

110TH CONGRESS
1ST SESSION

H. R. 4087

To amend the Magnuson-Stevens Fishery Conservation and Management Act to extend the authorized time period for rebuilding of certain overfished fisheries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 6, 2007

Mr. JONES of North Carolina 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 extend the authorized time period for rebuilding of certain overfished fisheries, 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 “Flexibility in Rebuild-
5 ing American Fisheries Act of 2007”.

1 **SEC. 2. EXTENSION OF TIME PERIOD FOR REBUILDING**
2 **CERTAIN OVERFISHED FISHERIES.**

3 Section 304(e) of the Magnuson-Stevens Fishery
4 Conservation and Management Act (16 U.S.C.
5 1854(e)(4)) is amended—

6 (1) in paragraph (4)(A)—

7 (A) in clause (i) by striking “possible” and
8 inserting “practicable”; and

9 (B) by amending clause (ii) to read as fol-
10 lows:

11 “(ii) not exceed 10 years, except in
12 cases where—

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

19 “(II) the Secretary determines
20 that such 10-year period should be ex-
21 tended because the cause of the fish-
22 ery decline is outside the jurisdiction
23 of the Council or the rebuilding pro-
24 gram cannot be effective only by lim-
25 iting fishing activities;

1 “(III) the Secretary determines
2 that such 10-year period should be ex-
3 tended to provide for the sustained
4 participation of fishing communities
5 or to minimize the economic impacts
6 on such communities, provided that
7 there is evidence that the stock is on
8 a positive rebuilding trajectory;

9 “(IV) the Secretary determines
10 that such 10-year period should be ex-
11 tended for one or more stocks of a
12 multi-species fishery, provided that
13 there is evidence that those stocks are
14 on a positive rebuilding trajectory; or

15 “(V) the Secretary determines
16 that such 10-year period should be ex-
17 tended because of a substantial
18 change to the biomass rebuilding tar-
19 get for the stock of fish concerned
20 after the rebuilding plan has taken ef-
21 fect.”; and

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

23 “(8) If the Secretary determines that extended
24 rebuilding time is warranted under subclause (III),
25 (IV), or (V) of paragraph (4)(A)(ii), the maximum

1 time allowed for rebuilding the stock of fish con-
2 cerned may not exceed the sum of the following time
3 periods:

4 “(A) The initial 10-year rebuilding period.

5 “(B) The expected time to rebuild the
6 stock absent any fishing mortality and under
7 prevailing environmental conditions.

8 “(C) The mean generation time of the
9 stock.”.

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