
7           of recovery from a fishery resource disaster no later than  
8           30 days after the Secretary makes the determination  
9           under subparagraph (A) with respect to such disaster.”.

10 **SEC. 20. DEADLINE FOR ACTION ON REQUEST BY GOV-**  
11 **ERNOR FOR DETERMINATION REGARDING**  
12 **FISHERY RESOURCE DISASTER.**

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

17           “(2) The Secretary shall make a decision regarding  
18           a request from a Governor under paragraph (1) within 90  
19           days after receiving an estimate of the economic impact  
20           of the fishery resource disaster from the entity requesting  
21           the relief.”.

22 **SEC. 21. PROHIBITION ON CONSIDERING RED SNAPPER**  
23 **KILLED DURING REMOVAL OF OIL RIGS.**

24           Any red snapper that are killed during the removal  
25           of any offshore oil rig in the Gulf of Mexico shall not be

1 considered in determining under the Magnuson-Stevens  
2 Fishery Conservation and Management Act (16 U.S.C.  
3 1801 et seq.) whether the total allowable catch for red  
4 snapper has been reached.

5 **SEC. 22. PROHIBITION ON CONSIDERING FISH SEIZED**  
6 **FROM FOREIGN FISHING.**

7 Any fish that are seized from a foreign vessel engaged  
8 in illegal fishing activities in the Exclusive Economic Zone  
9 shall not be considered in determining under the Magnu-  
10 son-Stevens Fishery Conservation and Management Act  
11 (16 U.S.C. 1801 et seq.) the total allowable catch for that  
12 fishery.

13 **SEC. 23. SUBSISTENCE FISHING.**

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

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

24 “(B) In this paragraph—

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

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

7                   “(I) for another fish or fish part; or

8                   “(II) for other food or for nonedible  
9           items other than money if the exchange is  
10          of a limited and noncommercial nature.”.

11       (b) COUNCIL SEAT.—Section 302(b)(2) (16 U.S.C.  
12 1852(b)(2)) is amended—

13           (1) in subparagraph (A), by striking “or rec-  
14          reational” and inserting “, recreational, or subsist-  
15          ence fishing”; and

16           (2) in subparagraph (C), in the second sen-  
17          tence, by inserting “, and in the case of the Gov-  
18          ernor of Alaska with the subsistence fishing interests  
19          of the State,” after “interests of the State”.

20       (c) PURPOSE.—Section 2(b)(3) (16 U.S.C.  
21 1801(b)(3)) is amended by striking “and recreational”  
22          and inserting “, recreational, and subsistence”.

1 **SEC. 24. INTER-SECTOR TRADING OF COMMERCIAL CATCH**  
2 **SHARE ALLOCATIONS IN THE GULF OF MEX-**  
3 **ICO.**

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

6 “(c) INTER-SECTOR TRADING OF COMMERCIAL  
7 CATCH SHARE ALLOCATIONS IN THE GULF OF MEX-  
8 ICO.—Notwithstanding any other provision of this Act,  
9 any commercial fishing catch share allocation in a fishery  
10 in the Gulf of Mexico may only be traded by sale or lease  
11 within the same commercial fishing sector.”.

12 **SEC. 25. ARCTIC COMMUNITY DEVELOPMENT QUOTA.**

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

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

1 **SEC. 26. PREFERENCE FOR STUDENTS STUDYING WATER**  
2 **RESOURCE ISSUES.**

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

5 “(4) The Secretary shall require that in the hiring  
6 of individuals to collect information regarding marine rec-  
7 reational fishing under this subsection, preference shall be  
8 given to individuals who are students studying water re-  
9 source issues at an institution of higher education.”.

10 **SEC. 27. PROCESS FOR ALLOCATION REVIEW FOR SOUTH**  
11 **ATLANTIC AND GULF OF MEXICO MIXED-USE**  
12 **FISHERIES.**

13 (a) STUDY OF ALLOCATIONS IN MIXED-USE FISH-  
14 ERIES.—Not later than 60 days after the date of the en-  
15 actment of this Act, the Secretary of Commerce shall enter  
16 into an arrangement with the National Academy of  
17 Sciences to conduct a study of the South Atlantic and Gulf  
18 of Mexico mixed-use fisheries—

19 (1) to provide guidance to Regional Fishery  
20 Management Councils established under section 302  
21 of the Magnuson-Stevens Fishery Conservation and  
22 Management Act (16 U.S.C. 1852) on criteria that  
23 could be used for allocating fishing privileges, includ-  
24 ing consideration of the conservation and socio-  
25 economic benefits of the commercial, recreational,

1 and charter components of a fishery, in the prepara-  
2 tion of a fishery management plan under that Act;

3 (2) to identify sources of information that could  
4 reasonably support the use of such criteria in alloca-  
5 tion decisions; and

6 (3) to develop procedures for allocation reviews  
7 and potential adjustments in allocations based on  
8 the guidelines and requirements established by this  
9 section.

10 (b) **PROCESS FOR ALLOCATION REVIEW AND ESTAB-**  
11 **LISHMENT.**—The South Atlantic Fishery Management  
12 Council and the Gulf of Mexico Fishery Management  
13 Council shall—

14 (1) within 2 years after the date of the enact-  
15 ment of this Act, review the allocations of all mixed-  
16 use fisheries in the Councils' respective jurisdictions;  
17 and

18 (2) every 3 years thereafter, perform subse-  
19 quent reviews of such allocations; and

20 (3) consider the conservation and socioeconomic  
21 benefits of each sector in any allocation decisions for  
22 such fisheries.

23 **SEC. 28. AUTHORIZATION OF APPROPRIATIONS.**

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

- 1           (1) by striking “this Act” and all that follows
- 2           through “(7)” and inserting “this Act”; and
- 3           (2) by striking “fiscal year 2013” and inserting
- 4           “each of fiscal years 2015 through 2019”.

