

4457; amended Pub. L. 102-582, title IV, § 404, Nov. 2, 1992, 106 Stat. 4909; Pub. L. 104-297, title I, § 117(a), Oct. 11, 1996, 110 Stat. 3603; Pub. L. 108-199, div. B, title VIII, § 801, Jan. 23, 2004, 118 Stat. 108; Pub. L. 109-479, title II, § 214, Jan. 12, 2007, 120 Stat. 3619.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (g)(1), (h)(1), and (j)(2), (3), (6), (7), was in the original “this Act”, meaning Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, 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.

Hereafter, referred to in subsec. (j)(1), probably means on and after the date of enactment of Pub. L. 108-199, which enacted subsec. (j) of this section and was approved Jan. 23, 2004.

CODIFICATION

In subsec. (j)(4), “sections 53735 and 53702(b) of title 46” substituted for “sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f, 1279g)” on authority of Pub. L. 109-304, § 18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted sections 53702 and 53735 of Title 46, Shipping.

AMENDMENTS

2007—Subsec. (a). Pub. L. 109-479, § 214(1), substituted “any fishery under the Council’s jurisdiction except a salmon fishery” for “all fisheries under the Council’s jurisdiction except salmon fisheries” in introductory provisions.

Subsec. (a)(2). Pub. L. 109-479, § 214(2), added par. (2) and struck out former par. (2) which read as follows: “establishes a system of fees to pay for the costs of implementing the plan.”

Subsec. (b)(2)(A). Pub. L. 109-479, § 214(3), substituted “observers, or electronic monitoring systems,” for “observers”.

Subsec. (b)(2)(E). Pub. L. 109-479, § 214(4), inserted “a fixed amount reflecting actual observer costs as described in subparagraph (A) or” after “expressed as”.

Subsec. (b)(2)(F). Pub. L. 109-479, § 214(5), (6), inserted “some or” after “against” and “or an electronic monitoring system” after “observer”.

Subsec. (b)(2)(I), (J). Pub. L. 109-479, § 214(7), (8), added subpar. (I) and redesignated former subpar. (I) as (J).

2004—Subsec. (j). Pub. L. 108-199 added subsec. (j).

1996—Pub. L. 104-297, § 117(a)(1), substituted “conservation” for “research plan” in section catchline.

Subsec. (a). Pub. L. 104-297, § 117(a)(2), substituted “North Pacific Council” for “North Pacific Fishery Management Council” in introductory provisions.

Subsecs. (f) to (i). Pub. L. 104-297, § 117(a)(3), added subsecs. (f) to (i).

1992—Subsec. (b)(2)(E). Pub. L. 102-582 substituted “2 percent, of the unprocessed ex-vessel” for “one percentum, of the”.

Statutory Notes and Related Subsidiaries

FEES

Pub. L. 117-328, div. S, title I, § 106, Dec. 29, 2022, 136 Stat. 5260, provided that:

“(a) IN GENERAL.—The North Pacific Fishery Management Council may recommend, and the Secretary of Commerce may approve, regulations necessary for the collection of fees from charter vessel operators who guide recreational anglers who harvest Pacific halibut in International Pacific Halibut Commission regulatory areas 2C and 3A as those terms are defined in part 300 of title 50, Code of Federal Regulations (or any successor regulations).

“(b) USE OF FEES.—Any fees collected under this section shall be available for the purposes of—

“(1) financing administrative costs of the Recreational Quota Entity program;

“(2) the purchase of halibut quota shares in International Pacific Halibut Commission regulatory areas 2C and 3A by the recreational quota entity authorized in part 679 of title 50, Code of Federal Regulations (or any successor regulations);

“(3) halibut conservation and research; and

“(4) promotion of the halibut resource by the recreational quota entity authorized in part 679 of title 50, Code of Federal Regulations (or any successor regulations).

“(c) LIMITATION ON COLLECTION AND AVAILABILITY.—Fees shall be collected and available pursuant to this section only to the extent and in such amounts as provided in advance in appropriations Acts, subject to subsection (d).

“(d) FEE COLLECTED DURING START-UP PERIOD.—Notwithstanding subsection (c), fees may be collected through the date of enactment of an Act making appropriations for the activities authorized under this Act [div. S of Pub. L. 117-328] through September 30, 2023, and shall be available for obligation and remain available until expended.”

§ 1863. Northwest Atlantic Ocean Fisheries Reinvestment Program

(a) Program

(1) Not later than October 1, 1993, the Secretary shall establish a Northwest Atlantic Ocean Fisheries Reinvestment Program for the purposes of—

(A) promoting development of commercial fisheries and markets for underutilized species of the northwest Atlantic Ocean;

(B) developing alternative fishing opportunities for participants in the New England groundfish fishery;

(C) providing technical support and assistance to United States fishermen and fish processors to improve the value-added processing of underutilized species and to make participation in fisheries for underutilized species of the northwest Atlantic Ocean economically viable;

(D) creating new economic opportunities through the improved processing and expanded use of fish waste; and

(E) helping to restore overfished New England groundfish stocks through aquaculture or hatchery programs.

(2) CONSULTATION.—In establishing and implementing the Northwest Fisheries Reinvestment Program, the Secretary shall consult with representatives of the commercial fishing industry, the seafood processing industry, and the academic community (including the National Sea Grant Program).

(3) ACTIVITIES UNDER PROGRAM.—Subject to the availability of appropriations, the Secretary shall award contracts, grants and other financial assistance to United States citizens to carry out the purposes of subsection¹ (1), under the terms and conditions provided in section 713c-3(c) of title 15, except that, in making awards under this section for projects involving participation in fisheries for underutilized species, the Secretary shall give the highest priority to a person who owns or operates a fishing

¹ So in original. Probably should be “paragraph”.

vessel permitted under this chapter to participate in the New England groundfish fishery who agrees to surrender that permit to the Secretary during the duration of the contract, grant or other assistance.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$5,000,000 for each of fiscal years 1993 through 1999 to carry out the purposes of this section. For fiscal year 1993 no more than \$1,000,000, and for fiscal year 1994 no more than \$2,000,000, of such funds may be provided from monies made available under section 713c-3(b) of title 15.

(b) Assistance of other agencies

The Secretary shall actively seek the assistance of other Federal agencies in the development of fisheries for underutilized species of the northwest Atlantic Ocean, including, to the extent permitted by other applicable laws, assistance from the Secretary of Agriculture in including such underutilized species as agricultural commodities in the programs of the Foreign Agricultural Service for which amounts are authorized under the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3359).

(c) Management plans for underutilized species

The New England Fishery Management Council, in consultation with other appropriate Councils, shall develop fishery management plans as soon as possible for any underutilized species of the northwest Atlantic Ocean that is not covered under such a plan, in order to prevent overfishing of that species.

(d) “Underutilized species” defined

For purposes of this section, the term “underutilized species of the northwest Atlantic Ocean” means any fish species of the northwest Atlantic Ocean that is identified, by the Director of the Northeast Fisheries Center of the National Marine Fisheries Service, as an underutilized species.

(Pub. L. 94-265, title III, §314, as added Pub. L. 102-567, title IX, §902(a), Oct. 29, 1992, 106 Stat. 4317; amended Pub. L. 104-297, title I, §117(b), Oct. 11, 1996, 110 Stat. 3604.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(3), was in the original “this Act”, meaning Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, 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 Food, Agriculture, Conservation, and Trade Act of 1990, referred to in subsec. (b), is Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3359. For complete classification of this Act to the Code, see Short Title of 1990 Amendment note set out under section 1421 of Title 7, Agriculture, and Tables.

AMENDMENTS

1996—Subsec. (a)(4). Pub. L. 104-297 substituted “1999” for “1997”.

§ 1864. Repealed. Pub. L. 117-328, div. S, title II, § 203(a), Dec. 29, 2022, 136 Stat. 5269

Section, Pub. L. 94-265, title III, §315, as added Pub. L. 109-479, title I, §113(a), Jan. 12, 2007, 120 Stat. 3601, re-

lated to regional coastal disaster assistance, transition, and recovery program.

Statutory Notes and Related Subsidiaries

FISHERIES HURRICANE ASSISTANCE PROGRAM

Pub. L. 109-479, title I, §115, Jan. 12, 2007, 120 Stat. 3604, provided that the Secretary of Commerce would establish an assistance program for the Gulf of Mexico commercial and recreational fishing industry and provided for allocation and use of funds for the program, with \$17,500,000 appropriated for each of fiscal years 2007 through 2012 to carry out this section.

§ 1865. Bycatch reduction engineering program

(a) Bycatch reduction engineering program

Not later than 1 year after January 12, 2007, the Secretary, in cooperation with the Councils and other affected interests, and based upon the best scientific information available, shall establish a bycatch reduction program, including grants, to develop technological devices and other conservation engineering changes designed to minimize bycatch, seabird interactions, bycatch mortality, and post-release mortality in Federally managed fisheries. The program shall—

(1) be regionally based;

(2) be coordinated with projects conducted under the cooperative research and management program established under this chapter;

(3) provide information and outreach to fishery participants that will encourage adoption and use of technologies developed under the program; and

(4) provide for routine consultation with the Councils in order to maximize opportunities to incorporate results of the program in Council actions and provide incentives for adoption of methods developed under the program in fishery management plans developed by the Councils.

(b) Incentives

Any fishery management plan prepared by a Council or by the Secretary may establish a system of incentives to reduce total bycatch and seabird interactions, amounts, bycatch rates, and post-release mortality in fisheries under the Council’s or Secretary’s jurisdiction, including—

(1) measures to incorporate bycatch into quotas, including the establishment of collective or individual bycatch quotas;

(2) measures to promote the use of gear with verifiable and monitored low bycatch and seabird interactions, rates; and

(3) measures that, based on the best scientific information available, will reduce bycatch and seabird interactions, bycatch mortality, post-release mortality, or regulatory discards in the fishery.

(c) Coordination on seabird interactions

The Secretary, in coordination with the Secretary of¹ Interior, is authorized to undertake projects in cooperation with industry to improve information and technology to reduce seabird bycatch, including—

(1) outreach to industry on new technologies and methods;

¹ So in original. Probably should be “of the”.