

113TH CONGRESS
2^D SESSION

H. R. 4742

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

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2014

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. TABLE OF CONTENTS.**

8 The table of contents for this Act is the following:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—AMENDMENTS TO THE MAGNUSON-STEVENSON FISHERY
CONSERVATION AND MANAGEMENT ACT

- Sec. 101. Definitions.
 Sec. 102. References.
 Sec. 103. Flexibility in rebuilding fish stocks.
 Sec. 104. Modifications to the annual catch limit requirement.
 Sec. 105. Distinguishing between overfished and depleted.
 Sec. 106. Transparency and public process.
 Sec. 107. Limitation on future catch share programs.
 Sec. 108. Report on fee.
 Sec. 109. Data collection and data confidentiality.
 Sec. 110. Cooperative research and management program.
 Sec. 111. Council jurisdiction for overlapping fisheries.
 Sec. 112. Gulf of Mexico fisheries cooperative research and red snapper management.
 Sec. 113. North Pacific fishery management clarification.
 Sec. 114. Ensuring consistent management for fisheries throughout their range.
 Sec. 115. Limitation on harvest in North Pacific directed pollock fishery.
 Sec. 116. Authorization of appropriations.

TITLE II—REVITALIZING THE ECONOMY OF FISHERIES IN THE
PACIFIC

- Sec. 201. Short title.
 Sec. 202. Findings; purpose.
 Sec. 203. Refinancing of Pacific Coast groundfish fishing capacity reduction loan.

1 **TITLE I—AMENDMENTS TO THE**
 2 **MAGNUSON-STEVENSON FISHERY**
 3 **CONSERVATION AND**
 4 **MANAGEMENT ACT**

5 **SEC. 101. DEFINITIONS.**

6 Any term used in this title 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. 102. REFERENCES.**

11 Except as otherwise specifically provided, whenever in
 12 this title an amendment or repeal is expressed in terms
 13 of an amendment to, or repeal of, a provision, the ref-

1 erence shall be considered to be made to a provision of
2 the Magnuson-Stevens Fishery Conservation and Manage-
3 ment Act (16 U.S.C. 1801 et seq.).

4 **SEC. 103. FLEXIBILITY IN REBUILDING FISH STOCKS.**

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

7 (1) in paragraph (4)—

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

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

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

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

22 “(II) the Secretary determines
23 that the cause of the stock being de-
24 pleted is outside the jurisdiction of the
25 Council or the rebuilding program

1 cannot be effective only by limiting
2 fishing activities;

3 “(III) the Secretary determines
4 that one or more components of a
5 mixed-stock fishery is depleted but
6 cannot be rebuilt within that time-
7 frame without significant economic
8 harm to the fishery, or cannot be re-
9 built without causing another compo-
10 nent of the mixed-stock fishery to ap-
11 proach a depleted status;

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

22 “(V) the Secretary determines
23 that the stock has been affected by
24 unusual events that make rebuilding
25 within the specified time period im-

1 probable without significant economic
2 harm to fishing communities;”;

3 (C) by striking “and” after the semicolon
4 at the end of subparagraph (B), by redesignig-
5 nating subparagraphs (B) and (C) as subpara-
6 graphs (C) and (D), and by inserting after sub-
7 paragraph (A) the following:

8 “(B) take into account environmental con-
9 dition including predator/prey relationships;”;
10 and

11 (D) by striking the period at the end of
12 subparagraph (D) (as so redesignated) and in-
13 serting “; and”, and by adding at the end the
14 following:

15 “(E) specify a schedule for reviewing the
16 rebuilding targets, evaluating environmental im-
17 pacts on rebuilding progress, and evaluating
18 progress being made toward reaching rebuilding
19 targets.”; and

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

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

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

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

10 “(B) within 90 days after the completion
11 of the next stock assessment after such deter-
12 mination.”.

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

20 **SEC. 104. MODIFICATIONS TO THE ANNUAL CATCH LIMIT**
21 **REQUIREMENT.**

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

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

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

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

10 “(A) an ecosystem component species;

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

15 “(C) a stock for which—

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

19 “(ii) fishing mortality will have little
20 impact on the stock.

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

1 “(A) management measures under inter-
2 national agreements in which the United States
3 participates; and

4 “(B) informal transboundary agreements
5 under which fishery management activities by
6 another country outside the exclusive economic
7 zone may hinder conservation efforts by United
8 States fishermen for a fish species for which
9 any of the recruitment, distribution, life history,
10 or fishing activities are transboundary.

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

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

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

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

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

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

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

8 **SEC. 105. DISTINGUISHING BETWEEN OVERFISHED AND DE-**
9 **PLETED.**

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

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

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

16 “(8a) The term ‘depleted’ means, with respect
17 to a stock of fish or stock complex, that the stock
18 or stock complex has a biomass that has declined
19 below a level that jeopardizes the capacity of the
20 stock or stock complex to produce maximum sustain-
21 able yield on a continuing basis.”.

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

1 (c) CLARITY IN ANNUAL REPORT.—Section
2 304(e)(1) (16 U.S.C. 1854(e)(1)) is amended by adding
3 at the end the following: “The report shall distinguish be-
4 tween fisheries that are depleted (or approaching that con-
5 dition) as a result of fishing and fisheries that are depleted
6 (or approaching that condition) as a result of factors other
7 than fishing. The report shall state, for each fishery iden-
8 tified as depleted or approaching that condition, whether
9 the fishery is the target of directed fishing.”.

10 **SEC. 106. TRANSPARENCY AND PUBLIC PROCESS.**

11 (a) ADVICE.—Section 302(g)(1)(B) (16 U.S.C.
12 1852(g)(1)(B)) is amended by adding at the end the fol-
13 lowing: “Each scientific and statistical committee shall de-
14 velop such advice in a transparent manner and allow for
15 public involvement in the process.”.

16 (b) MEETINGS.—Section 302(i)(2) (16 U.S.C.
17 1852(i)(2)) is amended by adding at the end the following:

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

20 “(i) to the extent practicable, a Webcast,
21 an audio recording, or a live broadcast of each
22 meeting of the Council, and of the Council Co-
23 ordination Committee established under sub-
24 section (l), that is not closed in accordance with
25 paragraph (3); and

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

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

13 (c) FISHERY IMPACT STATEMENTS.—

14 (1) REQUIREMENT.—Section 303 (16 U.S.C.
15 1853) is amended—

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

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

21 “(d) FISHERY IMPACT STATEMENT.—

22 “(1) Any fishery management plan (or fishery
23 management plan amendment) prepared by any
24 Council or by the Secretary pursuant to subsection
25 (a) or (b), or proposed regulations deemed necessary

1 pursuant to subsection (c), shall include a fishery
2 impact statement which shall assess, specify and
3 analyze the likely effects and impact of the proposed
4 action on the quality of the human environment.

5 “(2) The fishery impact statement shall de-
6 scribe—

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

8 “(B) the environmental impact of the pro-
9 posed action;

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

13 “(D) a reasonable range of alternatives to
14 the proposed action;

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

18 “(F) the cumulative conservation and man-
19 agement effects; and

20 “(G) economic, and social impacts of the
21 proposed action on—

22 “(i) participants in the fisheries and
23 fishing communities affected by the pro-
24 posed action;

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

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

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

22 “(4) The completed fishery impact statement
23 shall accompany the transmittal of a fishery man-
24 agement plan or plan amendment as specified in sec-

1 tion 304(a), as well as the transmittal of proposed
2 regulations as specified in section 304(b).

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

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

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

21 “(B) integration of the fishery impact
22 statement development process with preliminary
23 and final Council decisionmaking in a manner
24 that provides opportunity for comment from the

1 public and relevant government agencies prior
2 to these decision points; and

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

9 “(7) Actions taken in accordance with the pro-
10 cedures of this section shall constitute fulfillment of
11 the requirements the National Environmental Policy
12 Improvement Act of 1970 (42 U.S.C. 4371 et seq.)
13 and all related implementing regulations.”.

14 (2) EVALUATION OF ADEQUACY.—Section
15 304(a)(2) (16 U.S.C. 1854(a)(2)) is amended by
16 striking “and” after the semicolon at the end of sub-
17 paragraph (B), striking the period at the end of sub-
18 paragraph (C) and inserting “; and”, and by adding
19 at the end the following:

20 “(D) evaluate the adequacy of the accom-
21 panying fishery impact statement as basis for
22 fully considering the environmental impacts of
23 implementing the fishery management plan or
24 plan amendment.”.

1 (3) REVIEW OF REGULATIONS.—Section 304(b)
2 (16 U.S.C. 1854(b)) is amended by striking so much
3 as precedes subparagraph (A) of paragraph (1) and
4 inserting the following:

5 “(b) REVIEW OF REGULATIONS.—

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

19 (4) EFFECT ON TIME REQUIREMENTS.—Section
20 305(e) (16 U.S.C. 1855(e)) is amended by inserting
21 “the National Environmental Policy Act of 1969 (42
22 U.S.C. 4321 et seq.),” after “the Regulatory Flexi-
23 bility Act (5 U.S.C. 601 et seq.)”.

1 **SEC. 107. LIMITATION ON FUTURE CATCH SHARE PRO-**
2 **GRAMS.**

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

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

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

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

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

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

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

20 “(ii) The Secretary may, at the re-
21 quest of the New England Fishery Man-
22 agement Council, allow participation in
23 such a referendum for a fishery under the
24 Council’s authority, by fishing vessel crew-

1 members who derive a significant portion
2 of their livelihood from such fishing.

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

8 “(I) a copy of the proposed pro-
9 gram;

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

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

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

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

1 ness, injury, or other unavoidable hardship
2 prevented the permit holder from engaging
3 in such fishing.

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

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

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

21 **SEC. 108. REPORT ON FEE.**

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

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

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

4 “(i) Congress; and

5 “(ii) each Council from whose fish-
6 eries the fee under this paragraph were
7 collected.”.

8 **SEC. 109. DATA COLLECTION AND DATA CONFIDENTIALITY.**

9 (a) **ELECTRONIC MONITORING.—**

10 (1) **ISSUANCE OF REGULATIONS.—**

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

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

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

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

1 (C) PROCESS.—In issuing the regulations
2 the Secretary shall—

3 (i) consult with the Councils and fish-
4 ery management commissions;

5 (ii) publish the proposed regulations;

6 and

7 (iii) provide an opportunity for the
8 submission by the public of comments on
9 the proposed regulations.

10 (2) IMPLEMENTATION OF MONITORING.—

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

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

1 compliance and enforcement purposes (or
2 both); and

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

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

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

21 (4) DEADLINE.—The Secretary shall issue final
22 regulations under this subsection by not later than
23 12 months after the date of enactment of this Act.

24 (b) VIDEO AND ACOUSTIC SURVEY TECH-
25 NOLOGIES.—The Secretary shall work with the Regional

1 Fishery Management Councils and nongovernmental enti-
2 ties to develop and implement the use pursuant to the
3 Magnuson-Stevens Fishery Conservation and Manage-
4 ment Act (16 U.S.C. 1801 et seq.) of video survey tech-
5 nologies and expanded use of acoustic survey technologies.

6 (c) CONFIDENTIALITY OF INFORMATION.—

7 (1) IN GENERAL.—Section 402(b) (16 U.S.C.
8 1881a(b)) is amended—

9 (A) in paragraph (1)—

10 (i) by amending subparagraph (B) to
11 read as follows:

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

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

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

25 (B) in paragraph (2)—

1 (i) in the matter preceding subpara-
2 graph (A), by inserting “, and information
3 obtained through a vessel monitoring sys-
4 tem or other technology used onboard a
5 fishing vessel for enforcement or data col-
6 lection purposes,” after “information;”;

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

9 (iii) by striking subparagraph (C) and
10 inserting the following:

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

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

23 “(ii) to validate the accuracy of the
24 observer information collected; or

1 “(D) to other persons if the Secretary has
2 obtained written authorization from the person
3 who submitted such information or from the
4 person on whose vessel the information was col-
5 lected, to release such information for reasons
6 not otherwise provided for in this subsection.”;

7 (C) by redesignating and moving para-
8 graph (3) to be paragraph (6); and

9 (D) by striking paragraphs (4) and (5)
10 and inserting the following:

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

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

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

3 “(B) the heads of the other Federal agen-
4 cies agree—

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

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

12 “(5) The Secretary may not provide any vessel-
13 specific or aggregate vessel information from a fish-
14 ery that is collected for monitoring and enforcement
15 purposes to any person for the purposes of coastal
16 and marine spatial planning under Executive Order
17 13547, unless the Secretary has obtained written au-
18 thorization to release such information from the per-
19 son on whose vessel the information was collected.”.

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

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

25 “(A) trade secrets;

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

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

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

14 “(1) IN GENERAL.—

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

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

24 “(2) INCLUDED PURPOSES.—The purposes re-
25 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. 110. 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. 111. COUNCIL JURISDICTION FOR OVERLAPPING**
2 **FISHERIES.**

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. 112. 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 “(3) 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 **SEC. 113. NORTH PACIFIC FISHERY MANAGEMENT CLARI-**
17 **FICATION.**

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

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

21 and

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

1 **SEC. 114. ENSURING CONSISTENT MANAGEMENT FOR FISHERIES THROUGHOUT THEIR RANGE.**
 2

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

6 **“SEC. 5. ENSURING CONSISTENT FISHERIES MANAGEMENT**
 7 **UNDER CERTAIN OTHER FEDERAL LAWS.**

8 “(a) NATIONAL MARINE SANCTUARIES ACT AND ANTIQUITIES ACT OF 1906.—In any case of a conflict be-
 9 tween this Act and the National Marine Sanctuaries Act
 10 (16 U.S.C. 1431 et seq.) or the Antiquities Act of 1906
 11 (16 U.S.C. 431 et seq.), this Act shall control.
 12

13 “(b) FISHERIES RESTRICTIONS UNDER ENDANGERED SPECIES ACT OF 1973.—To ensure transparency
 14 and consistent management of fisheries throughout their
 15 range, any restriction on the management of fish in the
 16 exclusive economic zone that is necessary to implement a
 17 recovery plan under the Endangered Species Act of 1973
 18 (16 U.S.C. 1531 et seq.) shall be implemented—
 19

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

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

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

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

1 **SEC. 115. LIMITATION ON HARVEST IN NORTH PACIFIC DI-**
2 **RECTED POLLOCK FISHERY.**

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

6 “(1) HARVESTING.—

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

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

19 **SEC. 116. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

1 **TITLE II—REVITALIZING THE**
2 **ECONOMY OF FISHERIES IN**
3 **THE PACIFIC**

4 **SEC. 201. SHORT TITLE.**

5 This title may be cited as the “Revitalizing the Econ-
6 omy of Fisheries in the Pacific Act” or the “REFI Pacific
7 Act”.

8 **SEC. 202. FINDINGS; PURPOSE.**

9 (a) FINDINGS.—Congress makes the following find-
10 ings:

11 (1) In 2000, the Secretary of Commerce de-
12 clared the West Coast groundfish fishery a Federal
13 fisheries economic disaster due to low stock abun-
14 dance, an overcapitalized fleet, and historically over-
15 fished stocks.

16 (2) Section 212 of the Department of Com-
17 merce and Related Agencies Appropriations Act,
18 2003 (title II of division B of Public Law 108–7;
19 117 Stat. 80) was enacted to establish a Pacific
20 Coast groundfish fishing capacity reduction pro-
21 gram, also known as a buyback program, to remove
22 excess fishing capacity.

23 (3) In 2003, Congress authorized the
24 \$35,700,000 buyback loan, creating the Pacific
25 Coast groundfish fishing capacity reduction program

1 through the National Marine Fisheries Service fish-
2 eries finance program with a term of 30 years. The
3 interest rate of the buyback loan was fixed at 6.97
4 percent and is paid back based on an ex-vessel fee
5 landing rate not to exceed 5 percent for the loan.

6 (4) The groundfish fishing capacity reduction
7 program resulted in the removal of limited entry
8 trawl Federal fishing permits from the fishery, rep-
9 resenting approximately 46 percent of total landings
10 at the time.

11 (5) Because of an absence of a repayment
12 mechanism, \$4,243,730 in interest accrued before
13 fee collection procedures were established in 2005,
14 over 18 months after the groundfish fishing capacity
15 reduction program was initiated.

16 (6) In 2011, the West Coast groundfish fishery
17 transitioned to an individual fishing quota fishery,
18 which is a type of catch share program.

19 (7) By 2015, West Coast groundfish fisher-
20 men's expenses are expected to include fees of ap-
21 proximately \$450 per day for observers, a 3-percent
22 cost recovery fee as authorized by the Magnuson-
23 Stevens Fishery Conservation and Management Act
24 (16 U.S.C. 1801) for catch share programs, and a
25 5-percent ex-vessel landings rate for the loan repay-

1 ment, which could reach 18 percent of their total
2 gross revenue.

3 (8) In 2012, the West Coast groundfish limited
4 entry trawl fishery generated \$63,000,000, an in-
5 crease from an average of \$45,000,000 during the
6 years 2006 to 2011. This revenue is expected to con-
7 tinue to increase post-rationalization.

8 (b) PURPOSE.—The purpose of this title is to refi-
9 nance the Pacific Coast groundfish fishery fishing capacity
10 reduction program to protect and conserve the West Coast
11 groundfish fishery and the coastal economies in California,
12 Oregon, and Washington that rely on it.

13 **SEC. 203. REFINANCING OF PACIFIC COAST GROUND FISH**
14 **FISHING CAPACITY REDUCTION LOAN.**

15 (a) IN GENERAL.—The Secretary of Commerce, upon
16 receipt of such assurances as the Secretary considers ap-
17 propriate to protect the interests of the United States,
18 shall issue a loan to refinance the existing debt obligation
19 funding the fishing capacity reduction program for the
20 West Coast groundfish fishery implemented under section
21 212 of the Department of Commerce and Related Agen-
22 cies Appropriations Act, 2003 (title II of division B of
23 Public Law 108–7; 117 Stat. 80).

24 (b) APPLICABLE LAW.—Except as otherwise provided
25 in this section, the Secretary shall issue the loan under

1 this section in accordance with subsections (b) through (e)
2 of section 312 of the Magnuson-Stevens Fishery Conserva-
3 tion and Management Act (16 U.S.C. 1861a) and sections
4 53702 and 53735 of title 46, United States Code.

5 (c) LOAN TERM.—

6 (1) IN GENERAL.—Notwithstanding section
7 53735(c)(4) of title 46, United States Code, a loan
8 under this section shall have a maturity that expires
9 at the end of the 45-year period beginning on the
10 date of issuance of the loan.

11 (2) EXTENSION.—Notwithstanding paragraph
12 (1) and if there is an outstanding balance on the
13 loan after the period described in paragraph (1), a
14 loan under this section shall have a maturity of 45
15 years or until the loan is repaid in full.

16 (d) LIMITATION ON FEE AMOUNT.—Notwithstanding
17 section 312(d)(2)(B) of the Magnuson-Stevens Fishery
18 Conservation and Management Act (16 U.S.C.
19 1861a(d)(2)(B)), the fee established by the Secretary with
20 respect to a loan under this section shall not exceed 3 per-
21 cent of the ex-vessel value of the harvest from each fishery
22 for where the loan is issued.

23 (e) INTEREST RATE.—

24 (1) IN GENERAL.—Notwithstanding section
25 53702(b)(2) of title 46, United States Code, the an-

1 nual rate of interest an obligor shall pay on a direct
2 loan obligation under this section is the percent the
3 Secretary must pay as interest to borrow from the
4 Treasury the funds to make the loan.

5 (2) SUBLOANS.—Each subloan under the loan
6 authorized by this section—

7 (A) shall receive the interest rate described
8 in paragraph (1); and

9 (B) may be paid off at any time notwith-
10 standing subsection (c)(1).

11 (f) EX-VESSEL LANDING FEE.—

12 (1) CALCULATIONS AND ACCURACY.—The Sec-
13 retary shall set the ex-vessel landing fee to be col-
14 lected for payment of the loan under this section—

15 (A) as low as possible, based on recent
16 landings value in the fishery, to meet the re-
17 quirements of loan repayment;

18 (B) upon issuance of the loan in accord-
19 ance with paragraph (2); and

20 (C) on a regular interval not to exceed
21 every 5 years beginning on the date of issuance
22 of the loan.

23 (2) DEADLINE FOR INITIAL EX-VESSEL LAND-
24 INGS FEE CALCULATION.—Not later than 60 days
25 after the date of issuance of the loan under this sec-

1 tion, the Secretary shall recalculate the ex-vessel
2 landing fee based on the most recent value of the
3 fishery.

4 (g) AUTHORIZATION.—There is authorized to be ap-
5 propriated to the Secretary of Commerce to carry out this
6 section an amount equal to 1 percent of the amount of
7 the loan authorized under this section for purposes of the
8 Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

○