To amend the Magnuson-Stevens Fishery Conservation and Management Act to provide flexibility for fishery managers and stability for fishermen, and for other purposes.
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.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.
Sec. 4. References.

TITLE I—MAGNUSON-STEVENS ACT FINDINGS AND DEFINITIONS
AMENDMENTS AND REAUTHORIZATION

Sec. 101. Amendments to findings.
Sec. 102. Amendments to definitions.
Sec. 103. Authorization of appropriations.

TITLE II—FISHERIES MANAGEMENT FLEXIBILITY AND
MODERNIZATION

Sec. 201. Definitions.
Sec. 202. Process for allocation review for South Atlantic and Gulf of Mexico
mixed-use fisheries.
Sec. 203. Alternative fishery management measures.
Sec. 204. Modifications to the annual catch limit requirement.
Sec. 205. Limitation on future catch share programs.
Sec. 206. Study of limited access privilege programs for mixed-use fisheries.
Sec. 207. Cooperative data collection.
Sec. 208. Recreational fishing data.
Sec. 209. Miscellaneous amendments relating to fishery management councils.

TITLE III—HEALTHY FISHERIES THROUGH BETTER SCIENCE

Sec. 301. Healthy fisheries through better science.
Sec. 302. Transparency and public process.
Sec. 303. Flexibility in rebuilding fish stocks.
Sec. 304. Exempted fishing permits.
Sec. 305. Cooperative research and management program.
Sec. 306. Gulf of Mexico fisheries cooperative research and red snapper manage-
ment.
Sec. 307. Ensuring consistent management for fisheries throughout their range.

TITLE IV—STRENGTHENING FISHING COMMUNITIES

Sec. 401. Estimation of cost of recovery from fishery resource disaster.
Sec. 402. Deadline for action on request by Governor for determination regarding
tfishery resource disaster.
Sec. 403. North Pacific Fishery management clarification.
Sec. 404. Limitation on harvest in North Pacific directed pollock fishery.
Sec. 405. Arctic community development quota.
Sec. 406. Reallocation of certain unused harvest allocation.
Sec. 407. Prohibition on shark feeding off coast of Florida.
Sec. 408. Restoration of historically freshwater environment.

SEC. 3. DEFINITIONS.

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

SEC. 4. REFERENCES.

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

TITLE I—MAGNUSON-STEVENS
ACT FINDINGS AND DEFINI-
TIONS AMENDMENTS AND RE-
AUTHORIZATION

SEC. 101. AMENDMENTS TO FINDINGS.

Section 2(a) (16 U.S.C. 1801) is amended—
(1) in paragraph (1), by inserting “cultural
well-being,” after “economy,”; and
(2) in paragraph (10), by inserting “and traditional ways of life” after “economic growth”.

SEC. 102. AMENDMENTS TO DEFINITIONS.

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

(1) in paragraph (2), by striking “management program’’;

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

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

“(8a) The term ‘depleted’ means, with respect to a stock of fish or stock complex, that the stock or stock complex has a biomass that has declined below a level that jeopardizes the capacity of the stock or stock complex to produce maximum sustainable yield on a continuing basis.”; and

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

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

“(B) In this paragraph—

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

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

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

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

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

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

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

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

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

TITLE II—FISHERIES MANAGEMENT FLEXIBILITY AND MODERNIZATION

SEC. 201. DEFINITIONS.

For the purposes of implementing this title:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—

The term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.
(2) Limited Access Privilege Program.—The term “limited access privilege program” means a program that meets the requirements of section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853a).

(3) Mixed-Use Fishery.—The term “mixed-used fishery” means a Federal fishery in which two or more of the following occur:

(A) Recreational fishing.

(B) Charter fishing.

(C) Commercial fishing.


(a) Study of Allocations in Mixed-Use Fisheries.—Not later than 60 days after the date of enactment of this Act, the Secretary of Commerce shall seek to enter into an arrangement with the National Academy of Sciences to conduct a study of South Atlantic and Gulf of Mexico mixed-use fisheries—

(1) to provide guidance to each applicable Council on criteria that could be used for allocating fishing privileges, including consideration of the conservation and socioeconomic benefits of the commercial, rec-
reational, and charter components of a fishery, in the
preparation of a fishery management plan;

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

(3) to develop procedures for allocation reviews
and potential adjustments in allocations; and

(4) that shall consider the ecological, economic
and social factors relevant to each component of the
mixed-use fishery including but not limited to: fair-
ness and equitability of all current allocations; per-
cent utilization of available allocations by each com-
ponent; consumer and public access to the resource;
and the application of economic models for fully esti-
mating the direct and indirect value-added contribu-
tions of the various commercial and recreational fish-
ing industry market sectors throughout chain of cus-
tody.

(b) Report.—Not later than 1 year after the date an
arrangement is entered into under subsection (a), the Na-
tional Academy of Sciences shall submit to the appropriate
committees of Congress a report on the study conducted
under that subsection.

(c) Process for Allocation Review and Estab-
lishment.—
(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, an applicable Council shall perform a review of the allocations to the commercial fishing sector and the recreational fishing sector of all applicable fisheries in its jurisdiction.

(2) CONSIDERATIONS.—In conducting a review under paragraph (1), an applicable Council shall consider, in each allocation decision, the conservation and socioeconomic benefits of—

(A) the commercial fishing sector; and
(B) the recreational fishing sector.

(d) DEFINITION OF APPLICABLE COUNCIL.—In this section, the term “applicable Council” means—

(1) the South Atlantic Fishery Management Council; or
(2) the Gulf of Mexico Fishery Management Council.

SEC. 203. ALTERNATIVE FISHERY MANAGEMENT MEASURES.
Section 302(h) (16 U.S.C. 1852(h)) is amended—

(1) in paragraph (7)(C), by striking “; and” and inserting a semicolon;
(2) by redesignating paragraph (8) as paragraph (9); and
(3) by inserting after paragraph (7), the following:

“(8) have the authority to use alternative fishery management measures in a recreational fishery (or the recreational component of a mixed-use fishery), including extraction rates, fishing mortality targets, and harvest control rules, in developing a fishery management plan, plan amendment, or proposed regulations; and”.

SEC. 204. MODIFICATIONS TO THE ANNUAL CATCH LIMIT REQUIREMENT.

(a) REGIONAL FISHERY MANAGEMENT COUNCILS.—Section 302 (16 U.S.C. 1852) is amended by adding at the end the following:

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

“(1) ANNUAL CATCH LIMIT REQUIREMENT FOR CERTAIN DATA-POOR FISHERIES.—Notwithstanding subsection (h)(6), in the case of a stock of fish for which the total annual catch limit is 25 percent or more below the overfishing limit, a peer-reviewed stock survey and stock assessment have not been performed during the preceding 5 fishing years, and the stock is not subject to overfishing, a Council may, after notifying the Secretary, maintain the current
annual catch limit for the stock until a peer-reviewed stock survey and stock assessment are conducted and the results are considered by the Council and its scientific and statistical committee.

“(2) CONSIDERATION OF ECOSYSTEM AND ECONOMIC IMPACTS.—In establishing annual catch limits a Council may, consistent with subsection (h)(6), consider changes in an ecosystem and the economic needs of the fishing communities.

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

“(A) an ecosystem-component species;

“(B) a fishery for a species that has a life cycle of approximately 1 year, unless the Secretary has determined the fishery is subject to overfishing; or

“(C) a stock for which—

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

“(ii) fishing mortality will have little impact on the stock.
“(4) Relationship to international fishery efforts.—

“(A) In general.—Each annual catch limit, consistent with subsection (h)(6)—

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

“(ii) in the case of an annual catch limit developed by a Council for a species, shall take into account fishing for the species outside the exclusive economic zone and the life-history characteristics of the species that are not subject to the jurisdiction of the Council.

“(B) Exception to annual catch limit requirement.—If fishery management activities by another country with respect to fishing outside the exclusive economic zone may hinder conservation efforts by United States fishermen for a fish species for which any of the recruitment, distribution, life history, or fishing activities are transboundary, and for which there is no informal transboundary agreement with that country in effect, then—
“(i) notwithstanding subsection (h)(6), no annual catch limit is required to be developed for the species by a Council; and

“(ii) if an annual catch limit is developed by a Council for the species, the catch limit shall take into account fishing for the species outside the exclusive economic zone that is not subject to the jurisdiction of the Council.

“(5) AUTHORIZATION FOR MULTISPECIES COMPLEXES AND MULTIYEAR ANNUAL CATCH LIMITS.—For purposes of subsection (h)(6), a Council may establish—

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

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

“(6) ECOSYSTEM-COMPONENT SPECIES DEFINED.—In this subsection the term ‘ecosystem-component species’ means a stock of fish that is a nontarget, incidentally harvested stock of fish in a fishery, or a nontarget, incidentally harvested stock of fish that a Council or the Secretary has determined—
“(A) is not subject to overfishing, approaching a depleted condition or depleted; and

“(B) is not likely to become subject to overfishing or depleted in the absence of conservation and management measures.

“(7) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as providing an exemption from the requirements of section 301(a) of this Act.”.

(b) ACTION BY THE SECRETARY.—Section 304 (16 U.S.C. 1854) is amended—

(1) by striking “(i) INTERNATIONAL OVERFISHING.—” and inserting “(j) INTERNATIONAL OVERFISHING.—”;

(2) in subsection (j)(1), as redesignated, by inserting “shall” before “immediately”; and

(3) by adding at the end the following:

“(k) STOCK SURVEYS AND ASSESSMENTS.—Not later than 2 years after the date that the Secretary receives notice from a Council under section 302(m), the Secretary shall complete a peer-reviewed stock survey and stock assessment of the applicable stock of fish and transmit the results of the survey and assessment to the Council.”.
SEC. 205. LIMITATION ON FUTURE CATCH SHARE PROGRAMS.

(a) Catch Share Defined.—Section 3 (16 U.S.C. 1802) is amended by inserting after paragraph (2) the following:

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

(b) Catch Share Referendum Pilot Program.—

(1) In General.—Section 303A(c)(6)(D) (16 U.S.C. 1853a(c)(6)(D)) is amended to read as follows:

“(D) Catch share referendum pilot program.—

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

“(ii) The Secretary may, at the request
of the New England Fishery Management
Council, allow participation in such a ref-
erendum for a fishery under the Council’s
authority, by fishing vessel crewmembers
who derive a significant portion of their
livelihood from such fishing.

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

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

“(II) an estimate of the costs of
the program, including costs to partici-
pants;

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

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

“(iv) For the purposes of this subpara-
graph, the term ‘permit holder eligible to
participate’ only includes the holder of a
permit for a fishery under which fishing
has occurred in 3 of the 5 years preceding
a referendum for the fishery, unless sickness,
injury, or other unavoidable hardship pre-
vented the permit holder from engaging in
such fishing.

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

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

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

SEC. 206. STUDY OF LIMITED ACCESS PRIVILEGE PROGRAMS FOR MIXED-USE FISHERIES.

(a) Study on Limited Access Privilege Programs.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce shall seek to enter into an arrangement under which the Ocean Studies Board of the National Academies of Sciences, Engineering, and Medicine shall—

(1) study the use of limited access privilege programs in mixed-use fisheries, including—
(A) identifying any inequities caused by a limited access privilege program;

(B) recommending policies to address the inequities identified in subparagraph (A); and

(C) identifying and recommending the different factors and information a mixed-use fishery should consider when designing, establishing, or maintaining a limited access privilege program to mitigate any inequities identified in subparagraph (A); and

(2) submit to the appropriate committees of Congress a report on the study under paragraph (1), including the recommendations under subparagraphs (B) and (C) of paragraph (1).

(b) TEMPORARY MORATORIUM.—

(1) IN GENERAL.—Except as provided in paragraph (2), there shall be a moratorium on the submission and approval of a limited access privilege program for a mixed-used fishery until the date that the report is submitted under subsection (a)(1)(B).

(2) EXCEPTION.—Subject to paragraph (3), a Council may submit, and the Secretary of Commerce may approve, for a mixed-use fishery that is managed under a limited access system, a limited access privilege program if such program was part of a
pending fishery management plan or plan amend-
ment before the date of enactment of this Act.

(3) MANDATORY REVIEW.—A Council that ap-
proves a limited access privilege program under para-
graph (2) shall, upon issuance of the report required
under subparagraph (a), review and, to the extent
practicable, revise the limited access privilege pro-
gram to be consistent with the recommendations of the
report or any subsequent statutory or regulatory re-
quirements designed to implement the recommenda-
tions of the report.

(4) RULE OF CONSTRUCTION.—Nothing in this
section may be construed to affect a limited access
privilege program approved by the Secretary of Com-
merce before the date of enactment of this Act.

SEC. 207. COOPERATIVE DATA COLLECTION.

(a) IMPROVING DATA COLLECTION AND ANALYSIS,—
Section 404 (16 U.S.C. 1881c) is amended by adding at
the end the following:

“(e) IMPROVING DATA COLLECTION AND ANALYSIS.—

“(1) IN GENERAL.—Not later than 1 year after
the date of enactment of this Act, the Secretary shall
develop, in consultation with the science and statisti-
cal committees of the Councils established under sec-
tion 302(g) and the Marine Fisheries Commissions,
and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on facilitating greater incorporation of data, analysis, stock assessments, and surveys from State agencies and nongovernmental sources described in paragraph (2) into fisheries management decisions.

“(2) Nongovernmental sources.—Nongovernmental sources referred to in paragraph (1) include the following:

“(A) Fishermen.
“(B) Fishing communities.
“(C) Universities.
“(D) Research and philanthropic institutions.

“(3) Content.—In developing the report under paragraph (1), the Secretary shall—

“(A) identify types of data and analysis, especially concerning recreational fishing, that can be reliably used for purposes of this Act as the basis for establishing conservation and management measures as required by section 303(a)(1), including setting standards for the collection and use of that data and analysis in stock assess-
ments and surveys and for other purposes as de-
determined by the Secretary;

“(B) provide specific recommendations for
collecting data and performing analyses identi-
ﬁed as necessary to reduce uncertainty in and
improve the accuracy of future stock assessments,
including whether such data and analysis could
be provided by nongovernmental sources, includ-
ing fishermen, fishing communities, universities,
and research institutions;

“(C) consider the extent to which it is pos-
sible to establish a registry of persons collecting
or submitting the data and performing the anal-
yses identiﬁed under subparagraphs (A) and
(B); and

“(D) consider the extent to which the ac-
ceptance and use of data and analyses identiﬁed
in the report in ﬁshery management decisions is
practicable.”.

(b) DEADLINE.—The Secretary of Commerce shall de-
velop and publish guidelines under the amendment made
by paragraph (a) by not later than 1 year after the date
of enactment of this Act.

(c) NAS REPORT RECOMMENDATIONS.—The Secretary
of Commerce shall take into consideration and, to the extent
feasible, implement the recommendations of the National Academy of Sciences in the report entitled “Review of the Marine Recreational Information Program (2017)”, including—

(1) prioritizing the evaluation of electronic data collection, including smartphone applications, electronic diaries for prospective data collection, and an Internet website option for panel members or for the public;

(2) evaluating whether the design of the Marine Recreational Information Program for the purposes of stock assessment and the determination of stock management reference points is compatible with the needs of in-season management of annual catch limits; and

(3) if the Marine Recreational Information Program is incompatible with the needs of in-season management of annual catch limits, determining an alternative method for in-season management.

SEC. 208. RECREATIONAL FISHING DATA.

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

“(4) FEDERAL-STATE PARTNERSHIPS.—

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

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

SEC. 209. MISCELLANEOUS AMENDMENTS RELATING TO FISHERY MANAGEMENT COUNCILS.

(a) COUNCIL JURISDICTION FOR OVERLAPPING FISHERIES.—Section 302(a)(1) (16 U.S.C. 1852(a)) is amended—

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

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

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

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

(A) by striking “21” and inserting “22”; and
(B) by inserting before the period at the end “and a liaison who is a member of the New England Fishery Management Council to represent the interests of fisheries under the jurisdiction of such Council”.

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

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

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

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

(d) PROHIBITION ON CONSIDERING RED SNAPPER KILLED DURING REMOVAL OF OIL RIGS.—Any red snapper that are killed during the removal of any offshore oil rig in the Gulf of Mexico shall not be considered in determining under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) whether the total allowable catch for red snapper has been reached.
(e) Prohibition on Considering Fish Seized From Foreign Fishing.—Any fish that are seized from a foreign vessel engaged in illegal fishing activities in the exclusive economic zone shall not be considered in determining under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) the total allowable catch for that fishery.

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

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

(a) Definition of Stock Assessment.—Section 3 (16 U.S.C. 1802), as amended by section 102(a) of this Act, is further amended by redesignating the paragraphs after paragraph (42) in order as paragraphs (44) through (53), and by inserting after paragraph (42) the following:

“(43) The term ‘stock assessment’ means an evaluation of the past, present, and future status of a stock of fish, that includes—

“(A) a range of life history characteristics for such stock, including—

“(i) the geographical boundaries of such stock; and

“(ii) information on age, growth, natural mortality, sexual maturity and repro-
duction, feeding habits, and habitat preferences of such stock; and
“(B) fishing for the stock.”.

(b) Stock Assessment Plan.—

(1) In general.—Section 404 (16 U.S.C. 1881c), as amended by section 207(a) of this Act, is further amended by adding at the end the following:
“(f) Stock Assessment Plan.—

“(1) In general.—The Secretary shall develop and publish in the Federal Register, on the same schedule as required for the strategic plan required under subsection (b) of this section, a plan to conduct stock assessments for all stocks of fish for which a fishery management plan is in effect under this Act.

“(2) Contents.—The plan shall—

“(A) for each stock of fish for which a stock assessment has previously been conducted—

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

“(ii) subject to the availability of appropriations, require completion of a new stock assessment, or an update of the most recent stock assessment—
“(I) every 5 years; or

“(II) within such other time period specified and justified by the Secretary in the plan;

“(B) for each stock of fish for which a stock assessment has not previously been conducted—

“(i) establish a schedule for conducting an initial stock assessment that is reasonable given the biology and characteristics of the stock; and

“(ii) subject to the availability of appropriations, require completion of the initial stock assessment within 3 years after the plan is published in the Federal Register unless another time period is specified and justified by the Secretary in the plan; and

“(C) identify data and analysis, especially concerning recreational fishing, that, if available, would reduce uncertainty in and improve the accuracy of future stock assessments, including whether such data and analysis could be provided by fishermen, fishing communities, universities, and research institutions, to the extent that use of such data would be consistent with
the requirements in section 301(a)(2) to base
conservation and management measures on the
best scientific information available.

“(3) WAIVER OF STOCK ASSESSMENT REQUIRE-
MENT.—Notwithstanding subparagraphs (A)(ii) and
(B)(ii), a stock assessment is not required for a stock
of fish in the plan if the Secretary determines that
such a stock assessment is not necessary and justifies
such determination in the Federal Register notice re-
quired by this subsection.”.

(2) DEADLINE.—Notwithstanding section
404(f)(1) of the Magnuson-Stevens Fishery Conserva-
tion and Management Act, as amended by this sec-
tion, the Secretary of Commerce shall issue the first
stock assessment plan under such section by not later
than 2 years after the date of enactment of this Act.

SEC. 302. TRANSPARENCY AND PUBLIC PROCESS.

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

(b) MEETINGS.—Section 302(i)(2) (16 U.S.C.
1852(i)(2)) is amended by adding at the end the following:
“(G) Each Council shall make available on the Internet Web site of the Council—

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

“(ii) audio, video (if the meeting was in person or by video conference), or a searchable audio or written transcript of each meeting of the Council and of the meetings of committees referred to in section (g)(1)(B) of the Council by not later than 30 days after the conclusion of the meeting.

“(H) The Secretary shall maintain and make available to the public an archive of Council and scientific and statistical committee meeting audios, videos, and transcripts made available under clauses (i) and (ii) of subparagraph (G).”.

(c) FISHERY IMPACT STATEMENTS.—

(1) REQUIREMENT.—Section 303 (16 U.S.C. 1853) is amended—
(A) in subsection (a), by striking paragraph (9) and redesignating paragraphs (10) through (15) as paragraphs (9) through (14), respectively; and

(B) by adding at the end the following:

“(d) FISHERY IMPACT STATEMENT.—

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

“(2) The fishery impact statement shall describe—

“(A) a purpose of the proposed action;

“(B) the environmental impact of the proposed action;

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

“(D) a reasonable range of alternatives to the proposed action;
“(E) the relationship between short-term use of fishery resources and the enhancement of long-term productivity;

“(F) the cumulative conservation and management effects; and

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

“(i) participants in the fisheries and fishing communities affected by the proposed action;

“(ii) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants; and

“(iii) the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants in the fishery.

“(3) A substantially complete fishery impact statement, which may be in draft form, shall be available not less than 14 days before the beginning of the meeting at which a Council makes its final decision on the proposal (for plans, plan amendments, or proposed regulations prepared by a Council pursuant to
subsection (a) or (c)). Availability of this fishery impact statement will be announced by the methods used by the Council to disseminate public information and the public and relevant government agencies will be invited to comment on the fishery impact statement.

“(4) The completed fishery impact statement shall accompany the transmittal of a fishery management plan or plan amendment as specified in section 304(a), as well as the transmittal of proposed regulations as specified in section (b).

“(5) The Councils shall, subject to approval by the Secretary, establish criteria to determine actions or classes of action of minor significance regarding subparagraphs (A), (B), (D), (E), and (F) of paragraph (2), for which preparation of a fishery impact statement is unnecessary and categorically excluded from the requirements of this section, and the documentation required to establish the exclusion.

“(6) The Councils shall, subject to approval by the Secretary, prepare procedures for compliance with this section that provide for timely, clear, and concise analysis that is useful to decisionmakers and the public, reduce extraneous paperwork and effectively involve the public, including—
“(A) using Council meetings to determine the scope of issues to be addressed and identifying significant issues related to the proposed action;

“(B) integration of the fishery impact statement development process with preliminary and final Council decision making in a manner that provides opportunity for comment from the public and relevant government agencies prior to these decision points; and

“(C) providing scientific, technical, and legal advice at an early stage of the development of the fishery impact statement to ensure timely transmittal and Secretarial review of the proposed fishery management plan, plan amendment, or regulations to the Secretary.”.

(2) **EVALUATION OF ADEQUACY.**—Section 304(a)(2) (16 U.S.C. 1854(a)(2)) is amended by striking “and” after the semicolon at the end of subparagraph (B), striking the period at the end of subparagraph (C) and inserting “; and”, and by adding at the end the following:

“(D) evaluate the adequacy of the accompanying fishery impact statement as basis for fully considering the environmental impacts of
implementing the fishery management plan or plan amendment.”.

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

“(b) REVIEW OF REGULATIONS.—

“(1) Upon transmittal by the Council to the Secretary of proposed regulations prepared under section 303(c), the Secretary shall immediately initiate an evaluation of the proposed regulations to determine whether they are consistent with the fishery management plan, plan amendment, this Act and other applicable law. The Secretary shall also immediately initiate an evaluation of the accompanying fishery impact statement as a basis for fully considering the environmental impacts of implementing the proposed regulations. Within 15 days of initiating such evaluation the Secretary shall make a determination and—

”.

(4) EFFECT ON TIME REQUIREMENTS.—Section 305(e) (16 U.S.C. 1855(e)) is amended by inserting “the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.),” after “the Regulatory Flexibility Act (5 U.S.C. 601 et seq.),”.
SEC. 303. FLEXIBILITY IN REBUILDING FISH STOCKS.

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

(1) in paragraph (4)—

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

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

“(ii) may not exceed the time the stock would be rebuilt without fishing occurring plus one mean generation, except in a case in which—

“(I) the biology of the stock of fish, other environmental conditions, or management measures under an international agreement in which the United States participates dictate otherwise;

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

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

“(IV) the Secretary determines
that recruitment, distribution, or life
history of, or fishing activities for, the
stock are affected by informal trans-
boundary agreements under which
management activities outside the ex-
clusive economic zone by another coun-
try may hinder conservation and man-
agement efforts by United States fish-
ermen; and

“(V) the Secretary determines that
the stock has been affected by unusual
events that make rebuilding within the
specified time period improbable with-
out significant economic harm to fish-
ing communities;”;

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

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

and

(D) by striking the period at the end of subparagraph (D) (as so redesignated) and inserting “; and”, and by adding at the end the following:

“(E) specify a schedule for reviewing the rebuilding targets, evaluating environmental impacts on rebuilding progress, and evaluating progress being made toward reaching rebuilding targets.”; and

(2) by adding at the end the following:

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

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

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

“(B) within 90 days after the completion of
the next stock assessment after such determina-

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

SEC. 304. EXEMPTED FISHING PERMITS.

(a) In General.—Before the approval and issuance
of an exempted fishing permit under section 600.745 of title
50, Code of Federal Regulations, or any successor regula-
tion, the Secretary of Commerce shall—

(1) direct a joint peer review of the application
for the exempted fishing permit by the appropriate re-
gional fisheries science center and State marine fish-
eries commission; and
(2) certify that the Council or Federal agency with jurisdiction over the affected fishery has determined that—

(A) the fishing activity to be conducted under the proposed exempted fishing permit would not negatively impact any management measures or conservation objectives included within existing fishery management plans or plan amendments;

(B) the social and economic impacts in both dollar amounts and loss of fishing opportunities on all participants in each sector of the fishery expected to occur as a result of the proposed exempted fishing permit would be minimal;

(C) the information that would be collected through the fishing activity to be conducted under the proposed exempted fishing permit will have a positive and direct impact on the conservation, assessment, or management of the fishery; and

(D) the Governor of each coastal State potentially impacted by the proposed exempted fishing permit, as determined by the Secretary, has been consulted on the fishing activity to be conducted.
(b) CLARIFICATION.—The Secretary may not issue an exempted fishing permit under section 600.745 of title 50, Code of Federal Regulations, or any successor regulation that—

(1) establishes a limited access system as defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802);

(2) is consistent with section 303A of such Act (16 U.S.C. 1853a); or

(3) establishes a catch share program as defined in section 206(a) of this Act.

(c) SAVINGS PROVISION.—Except for subsection (b)(2), nothing in this section may be construed to affect an exempted fishing permit approved under section 600.745 of title 50, Code of Federal Regulations, before the date of enactment of this Act.

SEC. 305. COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM.

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

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

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

and

(2) in subsection (c)—

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

(B) in paragraph (1), by striking “including” and all that follows and inserting the following: “including—

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

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

“(C) improving monitoring and observer coverage through the expanded use of electronic monitoring devices.”.
SEC. 306. GULF OF MEXICO FISHERIES COOPERATIVE RESEARCH AND RED SNAPPER MANAGEMENT.

(a) Federal Gulf of Mexico Red Snapper Management.—Section 407 (16 U.S.C. 1883) is amended by striking all after the section heading and inserting the following:

“(a) Certification of State Surveys.—

“(1) Inclusion of Certified State Surveys.—In establishing the acceptable biological catch and total allowable catch for red snapper in the Gulf of Mexico, the Secretary shall include—

“(A) Gulf State recreational fisheries surveys that are certified under subsection (b); and

“(B) data related to red snapper in the Gulf of Mexico collected by the Gulf States Marine Fisheries Commission, nongovernmental organizations, and other nongovernmental sources, including universities and research institutions.

“(b) State Surveys.—

“(1) Submission.—A Gulf State that conducts a recreational fisheries survey in the Gulf of Mexico to make catch estimates for red snapper landed in such State may submit such survey to the Secretary for certification.

“(2) Certification.—
“(A) IN GENERAL.—The Secretary shall make a certification or a denial of certification for any survey submitted under paragraph (1) not later than the end of the 6-month period beginning on the date the survey is submitted.

“(B) DEEMED CERTIFIED.—A recreational fisheries survey is deemed to be certified effective upon the expiration of such period if the Secretary has not made a certification or denial of certification.

“(3) MODIFICATION OF SURVEYS DENIED CERTIFICATION.—

“(A) IN GENERAL.—If a survey of a Gulf State is denied certification under paragraph (2), the Secretary shall, not later than 60 days after the date of the denial, provide the Gulf State a proposal for modifications to the survey.

“(B) PROPOSAL.—A proposal provided to a Gulf State for a survey under subparagraph (A)—

“(i) shall be specific to the survey submitted by such Gulf State and may not be construed to apply to any other Gulf State;

“(ii) shall require revision to the fewest possible provisions of the survey; and
“(iii) may not unduly burden the ability of such Gulf State to revise the survey.

“(C) MODIFIED SURVEY.—

“(i) AUTHORITY TO SUBMIT.—If a survey of a Gulf State was denied certification under paragraph (2), the Gulf State may modify the survey and submit the modified survey to the Secretary for certification or denial of certification.

“(ii) SCHEDULE.—The Secretary shall make a certification or denial of certification for any modified survey not later than the end of the 30-day period beginning on the date the modified survey is submitted.

“(iii) DEEMED CERTIFIED.—A modified survey is deemed to be certified effective upon the expiration of the period described in clause (ii) if the Secretary has not made a certification or denial of certification.

“(c) DEFINITIONS.—In this section:

“(1) GULF STATE.—The term ‘Gulf State’ means each of the States of Texas, Louisiana, Mississippi, Alabama, or Florida.
“(2) Red snapper.—The term ‘red snapper’ means the species Lutjanus campechanus.”.

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

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

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

(3) in such development and implementation—

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

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

(c) Use of Fisheries Information in Stock Assessments.—The Southeast Science Center Director shall ensure that fisheries information made available through fisheries programs funded under Public Law 112–141 is incorporated as soon as possible into any fisheries stock
asessments conducted after the date of the enactment of this Act.

(d) State Fisheries Management in the Gulf of Mexico With Respect to Red Snapper.—Section 306(b) (16 U.S.C. 1856(b)) is amended by adding at the end the following:

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

SEC. 307. Ensuring Consistent Management for Fisheries Throughout Their Range.

(a) In General.—The Act is amended by inserting after section 4 the following:


“(b) Fisheries Restrictions Under Endangered Species Act of.—To ensure transparency and consistent
management of fisheries throughout their range, any re-
striction on the management of fish in the exclusive eco-
nomic zone that is necessary to implement a recovery plan
et seq.) shall be implemented—
“(1) using authority under this Act; and
“(2) in accordance with processes and time
schedules required under this Act.”.

(b) CLERICAL AMENDMENT.—The table of contents in
the first section is amended by inserting after the item relat-
ing to section 3 the following:

“Sec. 4. Authorization of appropriations.
“Sec. 5. Ensuring consistent fisheries management under certain other Federal
laws.”.

TITLE IV—STRENGTHENING
FISHING COMMUNITIES

SEC. 401. ESTIMATION OF COST OF RECOVERY FROM FISHERY RESOURCE DISASTER.

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

(1) by inserting “(A)” after “(1)”;

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

(3) by adding at the end the following:
“(B) The Secretary shall publish the estimated cost of recovery from a fishery resource disaster no later than 30 days after the Secretary makes the determination under subparagraph (A) with respect to such disaster.”.

SEC. 402. DEADLINE FOR ACTION ON REQUEST BY Governor FOR DETERMINATION REGARDING FISHERY RESOURCE DISASTER.

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

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

SEC. 403. NORTH PACIFIC FISHERY MANAGEMENT CLARIFICATION.

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

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

(2) by striking “on August 1, 1996”.

•HR 200 RH
SEC. 404. LIMITATION ON HARVEST IN NORTH PACIFIC DIRECTED POLLOCK FISHERY.

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

“(1) HARVESTING.—

“(A) LIMITATION.—No particular individual, corporation, or other entity may harvest, through a fishery cooperative or otherwise, a percentage of the pollock available to be harvested in the directed pollock fishery that exceeds the percentage established for purposes of this paragraph by the North Pacific Fishery Management Council.

“(B) MAXIMUM PERCENTAGE.—The percentage established by the North Pacific Fishery Management Council shall not exceed 24 percent of the pollock available to be harvested in the directed pollock fishery.”.

SEC. 405. ARCTIC COMMUNITY DEVELOPMENT QUOTA.

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

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

SEC. 406. REALLOCATION OF CERTAIN UNUSED HARVEST ALLOCATION.

(a) REALLOCATION.—

(1) IN GENERAL.—Effective January 1, 2018, and thereafter annually, if the Regional Administrator receives receipt of written notice that the allocation holder named in section 803 of the Consolidated Appropriations Act, 2004 (Public Law 108–199, 16 U.S.C. 1851 note), will not harvest some or all of the Aleutian Islands directed pollock, the Regional Administrator, as soon as practicable, shall—

(A) if the allocation as designated in section 803 of the Consolidated Appropriations Act, 2004 does not exceed the total allowable catch for the Bering Sea subarea, reallocate the projected unused Aleutian Islands directed pollock to the Bering Sea subarea for harvest by the allocation
holder named in section 803 of the Consolidated Appropriations Act, 2004; or

(B) if the allocation exceeds the total allowable catch for the Bering Sea subarea, reallocate a portion of the allocation, up to the total allowable catch for the Bering Sea Subarea.

(2) The allocation shall be provided to the Aleut Corporation for the purposes of economic development in Adak, Alaska, pursuant to the requirement of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(b) IMPLEMENTATION.—For the purposes of this section:

(1) the allocation holder described in subsection (a) shall retain control of the allocation referenced in such subsection, including such portions of the allocation that may be reallocated pursuant to this section; and

(2) the allocations in section 206(b) of the American Fisheries Act (16 U.S.C. 1851 note) apply to the Bering Sea portion of the directed pollock fishery and not to the allocation holder under section 803 of the Consolidated Appropriations Act, 2004.

(c) CONSENT REQUIREMENT.—The Aleut Corporation will provide written consent for other vessels to take or proc-
ess the allocation, a physical copy of which must be present on the vessel.

(d) Revision of Regulations and Management Plans.—

(1) In General.—The North Pacific Fishery Management Council, in consultation with the National Marine Fisheries Service, shall modify all applicable regulations and management plans so that the allocation holder named in section 803 of the Consolidated Appropriations Act, 2004, may harvest the reallocated Aleutian Islands directed pollock fishery in the Bering Sea subarea as soon as practicable.

(2) Management of Allocation.—The National Marine Fisheries Service, in consultation with the North Pacific Fishery Management Council, shall manage the Aleutian Islands directed pollock fishery to ensure compliance with the implementing statute and with the annual harvest specifications.

(3) Enforcement.—Taking or processing any part of the allocation made by section 803 of the Consolidated Appropriations Act, 2004, and reallocated under this section without the consent required under subsection (c) shall be considered in violation of section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) and sub-
ject to the penalties and sanctions under section 308
of such Act (16 U.S.C. 1858), and any fish harvested
or processed under such taking or possessing shall be
subject to forfeiture.

SEC. 407. PROHIBITION ON SHARK FEEDING OFF COAST OF

FLORIDA.

Section 307 (16 U.S.C. 1857) is amended—
(1) by striking “It is unlawful—” and inserting
the following:
“(a) IN GENERAL.—It is unlawful—”;
and
(2) by adding at the end the following:
“(b) PROHIBITION ON SHARK FEEDING OFF COAST OF

FLORIDA.—
“(1) IN GENERAL.—It is unlawful—
“(A) for any diver to engage in shark feed-
ing in covered waters; and
“(B) for any person to operate a vessel for
hire for the purpose of carrying a passenger to
a site if such person knew or should have known
that the passenger intended, at that site, to be a
diver—
“(i) engaged in shark feeding in cov-
ered waters; or
“(ii) engaged in observing shark feed-
ing in covered waters.
“(2) DEFINITIONS.—For purposes of this subsection:

“(A) COVERED WATERS.—The term ‘covered waters’ means Federal waters off the coast of Florida.

“(B) DIVER.—The term ‘diver’ means a person who is wholly or partially submerged in covered water and is equipped with a face mask, face mask and snorkel, or underwater breathing apparatus.

“(C) SHARK FEEDING.—The term ‘shark feeding’ means—

“(i) the introduction of food or any other substance into covered water for the purpose of feeding or attracting sharks; or

“(ii) presenting food or any other substance to a shark for the purpose of feeding or attracting sharks.

“(3) EXCEPTION.—This subsection shall not apply to shark feeding conducted—

“(A) by a research institution, university, or government agency for research purposes; or

“(B) for the purpose of harvesting sharks.”.
SEC. 408. RESTORATION OF HISTORICALLY FRESHWATER ENVIRONMENT.

Section 3(10) (16 U.S.C. 1802) is amended by inserting “, except that such term shall not include any area previously covered by land or a fresh water environment in a State where the average annual land loss of such State during the 20 years before the date of the enactment of the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act exceeds 10 square miles” after “maturity”.
A BILL

[Report No. 115-758]

H. R. 200

United States Congress

115th CONGRESS

H. R. 200

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