

§ 1867. Cooperative research and management program

(a) In general

The Secretary of Commerce, in consultation with the Councils, shall establish a cooperative research and management program to address needs identified under this chapter and under any other marine resource laws enforced by the Secretary. The program shall be implemented on a regional basis and shall be developed and conducted through partnerships among Federal, State, and Tribal managers and scientists (including interstate fishery commissions), fishing industry participants (including use of commercial charter or recreational vessels for gathering data), and educational institutions.

(b) Eligible projects

The Secretary shall make funds available under the program for the support of projects to address critical needs identified by the Councils in consultation with the Secretary. The program shall promote and encourage efforts to utilize sources of data maintained by other Federal agencies, State agencies, or academia for use in such projects.

(c) Funding

In making funds available the Secretary shall award funding on a competitive basis and based on regional fishery management needs, select programs that form part of a coherent program of research focused on solving priority issues identified by the Councils, and shall give priority to the following projects:

(1) Projects to collect data to improve, supplement, or enhance stock assessments, including the use of fishing vessels or acoustic or other marine technology.

(2) Projects to assess the amount and type of bycatch or post-release mortality occurring in a fishery.

(3) Conservation engineering projects designed to reduce bycatch, including avoidance of post-release mortality, reduction of bycatch in high seas fisheries, and transfer of such fishing technologies to other nations.

(4) Projects for the identification of habitat areas of particular concern and for habitat conservation.

(5) Projects designed to collect and compile economic and social data.

(d) Experimental permitting process

Not later than 180 days after January 12, 2007, the Secretary, in consultation with the Councils, shall promulgate regulations that create an expedited, uniform, and regionally-based process to promote issuance, where practicable, of experimental fishing permits.

(e) Guidelines

The Secretary, in consultation with the Councils, shall establish guidelines to ensure that participation in a research project funded under this section does not result in loss of a participant's catch history or unexpended days-at-sea as part of a limited entry system.

(f) Exempted projects

The procedures of this section shall not apply to research funded by quota set-asides in a fishery.

(Pub. L. 94-265, title III, §318, as added Pub. L. 109-479, title II, §204, Jan. 12, 2007, 120 Stat. 3614.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this Act", meaning Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, as amended, known as the Magnuson-Stevens Fishery Conservation and Management Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

§ 1868. Herring study

(a) In general

The Secretary may conduct a cooperative research program to study the issues of abundance, distribution and the role of herring as forage fish for other commercially important fish stocks in the Northwest Atlantic, and the potential for local scale depletion from herring harvesting and how it relates to other fisheries in the Northwest Atlantic. In planning, designing, and implementing this program, the Secretary shall engage multiple fisheries sectors and stakeholder groups concerned with herring management.

(b) Report

The Secretary shall present the final results of this study to Congress within 3 months following the completion of the study, and an interim report at the end of fiscal year 2008.

(c) Authorization of appropriations

There are authorized to be appropriated \$2,000,000 for fiscal year 2007 through fiscal year 2009 to conduct this study.

(Pub. L. 94-265, title III, §319, as added Pub. L. 109-479, title II, §205, Jan. 12, 2007, 120 Stat. 3615.)

§ 1869. Restoration study

(a) In general

The Secretary may conduct a study to update scientific information and protocols needed to improve restoration techniques for a variety of coast habitat types and synthesize the results in a format easily understandable by restoration practitioners and local communities.

(b) Authorization of appropriations

There are authorized to be appropriated \$500,000 for fiscal year 2007 to conduct this study.

(Pub. L. 94-265, title III, §320, as added Pub. L. 109-479, title II, §206, Jan. 12, 2007, 120 Stat. 3615.)

SUBCHAPTER V—FISHERY MONITORING AND RESEARCH

§ 1881. Registration and information management

(a) Standardized fishing vessel registration and information management system

The Secretary shall, in cooperation with the Secretary of the department in which the Coast Guard is operating, the States, the Councils, and Marine Fisheries Commissions, develop recommendations for implementation of a standardized fishing vessel registration and information management system on a regional basis. The

recommendations shall be developed after consultation with interested governmental and non-governmental parties and shall—

(1) be designed to standardize the requirements of vessel registration and information collection systems required by this chapter, the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.), and any other marine resource law implemented by the Secretary, and, with the permission of a State, any marine resource law implemented by such State;

(2) integrate information collection programs under existing fishery management plans into a non-duplicative information collection and management system;

(3) avoid duplication of existing State, tribal, or Federal systems and shall utilize, to the maximum extent practicable, information collected from existing systems;

(4) provide for implementation of the system through cooperative agreements with appropriate State, regional, or tribal entities and Marine Fisheries Commissions;

(5) provide for funding (subject to appropriations) to assist appropriate State, regional, or tribal entities and Marine Fisheries Commissions in implementation;

(6) establish standardized units of measurement, nomenclature, and formats for the collection and submission of information;

(7) minimize the paperwork required for vessels registered under the system;

(8) include all species of fish within the geographic areas of authority of the Councils and all fishing vessels including charter fishing vessels, but excluding recreational fishing vessels;

(9) require United States fish processors, and fish dealers and other first ex-vessel purchasers of fish that are subject to the proposed system, to submit information (other than economic information) which may be necessary to meet the goals of the proposed system; and

(10) include procedures necessary to ensure—

(A) the confidentiality of information collected under this section in accordance with section 1881a(b) of this title; and

(B) the timely release or availability to the public of information collected under this section consistent with section 1881a(b) of this title.

(b) Fishing vessel registration

The proposed registration system should, at a minimum, obtain the following information for each fishing vessel—

(1) the name and official number or other identification, together with the name and address of the owner or operator or both;

(2) gross tonnage, vessel capacity, type and quantity of fishing gear, mode of operation (catcher, catcher processor, or other), and such other pertinent information with respect to vessel characteristics as the Secretary may require; and

(3) identification (by species, gear type, geographic area of operations, and season) of the fisheries in which the fishing vessel participates.

(c) Fishery information

The proposed information management system should, at a minimum, provide basic fish-

eries performance information for each fishery, including—

(1) the number of vessels participating in the fishery including charter fishing vessels;

(2) the time period in which the fishery occurs;

(3) the approximate geographic location or official reporting area where the fishery occurs;

(4) a description of fishing gear used in the fishery, including the amount and type of such gear and the appropriate unit of fishing effort; and

(5) other information required under subsection¹ 1853(a)(5) of this title or requested by the Council under section 1881a of this title.

(d) Use of registration

Any registration recommended under this section shall not be considered a permit for the purposes of this chapter, and the Secretary may not propose to revoke, suspend, deny, or impose any other conditions or restrictions on any such registration or the use of such registration under this chapter.

(e) Public comment

Within one year after October 11, 1996, the Secretary shall publish in the Federal Register for a 60-day public comment period a proposal that would provide for implementation of a standardized fishing vessel registration and information collection system that meets the requirements of subsections (a) through (c). The proposal shall include—

(1) a description of the arrangements of the Secretary for consultation and cooperation with the department in which the Coast Guard is operating, the States, the Councils, Marine Fisheries Commissions, the fishing industry and other interested parties; and

(2) any proposed regulations or legislation necessary to implement the proposal.

(f) Congressional transmittal

Within 60 days after the end of the comment period and after consideration of comments received under subsection (e), the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a recommended proposal for implementation of a national fishing vessel registration system that includes—

(1) any modifications made after comment and consultation;

(2) a proposed implementation schedule, including a schedule for the proposed cooperative agreements required under subsection (a)(4); and

(3) recommendations for any such additional legislation as the Secretary considers necessary or desirable to implement the proposed system.

(g) Recreational fisheries

(1) Federal program

The Secretary shall establish and implement a regionally based registry program for recreational fishermen in each of the 8 fishery

¹ So in original. Probably should be "section".

management regions. The program, which shall not require a fee before January 1, 2011, shall provide for—

(A) the registration (including identification and contact information) of individuals who engage in recreational fishing—

- (i) in the Exclusive Economic Zone;
- (ii) for anadromous species; or
- (iii) for Continental Shelf fishery resources beyond the Exclusive Economic Zone; and

(B) if appropriate, the registration (including the ownership, operator, and identification of the vessel) of vessels used in such fishing.

(2) State programs

The Secretary shall exempt from registration under the program recreational fishermen and charter fishing vessels licensed, permitted, or registered under the laws of a State if the Secretary determines that information from the State program is suitable for the Secretary's use or is used to assist in completing marine recreational fisheries statistical surveys, or evaluating the effects of proposed conservation and management measures for marine recreational fisheries.

(3) Data collection

(A) Improvement of the marine recreational fishery statistics survey

Within 24 months after January 12, 2007, the Secretary, in consultation with representatives of the recreational fishing industry and experts in statistics, technology, and other appropriate fields, shall establish a program to improve the quality and accuracy of information generated by the Marine Recreational Fishery Statistics Survey, with a goal of achieving acceptable accuracy and utility for each individual fishery.

(B) NRC report recommendations

The program shall take into consideration and, to the extent feasible, implement the recommendations of the National Research Council in its report *Review of Recreational Fisheries Survey Methods* (2006), including—

- (i) redesigning the Survey to improve the effectiveness and appropriateness of sampling and estimation procedures, its applicability to various kinds of management decisions, and its usefulness for social and economic analyses; and
- (ii) providing for ongoing technical evaluation and modification as needed to meet emerging management needs.

(C) Methodology

Unless the Secretary determines that alternate methods will achieve this goal more efficiently and effectively, the program shall, to the extent possible, include—

- (i) an adequate number of intercepts to accurately estimate recreational catch and effort;
- (ii) use of surveys that target anglers registered or licensed at the State or Federal level to collect participation and effort data;
- (iii) collection and analysis of vessel trip report data from charter fishing vessels;

(iv) development of a weather corrective factor that can be applied to recreational catch and effort estimates; and

(v) an independent committee composed of recreational fishermen, academics, persons with expertise in stock assessments and survey design, and appropriate personnel from the National Marine Fisheries Service to review the collection estimates, geographic, and other variables related to dockside intercepts and to identify deficiencies in recreational data collection, and possible correction measures.

(D) Deadline

The Secretary shall complete the program under this paragraph and implement the improved Marine Recreational Fishery Statistics Survey not later than January 1, 2009.

(4) Federal-State partnerships

(A) Establishment

The Secretary shall establish a partnership with a State to develop best practices for implementing the State program established under paragraph (2).

(B) Guidance

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

(C) Biennial report

The Secretary shall submit to the appropriate committees of Congress and publish biennial reports that include—

- (i) the estimated accuracy of—
 - (I) the information provided under subparagraphs (A) and (B) of paragraph (1) for each registry program established under that paragraph; and
 - (II) the information from each State program that is used to assist in completing surveys or evaluating effects of conservation and management measures under paragraph (2);
- (ii) priorities for improving recreational fishing data collection; and
- (iii) an explanation of any use of information collected by such State programs and by the Secretary.

(D) States grant program

(i) In general

The Secretary may make grants to States to—

- (I) improve implementation of State programs consistent with this subsection; and
- (II) assist such programs in complying with requirements related to changes in recreational data collection under paragraph (3).

(ii) Use of funds

Any funds awarded through such grants shall be used to support data collection, quality assurance, and outreach to entities submitting such data. The Secretary shall prioritize such grants based on the ability

of the grant to improve the quality and accuracy of such programs.

(5) Report

Within 24 months after establishment of the program, the Secretary shall submit a report to Congress that describes the progress made toward achieving the goals and objectives of the program.

(h) Action by Secretary

The Secretary shall—

(1) within 90 days after December 31, 2018, enter into an agreement with the National Academy of Sciences to evaluate, in the form of a report—

(A) how the design of the Marine Recreational Information Program, for the purposes of stock assessment and the determination of stock management reference points, can be improved to better meet the needs of in-season management of annual catch limits under section 1853(a)(15) of this title; and

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

(2) within 6 months after receiving the report under paragraph (1), submit to Congress recommendations regarding—

(A) changes to be made to the Marine Recreational Information Program to make the program better meet the needs of in-season management of annual catch limits and other requirements under such section; and

(B) alternative management approaches that could be applied to recreational fisheries for which the Marine Recreational Information Program is not meeting the needs of in-season management of annual catch limits, consistent with other requirements of this chapter, until such time as the changes in subparagraph (A) are implemented.

(Pub. L. 94-265, title IV, § 401, as added Pub. L. 104-297, title II, § 202, Oct. 11, 1996, 110 Stat. 3605; amended Pub. L. 109-479, title II, § 201, Jan. 12, 2007, 120 Stat. 3611; Pub. L. 115-405, § 202, Dec. 31, 2018, 132 Stat. 5359.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1), (d) and (h)(2)(B), was in the original “this Act”, meaning Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, as amended, known as the Magnuson-Stevens Fishery Conservation and Management Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

The Marine Mammal Protection Act, referred to in subsec. (a)(1), probably means the Marine Mammal Protection Act of 1972, Pub. L. 92-522, Oct. 21, 1972, 86 Stat. 1027, as amended, which is classified generally to chapter 31 (§ 1361 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1361 of this title and Tables.

PRIOR PROVISIONS

A prior section 1881, Pub. L. 94-265, title IV, § 401, Apr. 13, 1976, 90 Stat. 359, related to authority to amend reg-

ulations to conform to Law of the Sea Treaty, prior to repeal by Pub. L. 99-659, title I, § 110, Nov. 14, 1986, 100 Stat. 3715.

AMENDMENTS

2018—Subsec. (g)(4), (5). Pub. L. 115-405, § 202(1), added par. (4) and redesignated former par. (4) as (5).

Subsec. (h). Pub. L. 115-405, § 202(2), added subsec. (h).

2007—Subsec. (g). Pub. L. 109-479 added subsec. (g) and struck out former subsec. (g) which required a report to Congress.

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

NAS REPORT RECOMMENDATIONS

Pub. L. 115-405, § 201(b), Dec. 31, 2018, 132 Stat. 5358, provided that: “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)’, and shall submit, every 2 years following the date of enactment of this Act [Dec. 31, 2018], a report to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives] detailing progress made implementing those recommendations. Recommendations considered shall include—

“(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.”

§ 1881a. Information collection

(a) Collection programs

(1) Council requests

If a Council determines that additional information would be beneficial for developing, implementing, or revising a fishery management plan or for determining whether a fishery is in need of management, the Council may request that the Secretary implement an information collection program for the fishery which would provide the types of information specified by the Council. The Secretary shall undertake such an information collection program if he determines that the need is justified, and shall promulgate regulations to implement the program within 60 days after such