

Comparative Print: Changes in Existing Law for Bill number:

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Omitted text is shown **stricken**, new matter that is proposed is in *underlined italics*, and existing text in which no change is being proposed is shown in regular roman. Typesetting and stylistic characteristics, particularly in the headings and indentations, may not conform to how the text, if adopted, would be illustrated in subsequent versions of legislation or public law.

Summary

- (1) 222 amendments.
- (2) [30 automated notifications.](#)

Current Law(s) being amended

1. [Magnuson Stevens Fishery Conservation and Management Act](#)
2. Coastal Zone Management Act of 1972 (The law to be amended was not found)
3. [National Defense Authorization Act for Fiscal year 2017](#)
4. [National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002](#)
5. [Title 46 of the United States Code](#)
6. [Magnuson Stevens Fishery Conservation and Management Reauthorization Act of 2006](#)
7. [Modernizing Recreational Fisheries Management Act of 2018](#)
8. [Atlantic Tunas Convention Act of 1975](#)
9. [Tuna Conventions Act of 1950](#)

Comparative Print: Changes in Existing Law

1. Magnuson Stevens Fishery Conservation and Management Act

[As Amended Through P.L. 117–328, Enacted December 29,
2022]

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~~Sec. 2. Findings, purposes, and policy.~~

~~Sec. 3. Definitions.~~

~~[Sec. 4. Authorization of appropriations.¹]~~

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~~TITLE I—UNITED STATES RIGHTS AND AUTHORITY REGARDING FISH AND FISHERY RESOURCES~~

~~Sec. 101. United States sovereign rights to fish and fishery management authority.~~

~~Sec. 102. Highly migratory species.~~

~~TITLE II—FOREIGN FISHING AND INTERNATIONAL FISHERY AGREEMENTS~~

~~Sec. 201. Foreign fishing.~~

~~Sec. 202. International fishery agreements.~~

~~Sec. 203. Congressional oversight of governing International fishery agreements.²~~

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~~This item does not conform with the heading of such section.~~

~~Sec. 204. Permits for foreign fishing.~~

~~Sec. 205. Import prohibitions.~~

~~Sec. 206. Large-scale driftnet fishing.~~

~~[Sec. 207. International monitoring and compliance.³]~~

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~~The item in the table of contents for section 207 does not appear in law and is only included for the convenience of the reader.~~

~~TITLE III—NATIONAL FISHERY MANAGEMENT PROGRAM~~

~~Sec. 301. National standards for fishery conservation and management.~~
~~Sec. 302. Regional fishery management councils.~~
~~Sec. 303. Contents of fishery management plans.~~
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~~Sec. 321. Required possession of descending devices.⁴~~

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~~Effective on January 13, 2026, section 3(e)(1) of Public Law 116-340 provides for an amendment to repeal the item relating to section 321.~~

~~TITLE IV—FISHERY MONITORING AND RESEARCH~~

~~Sec. 401. Registration and information management.~~
~~Sec. 402. Information collection.~~
~~Sec. 403. Observers.~~
~~Sec. 404. Fisheries research.~~
~~Sec. 405. Incidental harvest research.~~
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~~Sec. 407. Gulf of Mexico red snapper research.~~

~~[Sec. 408. Deep sea coral research and technology program. 5]~~

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Sec. 2. FINDINGS, PURPOSES AND POLICY.

(a) **Findings.**— The Congress finds and declares the following:

(1) The fish off the coasts of the United States, the highly migratory species of the high seas, the species which dwell on or in the Continental Shelf appertaining to the United States, and the anadromous species which spawn in United States rivers or estuaries, constitute valuable and renewable natural resources. These fishery resources contribute to the food supply, economy, and health of the Nation and provide recreational opportunities.

~~(2) Certain stocks of fish have declined to the point where their survival is threatened, and other stocks of fish have been so substantially reduced in number that they could become similarly threatened as a consequence of (A) increased fishing pressure, (B) the inadequacy of fishery resource conservation and management practices and controls, or (C) direct and indirect habitat losses which have resulted in a diminished capacity to support existing fishing levels.~~

(2) Certain stocks of fish have declined to the point where their survival is threatened, and other stocks of fish have been so substantially reduced in number that they could become similarly threatened as a consequence of—

(A) increased fishing pressure;

(B) inadequate fishery resource conservation and management practices and controls;

(C) direct and indirect habitat losses that result in a diminished capacity to support existing fishing levels; or

(D) changing environmental conditions, including those associated with climate change.

~~(3) Commercial and recreational fishing constitutes a major source of employment and contributes significantly to the economy of the Nation. Many coastal areas are dependent upon fishing and related activities, and their economies have been badly damaged by the overfishing of fishery resources at an ever-increasing rate over the past decade. The activities of massive foreign fishing fleets in waters adjacent to such coastal areas have contributed to such damage, interfered with domestic fishing efforts, and caused destruction of the fishing gear of United States fishermen.~~

(3) Commercial, recreational, and charter fishing constitute major sources of employment and contribute significantly to the economy of the Nation. Many coastal areas are dependent upon fishing and related activities, and the economies of such areas have been badly damaged by the overfishing of fishery resources; ensuring the sustainable use of fishery resources is essential to the economic well-being of such areas.

(4) International fishery agreements have not been effective in preventing or terminating the overfishing of these valuable fishery resources. There is danger that irreversible effects from overfishing will take place before an effective international agreement on fishery management jurisdiction can be negotiated, signed, ratified, and implemented.

(5) Fishery resources are finite but renewable. If placed under sound management before overfishing has caused irreversible effects, the fisheries can be conserved and maintained so as to provide optimum yields on a continuing basis.

(6) A national program for the conservation and management of the fishery resources of the United States is necessary to prevent overfishing, to rebuild overfished stocks, ~~to insure conservation,~~ to ensure conservation, to account for the impacts of environmental changes on stocks of fish, to facilitate long-term protection of essential fish habitats, and to realize the full potential of the Nation's fishery resources.

(7) A national program for the development of fisheries which are underutilized or not utilized by the United States fishing industry, including bottom fish off Alaska, is necessary to assure that our citizens benefit from the employment, food supply, and revenue which could be generated thereby.

(8) The collection of reliable data is essential to the effective conservation, management, and scientific understanding of the fishery resources of the United States. Fisheries management is most effective when it uses the best scientific information available, and incorporates such information from governmental and nongovernmental sources, including State and Federal agency staff, fishermen, fishing communities, universities, nonprofit organizations, local and traditional knowledge from Tribes, Indigenous communities, and subsistence fishermen, and research institutions. Scientific and statistical committees should consider such information when seeking the best scientific information available to form the basis of conservation and management.

~~(9) One of the greatest long-term threats to the viability of commercial and recreational fisheries is the continuing loss of marine, estuarine, and other aquatic habitats. Habitat considerations should receive increased attention for the conservation and management of fishery resources of the United States.~~

(9) One of the greatest long-term threats to the viability of commercial and recreational fisheries is the continuing degradation of marine ecosystems, including the loss of marine, estuarine, and other aquatic habitats, including as a result of changing environmental conditions associated with climate change. Habitat and ecosystem considerations should receive increased attention for the conservation and management of fishery resources of the United States.

(10) Pacific Insular Areas contain unique historical, cultural, legal, political, and geographical circumstances which make fisheries resources important in sustaining their economic growth.

(11) A number of the Fishery Management Councils have demonstrated significant progress in integrating ecosystem considerations in fisheries management using the existing authorities provided under this Act.

(12) International cooperation is necessary to address illegal, unreported, and unregulated fishing and other fishing practices which may harm the sustainability of living marine resources and disadvantage the United States fishing industry.

(13) While both provide significant cultural and economic benefits to the Nation, recreational fishing and commercial fishing are different activities. Therefore, science-based conservation and management approaches should be adapted to the characteristics of each sector.

(14) Environmental changes associated with climate change, including changes in water temperature, ocean acidification, and deoxygenation, are rapidly altering the abundance, productivity, and distribution of fish and are affecting commercial, recreational, and subsistence fisheries.

(15) The impacts of climate change on fish and their habitats are resulting in management and sustainability challenges that threaten to negatively impact marine ecosystems, fishery resources, and coastal communities.

(16) Many factors beyond the direct impacts of fishing can contribute to a decline in abundance of a stock of fish, resulting in depleted stocks of fish and threatening the stability of ecosystems and fishing communities, including climate change, pollution, habitat and watershed degradation, inadequate freshwater resources, and industrial uses of the ocean. The designation of a stock of fish as overfished indicates that it is depleted and management actions are necessary to allow the stock of fish to rebuild, regardless of the cause of depletion.

(17) Forage fish are generally small to intermediate-sized species, occurring in schools or dense aggregations, and function as a main pathway for energy to flow from phyto- and zooplankton to higher trophic level predators, such as tuna, Alaska pollock, and other wildlife, in marine ecosystems. While most species function as prey of others at some life stage, especially when small and young, forage fish maintain this important trophic role throughout their life. Further, fluctuations in their populations can result in significant changes in marine communities and ecosystems. Therefore, particular attention to management of forage fish species, and addressing their unique role in marine ecosystems, is critical to maintaining ecosystem function and sustainable fisheries.

(b) Purposes.— It is therefore declared to be the purposes of the Congress in this Act—

(1) to take immediate action to conserve and manage the fishery resources found off the coasts of the United States, and the anadromous species and Continental Shelf fishery resources of the United States, by exercising (A) sovereign rights for the purposes of exploring, exploiting, conserving, and managing all fish, within the exclusive economic zone established by Presidential Proclamation 5030, dated March 10, 1983, and (B) exclusive fishery management

authority beyond the exclusive economic zone over such anadromous species and Continental Shelf fishery resources⁶;

6

Effective upon the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States, section 301(a) of the Flower Garden National Marine Sanctuary (P.L. 102–251; 106 Stat. 62) amends paragraph (1) by inserting “, and fishery resources in the special areas” before the semicolon at the end.

(2) to support and encourage the implementation and enforcement of international fishery agreements for the conservation and management of highly migratory species, and to encourage the negotiation and implementation of additional such agreements as necessary;

(3) to promote domestic commercial . subsistence, and recreational fishing under sound conservation and management principles, including the promotion of catch and release programs in recreational fishing;

(4) to provide for the preparation and implementation, in accordance with national standards, of fishery management plans which will achieve and maintain, on a continuing basis, the optimum yield from each fishery;

~~(5) to establish Regional Fishery Management Councils to exercise sound judgment in the stewardship of fishery resources through the preparation, monitoring, and revision of such plans under circumstances (A) which will enable the States, the fishing industry, consumer and environmental organizations, and other interested persons to participate in, and advise on, the establishment and administration of such plans, and (B) which take into account the social and economic needs of the States;~~

(5) to establish Regional Fishery Management Councils to exercise sound judgement in the stewardship of fishery resources through the preparation, monitoring, and revision of such plans under circumstances—

(A) which will enable the States, the fishing industry, consumer and environmental organizations, and other interested persons to participate in, and advise on, the establishment and administration of such plans;

(B) which take into account the social and economic needs of the States; and

(C) which address the impacts of environmental conditions associated with climate change on stocks of fish, marine ecosystems, fisheries management, and coastal communities;

(6) to encourage the development by the United States fishing industry of fisheries which are currently underutilized or not utilized by United States fishermen, including bottom fish off Alaska, and to that end, to ensure that optimum yield determinations promote such development in a non-wasteful manner; and

(7) to promote the protection of essential fish habitat ~~in the review of projects~~ from adverse effects caused by fishing and from projects conducted under Federal permits, licenses, or other authorities that affect or have the potential to affect such habitat.

(c) **Policy.**— It is further declared to be the policy of the Congress in this Act—

(1) to maintain without change the existing territorial or other ocean jurisdiction of the United States for all purposes other than the conservation and management of fishery resources, as provided for in this Act;

(2) to authorize no impediment to, or interference with, recognized legitimate uses of the high seas, except as necessary for the conservation and management of fishery resources, as provided for in this Act;

(3) to assure that the national fishery conservation and management program utilizes, and is based upon, the best scientific information available; involves, and is responsive to the needs of, interested and affected States and citizens; considers efficiency; draws upon Federal, State, and academic capabilities in carrying out research, administration, management, and enforcement; considers the effects of fishing on immature fish and encourages development of practical measures that minimize bycatch and avoid unnecessary waste of fish; and is workable and effective;

(4) to permit foreign fishing consistent with the provisions of this Act;

(5) to support and encourage active United States efforts to obtain internationally acceptable agreements which provide for effective conservation and management of fishery resources, and to secure agreements to regulate fishing by vessels or persons beyond the exclusive economic zones of any nation;

(6) to foster and maintain the diversity of fisheries in the United States; **and**

(7) to ensure that the fishery resources adjacent to a Pacific Insular Area, including resident or migratory stocks within the exclusive economic zone adjacent to such areas, be explored, developed, conserved, and managed for the benefit of the people of such area and of the United States; **;**

(8) to promote management that accounts for changes in stocks of fish and the marine environment that result from climate change; and

(9) to ensure that the research, resource management, and expenditures to prepare fisheries and fishing communities for climate change include indigenous, insular, and coastal populations in decisionmaking and promote equity with respect to environmental, economic, and social outcomes across fisheries and regions.

Sec. 3. DEFINITIONS.

As used in this Act, unless the context otherwise requires—

(1) The term “adverse effect” means, with respect to essential fish habitat, any impact that reduces the quality or quantity of essential fish habitat.

(1) IA The term “anadromous species” means species of fish which spawn in fresh or estuarine waters of the United States and which migrate to ocean waters.

(2) The term “bycatch” means fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards. Such term does not include fish released alive under a recreational catch and release fishery management program.

(3) The term “charter fishing” means fishing from a vessel carrying a passenger for hire (as defined in section 2101(30) of title 46, United States Code) who is engaged in recreational fishing.

(4) The term “commercial fishing” means fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter or trade.

(5) The term “**conservation and management**” refers to all of the rules, regulations, conditions, methods, and other measures (A) which are required to rebuild, restore, or maintain, and which are useful in rebuilding, restoring, or maintaining, any fishery resource and the marine environment; and (B) which are designed to assure that—

(i) a supply of food and other products may be taken, and that recreational benefits may be obtained, on a continuing basis;

(ii) irreversible or long-term adverse effects on fishery resources and the marine environment are avoided; and

(iii) there will be a multiplicity of options available with respect to future uses of these resources.

(6) The term “**Continental Shelf**” means the seabed and subsoil of the submarine areas adjacent to the coast, but outside the area of the territorial sea, of the United States, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of such areas.

(7)⁷ The term “**Continental Shelf fishery resources**” means the following:

7

The law as enacted for all list item headings contained in paragraph (7) as appear with the first letter of such heading in initial capitalization with the rest of the letters appearing in all small capital letters.

[List Type:

Colenterata⁸

Bamboo Coral—Acanella spp.;

8

Section 102(2)(A) of P.L. 104–297 (110 Stat. 3561) sought to amend this paragraph, as redesignated, by striking “**COELENTERATA**” from the heading of the list of corals and inserting “**CNIDARIA**”. Because of the use of incorrect spelling, typeface, and capitalization in describing the text to be struck, the amendment could not be executed.

Black Coral—Antipathes spp.;

Gold Coral—Callogorgia spp.;

Precious Red Coral—Corallium spp.;

Bamboo Coral—Keratoisis spp.; and

Gold Coral—Parazoanthus spp.

[List Type:

Crustacea

Tanner Crab—Chionoecetes tanneri;

Tanner Crab—Chionoecetes opilio;

Tanner Crab—*Chionoecetes angulatus*;
 Tanner Crab—*Chionoecetes bairdi*;
 King Crab—*Paralithodes camtschatica*;
 King Crab—*Paralithodes platypus*;
 King Crab—*Paralithodes brevipes*;
 Lobster—*Homarus americanus*;
 Dungeness Crab—*Cancer magister*;
 California King Crab—*Paralithodes californiensis*;
 California King Crab—*Paralithodes rathbuni*;
 Golden King Crab—*Lithodes aequispinus*;
 Northern Stone Crab—*Lithodes maja*;
 Stone Crab—*Menippe mercenaria*; and
 Deep-sea Red Crab—*Chaceon quinquegens*.

[List Type:

Mollusks

Red Abalone—*Haliotis rufescens*;
 Pink Abalone—*Haliotis corrugata*;
 Japanese Abalone—*Haliotis kamtschatkana*;
 Queen Conch—*Strombus gigas*;
 Surf Clam—*Spisula solidissima*, and
 Ocean Quahog—*Arctica islandica*.

[List Type:

Sponges

Glove Sponge—*Spongia cheiris*
 Sheepswool Sponge—*Hippiospongia lachne*;
 Grass Sponge—*Spongia graminea*; and
 Yellow Sponge—*Spongia barbera*.

If the Secretary determines, after consultation with the Secretary of State, that living organisms of any other sedentary species are, at the harvestable stage, either—

(A) immobile on or under the seabed, or

(B) unable to move except in constant physical contact with the seabed or subsoil,

of the Continental Shelf which appertains to the United States, and publishes notice of such determination in the Federal Register, such sedentary species shall be

considered to be added to the foregoing list and included in such term for purposes of this Act.

(8) The term “**Council**” means any Regional Fishery Management Council established under section 302.

(9) The term “**economic discards**” means fish which are the target of a fishery, but which are not retained because they are of an undesirable size, sex, or quality, or for other economic reasons.

(10) The term “**essential fish habitat**” means those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity.

(11) The term “**exclusive economic zone**” means the zone established by Proclamation Numbered 5030, dated March 10, 1983. For purposes of applying this Act, the inner boundary of that zone is a line coterminous with the seaward boundary of each of the coastal States.

(12) The term “**fish**” means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds.

(13) The term “**fishery**” means—

(A) one or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; and

(B) any fishing for such stocks.

(14) The term “**regional fishery association**” means an association formed for the mutual benefit of members—

(A) to meet social and economic needs in a region or subregion; and

(B) comprised of persons engaging in the harvest or processing of fishery resources in that specific region or subregion or who otherwise own or operate businesses substantially dependent upon a fishery.

(15) The term “**fishery resource**” means any fishery, any stock of fish, any species of fish, and any habitat of fish.

(16) The term “**fishing**” means—

(A) the catching, taking, or harvesting of fish;

(B) the attempted catching, taking, or harvesting of fish;

(C) any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(D) any operations at sea in support of, or in preparation for, any activity described in subparagraphs (A) through (C).

Such term does not include any scientific research activity which is conducted by a scientific research vessel.

(17) The term “**fishing community**” means a community which is substantially dependent on or substantially engaged in the harvest or processing of fishery resources to meet social and economic needs, and includes fishing vessel owners, operators, and crew and United States fish processors that are based in such community.

(18) The term “**fishing vessel**” means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for—

(A) fishing; or

(B) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

(19) The term “forage fish”—

(A) has the meaning given the term by the Secretary under section 305(n); and

(B) with respect to a species in a fishery managed pursuant to a fishery management plan or plan amendment that is approved by the Secretary under section 304(a), means any species identified in such plan as a forage fish.

~~(19)~~ 20 The term “foreign fishing” means fishing by a vessel other than a vessel of the United States.

(19A) The term “habitat area of particular concern” means a specific type or area of habitat that is part of or within essential fish habitat that—

(A) provides an important ecological function, including maintaining and restoring the biomass, demographic, spatial, or genetic characteristics of fish populations;

(B) is sensitive to human-induced environmental degradation;

(C) is or will be significantly stressed by human activities;

(D) due to prevailing or anticipated future environmental conditions, is or may become important to the health of a managed species; or

(E) is rare.

~~(20)~~ 21 The term “high seas” means all waters beyond the territorial sea of the United States and beyond any foreign nation's territorial sea, to the extent that such sea is recognized by the United States.

~~(21)~~ 22 The term “highly migratory species” means tuna species, marlin (*Tetrapturus* spp. and *Makaira* spp.), oceanic sharks, sailfishes (*Istiophorus* spp.), and swordfish (*Xiphias gladius*).

~~(22)~~ 23 The term “import”—

(A) means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States; but

(B) does not include any activity described in subparagraph (A) with respect to fish caught in the exclusive economic zone or by a vessel of the United States.

~~(23)~~ 24 The term “individual fishing quota” means a Federal permit under a limited access system to harvest a quantity of fish, expressed by a unit or units representing a percentage of the total allowable catch of a fishery that may be received or held for exclusive use by a person. Such term does not include community development quotas as described in section 305(i).

~~(24)~~ 25 The term “international fishery agreement” means any bilateral or multilateral treaty, convention, or agreement which relates to fishing and to which the United States is a party.

~~(25)~~ 26 The term “large-scale driftnet fishing” means a method of fishing in which a gillnet composed of a panel or panels of webbing, or a series of such gillnets, with a total length of two and one-half kilometers or more, or with a mesh size of 14 inches or greater, is placed in the

water and allowed to drift with the currents and winds for the purpose of entangling fish in the webbing.

(26 27) The term “limited access privilege”—

(A) means a Federal permit, issued as part of a limited access system under section 303A to harvest a quantity of fish expressed by a unit or units representing a portion of the total allowable catch of the fishery that may be received or held for exclusive use by a person; and

(B) includes an individual fishing quota; but

(C) does not include community development quotas as described in section 305(i).

(27 28) The term “limited access system” means a system that limits participation in a fishery to those satisfying certain eligibility criteria or requirements contained in a fishery management plan or associated regulation.

(28 30) The term “Marine Fisheries Commission” means the Atlantic States Marine Fisheries Commission, the Gulf States Marine Fisheries Commission, or the Pacific Marine Fisheries Commission.

(29 31) The term “migratory range” means the maximum area at a given time of the year within which fish of an anadromous species or stock thereof can be expected to be found, as determined on the basis of scale pattern analysis, tagging studies, or other reliable scientific information, except that the term does not include any part of such area which is in the waters of a foreign nation.

(30 32) The term “national standards” means the national standards for fishery conservation and management set forth in section 301.

(31 33) The term “observer” means any person required or authorized to be carried on a vessel for conservation and management purposes by regulations or permits under this Act.

(32 34) The term “observer information” means any information collected, observed, retrieved, or created by an observer or electronic monitoring system pursuant to authorization by the Secretary, or collected as part of a cooperative research initiative, including fish harvest or processing observations, fish sampling or weighing data, vessel logbook data, vessel or processor-specific information (including any safety, location, or operating condition observations), and video, audio, photographic, or written documents.

(33 35) The term “optimum”, with respect to the yield from a fishery, means the amount of fish which—

(A) will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and taking into account the protection of marine ecosystems;

(B) is prescribed on the basis of the maximum sustainable yield from the fishery, as reduced by any relevant social, economic, or ecological factor; and

(C) in the case of an overfished fishery, provides for rebuilding to a level consistent with producing the maximum sustainable yield in such fishery.

(34 36) The terms “overfishing” and “overfished” mean a rate or level of fishing mortality that jeopardizes the capacity of a fishery to produce the maximum sustainable yield on a continuing basis.

(35 37) The term “Pacific Insular Area” means American Samoa, Guam, the Northern Mariana Islands, Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef,

Midway Island, Wake Island, or Palmyra Atoll, as applicable, and includes all islands and reefs appurtenant to such island, reef, or atoll.

(36 38) The term “person” means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

(37 39) The term “recreational fishing” means fishing for sport or pleasure.

(38 40) The term “regulatory discards” means fish harvested in a fishery which fishermen are required by regulation to discard whenever caught, or are required by regulation to retain but not sell.

(39 41) The term “Secretary” means the Secretary of Commerce or his designee.

(40 42)⁹ The term “special areas” means the areas referred to as eastern special areas in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990; in particular, the term refers to those areas east of the maritime boundary, as defined in that Agreement, that lie within 200 nautical miles of the baselines from which the breadth of the territorial sea of Russia is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured.

9

Section 3(40) was added (as paragraph (24)) by section 301(b)(2) of Public Law 102–251, redesignated by various sections of Public Law 104–297, and made effective by section 405(a) of Public Law 104–297.

(41 43)¹⁰ The term “special areas” means the areas referred to as eastern special areas in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990. In particular, the term refers to those areas east of the maritime boundary, as defined in that Agreement, that lie within 200 nautical miles of the baselines from which the breadth of the territorial sea of Russia is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured.

10

Section 3(41) was added by section 102(10) of P.L. 104–297. It is substantially identical to section 3(35).

(42 44) The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and any other Commonwealth, territory, or possession of the United States.

(42A) (A) SUBSISTENCE FISHING.— The term “subsistence fishing” means fishing in which the fish harvested are intended for customary and traditional uses, including—

(i) for direct or sharing personal, family, or community consumption, including as food, shelter, clothing, or tools;

(ii) for the making or selling of handicraft articles out of nonedible byproducts of subsistence fishing;

(iii) for barter; and

(iv) for customary 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 harvested through subsistence fishing—

(I) for another fish or fish part; or

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

(43 45) The term “stock of fish” means a species, subspecies, geographical grouping, or other category of fish capable of management as a unit.

(44 46) The term “treaty” means any international fishery agreement which is a treaty within the meaning of section 2 of article II of the Constitution.

(45 47) The term “tuna species” means the following:

Albacore Tuna—Thunnus alalunga;

Bigeye Tuna—Thunnus obesus;

Bluefin Tuna—Thunnus thynnus;

Skipjack Tuna—Katsuwonus pelamis; and

Yellowfin Tuna—Thunnus albacares.

(46 48) The term “United States”, when used in a geographical context, means all the States thereof.

(47 49) The term “United States fish processors” means facilities located within the United States for, and vessels of the United States used or equipped for, the processing of fish for commercial use or consumption.

(48 50) The term “United States harvested fish” means fish caught, taken, or harvested by vessels of the United States within any fishery for which a fishery management plan prepared under title III or a preliminary fishery management plan prepared under section 201(h) has been implemented¹¹.

11

Section 102(11) of P.L. 104–297 (110 Stat. 3563) sought to amend paragraph (48) (as redesignated) by striking “for which a fishery management plan prepared under title III or a preliminary fishery management plan prepared under section 201(g) has been implemented” and inserting “regulated under this Act”. The amendment cannot be executed because it should have been made to paragraph (43), as redesignated.

(49 51) The term “vessel subject to the jurisdiction of the United States” has the same meaning such term has in section 3(c) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)).

(50 52) The term “vessel of the United States” means—

(A) any vessel documented under chapter 121 of title 46, United States Code;

(B) any vessel numbered in accordance with chapter 123 of title 46, United States Code, and measuring less than 5 net tons;

(C) any vessel numbered in accordance with chapter 123 of title 46, United States Code, and used exclusively for pleasure; or

(D) any vessel not equipped with propulsion machinery of any kind and used exclusively for pleasure.

~~(33)~~ ~~(53)~~ ¹² The term “waters of a foreign nation” means any part of the territorial sea or exclusive economic zone (or the equivalent) of a foreign nation, to the extent such territorial sea or exclusive economic zone is recognized by the United States.

12

So in law. Probably should have been redesignated as paragraph (46) by section 102 of P.L. 104–297.

* * * * *

TITLE II—FOREIGN FISHING AND INTERNATIONAL FISHERY AGREEMENTS

Sec. 201. FOREIGN FISHING.

(a) **In General.**— After February 28, 1977, no foreign fishing is authorized within the exclusive economic zone, or for anadromous species or Continental Shelf fishery resources beyond the exclusive economic zone¹⁵, unless such foreign fishing—

15

Effective upon the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States, section 301(d)(1) of the Flower Garden National Marine Sanctuary (P.L. 102–251; 106 Stat. 63) provides the following amendments:

(d) **Foreign Fishing.**—Section 201 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1821) is amended—

(1) in subsection (a)—

(A) by inserting “within the special areas,” immediately before “or for anadromous species”; and

(B) by striking “beyond the exclusive economic zone” and inserting in lieu thereof “beyond such zone or areas”;

(1) is authorized under subsections (b) or (c) or section 204(e), or under a permit issued under section 204(d);

(2) is not prohibited under subsection (f); and

(3) is conducted under, and in accordance with, a valid and applicable permit issued pursuant to section 204.

(b) Existing International Fishery Agreements.— Foreign fishing described in subsection (a) may be conducted pursuant to an international fishery agreement (subject to the provisions of section 202(b) or (c)), if such agreement—

(1) was in effect on the date of enactment of this Act; and

(2) has not expired, been renegotiated, or otherwise ceased to be of force and effect with respect to the United States.

(c) Governing International Fishery Agreements.— Foreign fishing described in subsection (a) may be conducted pursuant to an international fishery agreement (other than a treaty) which meets the requirements of this subsection if such agreement becomes effective after application of section 203. Any such international fishery agreement shall hereafter in this Act be referred to as a “governing international fishery agreement”. Each governing international fishery agreement shall acknowledge the exclusive fishery management authority of the United States, as set forth in this Act. It is the sense of the Congress that each such agreement shall include a binding commitment, on the part of such foreign nation and its fishing vessels, to comply with the following terms and conditions:

(1) The foreign nation, and the owner or operator of any fishing vessel fishing pursuant to such agreement, will abide by all regulations promulgated by the Secretary pursuant to this Act, including any regulations promulgated to implement any applicable fishery management plan or any preliminary fishery management plan.

(2) The foreign nation, and the owner or operator of any fishing vessel fishing pursuant to such agreement, will abide by the requirement that—

(A) any officer authorized to enforce the provisions of this Act (as provided for in section 311) be permitted—

(i) to board, and search or inspect, any such vessel at any time,

(ii) to make arrests and seizures provided for in section 311(b) whenever such officer has reasonable cause to believe, as a result of such a search or inspection, that any such vessel or any person has committed an act prohibited by section 307, and

(iii) to examine and make notations on the permit issued pursuant to section 204 for such vessel;

(B) the permit issued for any such vessel pursuant to section 204 be prominently displayed in the wheelhouse of such vessel;

(C) transponders, or such other appropriate position-fixing and identification equipment as the Secretary of the department in which the Coast Guard is operating determines to be appropriate, be installed and maintained in working order on each such vessel;

(D) United States observers required under subsection (h) be permitted to be stationed aboard any such vessel and that all of the costs incurred incident to such stationing,

including the costs of data editing and entry and observer monitoring, be paid for, in accordance with such subsection, by the owner or operator of the vessel;

(E) any fees required under section 204(b)(10) be paid in advance;

(F) agents be appointed and maintained within the United States who are authorized to receive and respond to any legal process issued in the United States with respect to such owner or operator; and

(G) responsibility be assumed, in accordance with any requirements prescribed by the Secretary, for the reimbursement of United States citizens for any loss of, or damage to, their fishing vessels, fishing gear, or catch which is caused by any fishing vessel of that nation;

and will abide by any other monitoring, compliance, or enforcement requirement related to fishery conservation and management which is included in such agreement.

(3) The foreign nation and the owners or operators of all of the fishing vessels of such nation shall not, in any year, harvest an amount of fish which exceeds such nation's allocation of the total allowable level of foreign fishing, as determined under subsection (e).

(4) The foreign nation will—

(A) apply, pursuant to section 204, for any required permits;

(B) deliver promptly to the owner or operator of the appropriate fishing vessel any permit which is issued under that section for such vessel;

(C) abide by, and take appropriate steps under its own laws to assure that all such owners and operators comply with, section 204(a) and the applicable conditions and restrictions established under section 204(b)(7); and

(D) take, or refrain from taking, as appropriate, actions of the kind referred to in subsection (e)(1) in order to receive favorable allocations under such subsection.

(d) Total Allowable Level of Foreign Fishing.— The total allowable level of foreign fishing, if any, with respect to any fishery subject to the exclusive fishery management authority of the United States, is that portion of the optimum yield of such fishery which cannot, or will not, be harvested by vessels of the United States, as determined in accordance with this Act. Allocations of the total allowable level of foreign fishing are discretionary, except that the total allowable level shall be zero for fisheries determined by the Secretary to have adequate or excess domestic harvest capacity.

(e) Allocation of Allowable Level.— (1) (A) The Secretary of State, in cooperation with the Secretary, may make allocations to foreign nations from the total allowable level of foreign fishing which is permitted with respect to each fishery subject to the exclusive fishery management authority of the United States.

(B) From the determinations made under subparagraph (A), the Secretary of State shall compute the aggregate of all of the fishery allocations made to each foreign nation.

(C) The Secretary of State shall initially release to each foreign nation for harvesting up to 50 percent of the allocations aggregate computed for such nation under subparagraph (B), and such release of allocation shall be apportioned by the Secretary of State, in cooperation with the Secretary, among the individual fishery allocations determined for that nation under subparagraph (A). The basis on which each apportionment is made under this subparagraph shall be stated in writing by the Secretary of State.

(D) After the initial release of fishery allocations under subparagraph (C) to a foreign nation, any subsequent release of an allocation for any fishery to such nation shall only be made—

(i) after the lapse of such period of time as may be sufficient for purposes of making the determination required under clause (ii); and

(ii) if the Secretary of State and the Secretary, after taking into account the size of the allocation for such fishery and the length and timing of the fishing season, determine in writing that such nation is complying with the purposes and intent of this paragraph with respect to such fishery.

If the foreign nation is not determined under clause (ii) to be in such compliance, the Secretary of State shall reduce, in a manner and quantity ~~he~~ *such Secretary* considers to be appropriate (I) the remainder of such allocation, or (II) if all of such allocation has been released, the next allocation of such fishery, if any, made to such nation.

(E) The determinations required to be made under subparagraphs (A) and (D)(ii), and the apportionments required to be made under subparagraph (C), with respect to a foreign nation shall be based on—

(i) whether, and to what extent, such nation imposes tariff barriers or nontariff barriers on the importation, or otherwise restricts the market access, of both United States fish and fishery products, particularly fish and fishery products for which the foreign nation has requested an allocation;

(ii) whether, and to what extent, such nation is cooperating with the United States in both the advancement of existing and new opportunities for fisheries exports from the United States through the purchase of fishery products from United States processors, and the advancement of fisheries trade through the purchase of fish and fishery products from United States fishermen, particularly fish and fishery products for which the foreign nation has requested an allocation;

(iii) whether, and to what extent, such nation and the fishing fleets of such nation have cooperated with the United States in the enforcement of United States fishing regulations;

(iv) whether, and to what extent, such nation requires the fish harvested from the exclusive economic zone¹⁶ for its domestic consumption;

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Effective upon the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States, section 301(d)(2) of Public Law 102–251, sought to insert “or special areas” after “exclusive economic zone” in section 201(e)(1)(E)(IV). The amendment probably should have been made to section 201(e)(1)(E)(iv) and cannot be executed.

(v) whether, and to what extent, such nation otherwise contributes to, or fosters the growth of, a sound and economic United States fishing industry, including minimizing gear conflicts with fishing operations of United States fishermen, and transferring harvesting or processing technology which will benefit the United States fishing industry;

(vi) whether, and to what extent, the fishing vessels of such nation have traditionally engaged in fishing in such fishery;

(vii) whether, and to what extent, such nation is cooperating with the United States in, and making substantial contributions to, fishery research and the identification of fishery resources; and

(viii) such other matters as the Secretary of State, in cooperation with the Secretary, deems appropriate.

(2) (A) For the purposes of this paragraph—

(i) The term “**certification**” means a certification made by the Secretary that nationals of a foreign country, directly or indirectly, are conducting fishing operations or engaging in trade or taking which diminishes the effectiveness of the International Convention for the Regulation of Whaling. A certification under this section shall also be deemed a certification for the purposes of section 8(a) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)).

(ii) The term “**remedial period**” means the 365-day period beginning on the date on which a certification is issued with respect to a foreign country.

(B) If the Secretary issues a certification with respect to any foreign country, then each allocation under paragraph (1) that—

(i) is in effect for that foreign country on the date of issuance; or

(ii) is not in effect on such date but would, without regard to this paragraph, be made to the foreign country within the remedial period;

shall be reduced by the Secretary of State, in consultation with the Secretary, by not less than 50 percent.

(C) The following apply for purposes of administering subparagraph (B) with respect to any foreign country:

(i) If on the date of certification, the foreign country has harvested a portion, but not all, of the quantity of fish specified under any allocation, the reduction under subparagraph (B) for that allocation shall be applied with respect to the quantity not harvested as of such date.

(ii) If the Secretary notified the Secretary of State that it is not likely that the certification of the foreign country will be terminated under section 8(d) of the Fishermen's Protective Act of 1967 before the close of the period for which an allocation is applicable or before the close of the remedial period (whichever close first occurs) the Secretary of State, in consultation with the Secretary, shall reallocate any portion of any reduction made under subparagraph (B) among one or more foreign countries for which no certification is in effect.

(iii) If the certification is terminated under such section 8(d) during the remedial period, the Secretary of State shall return to the foreign country that portion of any allocation reduced under subparagraph (B) that was not reallocated under clause (ii); unless the harvesting of the fish covered by the allocation is otherwise prohibited under this Act.

(iv) The Secretary may refund or credit, by reason of reduction of any allocation under this paragraph, any fee paid under section 204.

(D) If the certification of a foreign country is not terminated under section 8(d) of the Fishermen's Protective Act of 1967 before the close of the last day of the remedial period, the Secretary of State—

(i) with respect to any allocation made to that country and in effect (as reduced under subparagraph (B)) on such last day, shall rescind, effective on and after the day after such last day, any unharvested portion of such allocation; and

(ii) may not thereafter make any allocation to that country under paragraph (1) until the certification is terminated.

(f) **Reciprocity.**— Foreign fishing shall not be authorized for the fishing vessels of any foreign nation unless such nation satisfies the Secretary and the Secretary of State that such nation extends

substantially the same fishing privileges to fishing vessels of the United States, if any, as the United States extends to foreign fishing vessels.

(g) Preliminary Fishery Management Plans.— The Secretary, when notified by the Secretary of State that any foreign nation has submitted an application under section 204(b), shall prepare a preliminary fishery management plan for any fishery covered by such application if the Secretary determines that no fishery management plan for that fishery will be prepared and implemented, pursuant to title III, before March 1, 1977. To the extent practicable, each such plan—

(1) shall contain a preliminary description of the fishery and a preliminary determination as to—

(A) the optimum yield from such fishery;

(B) when appropriate, the capacity and extent to which United States fish processors will process that portion of such optimum yield that will be harvested by vessels of the United States; and

(C) the total allowable level of foreign fishing with respect to such fishery;

(2) shall require each foreign fishing vessel engaged or wishing to engage in such fishery to obtain a permit from the Secretary;

(3) shall require the submission of pertinent data to the Secretary, with respect to such fishery, as described in section 303(a)(5); and

(4) may, to the extent necessary to prevent irreversible effects from overfishing, with respect to such fishery, contain conservation and management measures applicable to foreign fishing which—

(A) are determined to be necessary and appropriate for the conservation and management of such fishery,

(B) are consistent with the national standards, the other provisions of this Act, and other applicable law, and

(C) are described in section 303(b)(2), (3), (4), (5), and (7).

Each preliminary fishery management plan shall be in effect with respect to foreign fishing for which permits have been issued until a fishery management plan is prepared and implemented, pursuant to title III, with respect to such fishery. The Secretary may, in accordance with section 553 of title 5, United States Code, also prepare and promulgate interim regulations with respect to any such preliminary plan. Such regulations shall be in effect until regulations implementing the applicable fishery management plan are promulgated pursuant to section 305.

(h) Full Observer Coverage Program.— (1) (A) Except as provided in paragraph (2), the Secretary shall establish a program under which a United States observer will be stationed aboard each foreign fishing vessel while that vessel is engaged in fishing within the exclusive economic zone¹⁷.

17

Effective upon the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States, section 301(d)(3)(A) of the Flower Garden National Marine Sanctuary (P.L. 102–251; 106 Stat. 63) amends paragraph (1)(A) by inserting “or special areas” before the period at the end.

Section 301(d)(3)(B) of such Act amends paragraph (2)(A) by inserting “or special areas” after “exclusive economic zone”.

(B) The Secretary shall by regulation prescribe minimum health and safety standards that shall be maintained aboard each foreign fishing vessel with regard to the facilities provided for the quartering of, and the carrying out of observer functions by, United States observers.

(2) The requirement in paragraph (1) that a United States observer be placed aboard each foreign fishing vessel may be waived by the Secretary if he finds that—

(A) in a situation where a fleet of harvesting vessels transfers its catch taken within the exclusive economic zone¹⁷ to another vessel, aboard which is a United States observer, the stationing of United States observers on only a portion of the harvesting vessel fleet will provide a representative sampling of the by-catch of the fleet that is sufficient for purposes of determining whether the requirements of the applicable management plans for the by-catch species are being complied with;

(B)¹⁸ in a situation where the foreign fishing vessel is operating under a Pacific Insular Area fishing agreement, the Governor of the applicable Pacific Insular Area, in consultation with the Western Pacific Council, has established an observer coverage program or other monitoring program that the Secretary, in consultation with the Western Pacific Management Council, determines is adequate to monitor harvest, bycatch, and compliance with the laws of the United States by vessels fishing under the agreement;

18

Margin so in law.

(C) the time during which a foreign fishing vessel will engage in fishing within the exclusive economic zone or special areas will be of such short duration that the placing of a United States observer aboard the vessel would be impractical; or

(D) for reasons beyond the control of the Secretary, an observer is not available.

(3) Observers, while stationed aboard foreign fishing vessels, shall carry out such scientific, compliance monitoring, and other functions as the Secretary deems necessary or appropriate to carry out the purposes of this Act; and shall cooperate in carrying out such other scientific programs relating to the conservation and management of living resources as the Secretary deems appropriate.

(4) In addition to any fee imposed under section 204(b)(10) of this Act and section 10(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1980(e)) with respect to foreign fishing for any year after 1980, the Secretary shall impose, with respect to each foreign fishing vessel for which a permit is issued under such section 204, a surcharge in an amount sufficient to cover all the costs of providing a United States observer aboard that vessel. The failure to pay any surcharge imposed under this paragraph shall be treated by the Secretary as a failure to pay the permit fee for such vessel under section 204(b)(10). All surcharges collected by the Secretary under this paragraph shall be deposited in the Foreign Fishing Observer Fund established by paragraph (5).

(5) There is established in the Treasury of the United States the Foreign Fishing Observer Fund. The Fund shall be available to the Secretary as a revolving fund for the purpose of carrying out this subsection. The Fund shall consist of the surcharges deposited into it as required under paragraph (4). All payments made by the Secretary to carry out this subsection shall be paid from the Fund, only to the extent and in the amounts provided for in advance in appropriation Acts. Sums in the Fund which are not currently needed for the purposes of this subsection shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

(6) If at any time the requirement set forth in paragraph (1) cannot be met because of insufficient appropriations, the Secretary shall, in implementing a supplementary observer program:

(A) certify as observers, for the purposes of this subsection, individuals who are citizens or nationals of the United States and who have the requisite education or experience to carry out the functions referred to in paragraph (3);

(B) establish standards of conduct for certified observers equivalent to those applicable to Federal personnel;

(C) establish a reasonable schedule of fees that certified observers or their agents shall be paid by the owners and operators of foreign fishing vessels for observer services; and

(D) monitor the performance of observers to ensure that it meets the purposes of this Act.

(i) **Recreational Fishing.**— Notwithstanding any other provision of this title, foreign fishing vessels which are not operated for profit may engage in recreational fishing within the exclusive economic zone¹⁹ and the waters within the boundaries of a State subject to obtaining such permits, paying such reasonable fees, and complying with such conditions and restrictions as the Secretary and the Governor of the State (or ~~his~~ *such Governor's* designee) shall impose as being necessary or appropriate to insure that the fishing activity of such foreign vessels within such zone¹⁹ or waters, respectively, is consistent with all applicable Federal and State laws and any applicable fishery management plan implemented under section 304. The Secretary shall consult with the Secretary of State and the Secretary of the Department in which the Coast Guard is operating in formulating the conditions and restrictions to be applied by the Secretary under the authority of this subsection.

19

Effective upon the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States, section 301(d)(4) of the Flower Garden National Marine Sanctuary (P.L. 102–251; 106 Stat. 63) amends this subsection (before its redesignation by P.L. 104–297) as follows:

(4) in subsection (j)—

(A) by inserting “, special areas,” immediately after “exclusive economic zone”; and

(B) by inserting “, areas,” immediately after “such zone”.

* * * * *

Sec. 203. CONGRESSIONAL OVERSIGHT OF INTERNATIONAL FISHERY AGREEMENTS.

(a) **In General.**— No governing international fishery agreement, bycatch reduction agreement, or Pacific Insular Area fishery agreement shall become effective with respect to the United States before the close of the first 120 days (excluding any days in a period for which the Congress is adjourned sine die) after the date on which the President transmits to the House of Representatives and to the Senate a document setting forth the text of such governing international fishery agreement,

bycatch reduction agreement, or Pacific Insular Area fishery agreement. A copy of the document shall be delivered to each House of Congress on the same day and shall be delivered to the Clerk of the House of Representatives, if the House is not in session, and to the Secretary of the Senate, if the Senate is not in session.

(b) **Referral to Committees.**— Any document described in subsection (a) shall be immediately referred in the House of Representatives to the Committee on Merchant Marine and Fisheries²¹, and in the Senate to the Committees on Commerce, Science, and Transportation and on Foreign Relations.

21

The Committee on Merchant Marine and Fisheries of the House of Representatives was abolished by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. The former jurisdiction of such committee is divided among the Committee on Resources, the Committee on Transportation and Infrastructure, and the Committee on Armed Services of the House of Representatives.

(c) **Congressional Procedures.**—

(1) **Rules of the house of representative and senate.**— The provisions of this section are enacted by the Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of fishery agreement resolutions described in paragraph (2), and they supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, and in the same manner and to the same extent as in the case of any other rule of that House.

(2) **Definition.**— For purposes of this subsection, the term “fishery agreement resolution” refers to a joint resolution of either House of Congress—

(A) the effect of which is to prohibit the entering into force and effect of any governing international fishery agreement, bycatch reduction agreement, or Pacific Insular Area fishery agreement the text of which is transmitted to the Congress pursuant to subsection (a); and

(B) which is reported from the Committee on Merchant Marine and Fisheries of the House of Representatives²² or the Committee on Commerce, Science, and Transportation or the Committee on Foreign Relations of the Senate, not later than 45 days after the date on which the document described in subsection (a) relating to that agreement is transmitted to the Congress.

22

The Committee on Merchant Marine and Fisheries of the House of Representatives was abolished by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. The former jurisdiction of such committee is divided among the Committee on Resources, the Committee on

Transportation and Infrastructure, and the Committee on Armed Services
of the House of Representatives.

(3) **Placement on calendar.**— Any fishery agreement resolution upon being reported shall immediately be placed on the appropriate calendar.

(4) **Floor consideration in the house.**—

(A) A motion in the House of Representatives to proceed to the consideration of any fishery agreement resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the House of Representatives on any fishery agreement resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit any fishery agreement resolution or to move to reconsider the vote by which any fishery agreement resolution is agreed to or disagreed to.

(C) Motions to postpone, made in the House of Representatives with respect to the consideration of any fishery agreement resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(D) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to any fishery agreement resolution shall be decided without debate.

(E) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of any fishery agreement resolution shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions in similar circumstances.

(5) **Floor consideration in the senate.**—

(A) A motion in the Senate to proceed to the consideration of any fishery agreement resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the Senate on any fishery agreement resolution and on all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with any fishery agreement resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover of the motion or appeal and the manager of the resolution, except that if the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or ~~his~~ *the minority leader's* designee. The majority leader and the minority leader, or either of them, may allot additional time to any Senator during the consideration of any debatable motion or appeal, from time under their control with respect to the applicable fishery agreement resolution.

(D) A motion in the Senate to further limit debate is not debatable. A motion to recommit any fishery agreement resolution is not in order.

Sec. 204. PERMITS FOR FOREIGN FISHING.

(a) **In General.**— After February 28, 1977, no foreign fishing vessel shall engage in fishing within the exclusive economic zone,²³ or for anadromous species or Continental Shelf fishery resources beyond such zone²³, unless such vessel has on board a valid permit issued under this section for such vessel.

23

Effective upon the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States, section 301(f) of the Flower Garden National Marine Sanctuary (P.L. 102–251; 106 Stat. 64) amends this subsection as follows:

(f) **Permits for Foreign Fishing.**—Section 204(a) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(a)) is amended—

(1) by inserting “within the special areas,” immediately before “or for anadromous species”; and

(2) by inserting “or areas” immediately after “such zone”.

(b) **Applications and Permits Under Governing International Fishery Agreements.**—

(1) **Eligibility.**— Each foreign nation with which the United States has entered into a governing international fishery agreement shall submit an application to the Secretary of State each year for a permit for each of its fishing vessels that wishes to engage in fishing described in subsection (a). No permit issued under this section may be valid for longer than a year; and section 558(c) of title 5, United States Code, does not apply to the renewal of any such permit.

(2) **Forms.**— The Secretary, in consultation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, shall prescribe the forms for permit applications submitted under this subsection and for permits issued pursuant to any such application.

(3) **Contents.**— Any application made under this subsection shall specify—

(A) the name and official number or other identification of each fishing vessel for which a permit is sought, together with the name and address of the owner thereof;

(B) the tonnage, hold capacity, speed, processing equipment, type and quantity of fishing gear, and such other pertinent information with respect to characteristics of each such vessel as the Secretary may require;

(C) each fishery in which each such vessel wishes to fish;

(D) the estimated amount of tonnage of fish which will be caught, taken, or harvested in each such fishery by each such vessel during the time the permit is in force;

(E) the amount or tonnage of United States harvested fish, if any, which each such vessel proposes to receive at sea from vessels of the United States;

(F) the ocean area in which, and the season or period during which, such fishing will be conducted; and

(G) all applicable vessel safety standards imposed by the foreign country, and shall include written certification that the vessel is in compliance with those standards;

and shall include any other pertinent information and material which the Secretary may require.

(4) **Transmittal for action.**— Upon receipt of any application which complies with the requirements of paragraph (3), the Secretary of State shall publish a notice of receipt of the application in the Federal Register. Any such notice shall summarize the contents of the applications from each nation included therein with respect to the matters described in paragraph (3). The Secretary of State shall promptly transmit—

(A) such application, together with ~~his~~ such Secretary's comments and recommendations thereon, to the Secretary;

(B) a copy of the application to the Secretary of the department in which the Coast Guard is operating; and

(C) a copy or a summary of the application to the appropriate Council.

(5) **Action by council.**— After receiving a copy or summary of an application under paragraph (4)(C), the Council may prepare and submit to the Secretary such written comments on the application as it deems appropriate. Such comments shall be submitted within 45 days after the date on which the application is received by the Council and may include recommendations with respect to approval of the application and, if approval is recommended, with respect to appropriate conditions and restrictions thereon. Any interested person may submit comments to such Council with respect to any such application. The Council shall consider any such comments in formulating its submission to the Secretary.

(6) **Approval.**— (A) After receipt of any application transmitted under paragraph (4) (A), the Secretary shall consult with the Secretary of State and, with respect to enforcement, with the Secretary of the department in which the Coast Guard is operating. The Secretary after taking into consideration the views and recommendations of such Secretaries, and any comments submitted by any Council under paragraph (5), may approve, subject to subparagraph (B), the application, if he determines that the fishing described in the application will meet the requirements of this Act, or he may disapprove all or any portion of the application.

(B) (i) In the case of any application which specifies that one or more foreign fishing vessels propose to receive at sea United States harvested fish from vessels of the United States, the Secretary may approve the application unless the Secretary determines, on the basis of the views, recommendations, and comments referred to in subparagraph (A) and other pertinent information, that United States fish processors have adequate capacity, and will utilize such capacity, to process all United States harvested fish from the fishery concerned.

(ii) The amount or tonnage of United States harvested fish which may be received at sea during any year by foreign fishing vessels under permits approved under this paragraph may not exceed that portion of the optimum yield of the fishery concerned which will not be utilized by United States fish processors.

(iii) In deciding whether to approve any application under this subparagraph, the Secretary may take into account, with respect to the foreign nation concerned, such other matters as the Secretary deems appropriate.

(7) **Establishment of conditions and restrictions.**— The Secretary shall establish conditions and restrictions which shall be included in each permit issued pursuant to any

application approved under paragraph (6) or subsection (d) and which must be complied with by the owner or operator of the fishing vessel for which the permit is issued. Such conditions and restrictions shall include the following:

(A) All of the requirements of any applicable fishery management plan, or preliminary fishery management plan, and any applicable Federal or State fishing regulations.

(B) The requirement that no permit may be used by any vessel other than the fishing vessel for which it is issued.

(C) The requirements described in section 201(c)(1), (2), and (3).

(D) If the permit is issued other than pursuant to an application approved under paragraph (6)(B) or subsection (d), the restriction that the foreign fishing vessel may not receive at sea United States harvested fish from vessels of the United States.

(E) If the permit is issued pursuant to an application approved under paragraph (6)(B), the maximum amount or tonnage of United States harvested fish which may be received at sea from vessels of the United States.

(F) Any other condition and restriction related to fishery conservation and management which the Secretary prescribes as necessary and appropriate.

(8) **Notice of approval.**— The Secretary shall promptly transmit a copy of each application approved under paragraph (6) and the conditions and restrictions established under paragraph (7) to—

(A) the Secretary of State for transmittal to the foreign nation involved;

(B) the Secretary of the department in which the Coast Guard is operating; and

(C) any Council which has authority over any fishery specified in such application.

(9) **Disapproval of applications.**— If the Secretary does not approve any application submitted by a foreign nation under this subsection, he shall promptly inform the Secretary of State of the disapproval and his reasons therefore. The Secretary of State shall notify such foreign nation of the disapproval and the reasons therefor. Such foreign nation, after taking into consideration the reasons for disapproval, may submit a revised application under this subsection.

(10) **Fees.**—

(A) Fees shall be paid to the Secretary by the owner or operator of any foreign fishing vessel for which a permit has been issued pursuant to this section. The Secretary, in consultation with the Secretary of State, shall establish a schedule of reasonable fees that shall apply nondiscriminatorily to each foreign nation.

(B) Amounts collected by the Secretary under this paragraph shall be deposited in the general fund of the Treasury.

(11) **Issuance of permits.**— If a foreign nation notifies the Secretary of State of its acceptance of the conditions and restrictions established by the Secretary under paragraph (7), the Secretary of State shall promptly transmit such notification to the Secretary. Upon payment of the applicable fees established pursuant to paragraph (10), the Secretary shall thereupon issue to such foreign nation, through the Secretary of State, permits for the appropriate fishing vessels of that nation. Each permit shall contain a statement of all conditions and restrictions established under paragraph (7) which apply to the fishing vessel for which the permit is issued.

(c) **Registration Permits.**— The Secretary of State, in cooperation with the Secretary, shall issue annually a registration permit for each fishing vessel of a foreign nation which is a party to an international fishery agreement under which foreign fishing is authorized by section 201(b) and

which wishes to engage in fishing described in subsection (a). Each such permit shall set forth the terms and conditions contained in the agreement that apply with respect to such fishing, and shall include the additional requirement that the owner or operator of the fishing vessel for which the permit is issued shall prominently display such permit in the wheelhouse of such vessel and show it, upon request, to any officer authorized to enforce the provisions of this Act (as provided for in section 311). The Secretary of State, after consultation with the Secretary and the Secretary of the department in which the Coast Guard is operating, shall prescribe the form and manner in which applications for registration permits may be made, and the forms of such permits. The Secretary of State may establish, require the payment of, and collect fees for registration permits; except that the level of such fees shall not exceed the administrative costs incurred by him in issuing such permits.

(d) Transshipment Permits.—

(1) Authority to issue permits.— The Secretary may issue a transshipment permit under this subsection which authorizes a vessel other than a vessel of the United States to engage in fishing consisting solely of transporting fish or fish products at sea from a point within the exclusive economic zone or, with the concurrence of a State, within the boundaries of that State, to a point outside the United States to any person who—

(A) submits an application which is approved by the Secretary under paragraph (3);
and

(B) pays a fee imposed under paragraph (7).

(2) Transmittal.— Upon receipt of an application for a permit under this subsection, the Secretary shall promptly transmit copies of the application to the Secretary of State, Secretary of the department in which the Coast Guard is operating, any appropriate Council, and any affected State.

(3) Approval of application.— The Secretary may approve, in consultation with the appropriate Council or Marine Fisheries Commission, an application for a permit under this section if the Secretary determines that—

(A) the transportation of fish or fish products to be conducted under the permit, as described in the application, will be in the interest of the United States and will meet the applicable requirements of this Act;

(B) the applicant will comply with the requirements described in section 201(c)(2) with respect to activities authorized by any permit issued pursuant to the application;

(C) the applicant has established any bonds or financial assurances that may be required by the Secretary; and

(D) no owner or operator of a vessel of the United States which has adequate capacity to perform the transportation for which the application is submitted has indicated to the Secretary an interest in performing the transportation at fair and reasonable rates.

(4) Whole or partial approval.— The Secretary may approve all or any portion of an application under paragraph (3).

(5) Failure to approve application.— If the Secretary does not approve any portion of an application submitted under paragraph (1), the Secretary shall promptly inform the applicant and specify the reasons therefor.

(6) Conditions and restrictions.— The Secretary shall establish and include in each permit under this subsection conditions and restrictions, including those conditions and restrictions set forth in subsection (b)(7), which shall be complied with by the owner and operator of the vessel for which the permit is issued.

(7) **Fees.**— The Secretary shall collect a fee for each permit issued under this subsection, in an amount adequate to recover the costs incurred by the United States in issuing the permit, except that the Secretary shall waive the fee for the permit if the foreign nation under which the vessel is registered does not collect a fee from a vessel of the United States engaged in similar activities in the waters of such foreign nation.

(e) **Pacific Insular Areas.**—

(1) **Negotiation of pacific insular area fishery agreements.**— The Secretary of State, with the concurrence of the Secretary and ~~in consultation with any appropriate Council,~~ at the request and with the concurrence of the Governor of the applicable Pacific Insular Area, may negotiate and enter into a Pacific Insular Area fishery agreement to authorize foreign fishing within the exclusive economic zone adjacent to ~~a Pacific Insular Area—~~ that Pacific Insular Area.

~~(A) in the case of American Samoa, Guam, or the Northern Mariana Islands, at the request and with the concurrence of, and in consultation with, the Governor of the Pacific Insular Area to which such agreement applies; and~~

~~(B) in the case of a Pacific Insular Area other than American Samoa, Guam, or the Northern Mariana Islands, at the request of the Western Pacific Council.~~

(2) **Agreement terms and conditions.**— A Pacific Insular Area fishery agreement—

(A) shall not be considered to supersede any governing international fishery agreement currently in effect under this Act, but shall provide an alternative basis for the conduct of foreign fishing within the exclusive economic zone adjacent to Pacific Insular Areas;

(B) shall be negotiated and implemented consistent only with the governing international fishery agreement provisions of this title specifically made applicable in this subsection;

(C) may not be negotiated with a nation that is in violation of a governing international fishery agreement in effect under this Act;

(D) shall not be entered into if it is determined by the Governor of the applicable Pacific Insular Area with respect to agreements initiated under paragraph (1)(A), or the Western Pacific Council with respect to agreements initiated under paragraph (1)(B), that such an agreement will adversely affect the fishing activities of the indigenous people of such Pacific Insular Area;

(E) shall be valid for a period not to exceed three years and shall only become effective according to the procedures in section 203; and

(F) shall require the foreign nation and its fishing vessels to comply with the requirements of paragraphs (1), (2), (3) and (4)(A) of section 201(c), section 201(d), and section 201(h).

(3) **Permits for foreign fishing.**—

(A) Application for permits for foreign fishing authorized under a Pacific Insular Areas fishing agreement shall be made, considered and approved or disapproved in accordance with paragraphs (3), (4), (5), (6), (7)(A) and (B), (8), and (9) of subsection (b), and shall include any conditions and restrictions established by the Secretary in consultation with the Secretary of State, the Secretary of the department in which the Coast Guard is operating, and the Governor of the applicable Pacific Insular Area, ~~and the appropriate Council.~~ Such permits shall also be consistent with any applicable fishery management plan.

(B) If a foreign nation notifies the Secretary of State of its acceptance of the requirements of this paragraph, paragraph (2)(F), and paragraph (5), including any conditions and restrictions established under subparagraph (A), the Secretary of State shall promptly transmit such notification to the Secretary. Upon receipt of any payment required under a Pacific Insular Area fishing agreement, the Secretary shall thereupon issue to such foreign nation, through the Secretary of State, permits for the appropriate fishing vessels of that nation. Each permit shall contain a statement of all of the requirements, conditions, and restrictions established under this subsection which apply to the fishing vessel for which the permit is issued.

(4) Marine conservation plans.—

(A) Prior to entering into a Pacific Insular Area fishery agreement, ~~the Western Pacific Council and~~ the appropriate Governor *of the applicable Pacific Insular Area* shall develop a 3-year marine conservation plan detailing uses for funds to be collected by the Secretary pursuant to such agreement. Such plan shall be consistent with any applicable fishery management plan, identify conservation and management objectives (including criteria for determining when such objectives have been met), and prioritize planned marine conservation projects. Conservation and management objectives shall include, but not be limited to—

(i)²⁴ Pacific Insular Area observer programs, or other monitoring programs, that the Secretary determines are adequate to monitor the harvest, bycatch, and compliance with the laws of the United States by foreign fishing vessels that fish under Pacific Insular Area fishing agreements;

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Margin so in law. See amendment made by section 404(b) of Public Law 109–479.

(ii) conduct of marine and fisheries research, including development of systems for information collection, analysis, evaluation, and reporting;

(iii) conservation, education, and enforcement activities related to marine and coastal management, such as living marine resource assessments, habitat monitoring and coastal studies;

(iv) grants to the University of Hawaii for technical assistance projects by the Pacific Island Network, such as education and training in the development and implementation of sustainable marine resources development projects, scientific research, and conservation strategies; and

~~(v) western Pacific community-based demonstration projects under section 112(b) of the Sustainable Fisheries Act and other coastal improvement projects to foster and promote the management, conservation, and economic enhancement of the Pacific Insular Areas.~~

(v) western Pacific community-based demonstration projects under section 112(b) of the Sustainable Fisheries Act and other coastal improvement projects in waters beyond the seaward boundary (as such term is defined in section 4 of the Submerged Lands Act) of any State to foster and promote the management, conservation, and economic enhancement of the Pacific Insular Areas.

~~(B) In the case of American Samoa, Guam, and the Northern Mariana Islands, the appropriate Governor, with the concurrence of the Western Pacific Council, shall develop~~

~~the marine conservation plan described in subparagraph (A) and submit such plan to the Secretary for approval. In the case of other Pacific Insular Areas, the Western Pacific Council shall develop and submit the marine conservation plan described in subparagraph (A) to the Secretary for approval.~~

(B) In the case of American Samoa, Guam, and the Northern Mariana Islands, the appropriate Governor of the applicable Pacific Insular Area shall develop the marine conservation plan described in subparagraph (A) and submit such plan to the Secretary for approval. In the case of other Pacific Insular Areas, the Secretary and the appropriate Governor of the applicable Pacific Insular Area shall jointly develop the marine conservation plan described in subparagraph (A).

(C) If a Governor or the Western Pacific Council intends to request that the Secretary of State renew a Pacific Insular Area fishery agreement, a subsequent 3-year plan shall be submitted to the Secretary for approval by the end of the second year of the existing 3-year plan.

(5) **Reciprocal conditions.**— Except as expressly provided otherwise in this subsection, a Pacific Insular Area fishing agreement may include terms similar to the terms applicable to United States fishing vessels for access to similar fisheries in waters subject to the fisheries jurisdiction of another nation.

(6) **Use of payments by American Samoa, Guam, Northern Mariana Islands.**— Any payments received by the Secretary under a Pacific Insular Area fishery agreement for American Samoa, Guam, or the Northern Mariana Islands shall be deposited into the United States Treasury and then covered over to the Treasury of the Pacific Insular Area for which those funds were collected. Amounts deposited in the Treasury of a Pacific Insular Area shall be available, without appropriation or fiscal year limitation, to the Governor of the Pacific Insular Area—

(A) to carry out the purposes of this subsection; and

~~(B) to compensate (i) the Western Pacific Council for mutually agreed upon administrative costs incurred relating to any Pacific Insular Area fishery agreement for such Pacific Insular Area, and (ii) the Secretary of State for mutually agreed upon travel expenses for no more than 2 Federal representatives incurred as a direct result of complying with paragraph (1)(A); and~~

~~(C) (B)~~ to implement a marine conservation plan developed and approved under paragraph (4).

(7) **Western Pacific Sustainable Fisheries Fund.**— There is established in the United States Treasury a Western Pacific Sustainable Fisheries Fund into which any payments received by the Secretary under a Pacific Insular Area fishery agreement and any funds or contributions received in support of conservation and management objectives under a marine conservation plan for any Pacific Insular Area other than American Samoa, Guam, or the Northern Mariana Islands shall be deposited. The Western Pacific Sustainable Fisheries Fund shall be made available, without appropriation or fiscal year limitation, to the Secretary, ~~who shall provide such funds only to~~ for the purposes of—

(A) ~~the Western Pacific Council for the purpose of~~ carrying out the provisions of this subsection, as determined by the Secretary, in consultation with the Western Pacific Sustainable Fishery Fund Advisory Panel established under section 204(e)(9), including implementation of a marine conservation plan approved under paragraph (4);

(B) providing such funds as are necessary to the Secretary of State for mutually agreed upon travel expenses for no more than 2 Federal representatives incurred as a direct result of complying with paragraph (1)(B); and

~~(C) the Western Pacific Council to meet conservation and management objectives in the State of Hawaii if monies remain in the Western Pacific Sustainable Fisheries Fund after the funding requirements of subparagraphs (A) and (B) have been satisfied.~~

(C) providing such funds as remain in the Western Pacific Sustainable Fisheries Fund after the funding requirements of subparagraphs (A) and (B) have been satisfied to the Governor of Hawaii to meet conservation and management objectives in the State of Hawaii.

~~Amounts deposited in such fund shall not diminish funding received by the Western Pacific Council for the purpose of carrying out other responsibilities under this Act.~~

(8) Use of fines and penalties.— In the case of violations occurring within the exclusive economic zone off American Samoa, Guam, or the Northern Mariana Islands, amounts received by the Secretary which are attributable to fines or penalties imposed under this Act, including such sums collected from the forfeiture and disposition or sale of property seized subject to its authority, after payment of direct costs of the enforcement action to all entities involved in such action, shall be deposited into the Treasury of the Pacific Insular Area adjacent to the exclusive economic zone in which the violation occurred, to be used for fisheries enforcement and for implementation of a marine conservation plan under paragraph (4). In the case of violations by foreign vessels occurring within the exclusive economic zones off Midway Atoll, Johnston Atoll, Kingman Reef, Palmyra Atoll, Jarvis, Howland, Baker, and Wake Islands, amounts received by the Secretary attributable to fines and penalties imposed under this Act, shall be deposited into the Western Pacific Sustainable Fisheries Fund established under paragraph (7) of this subsection.

(9) WESTERN PACIFIC SUSTAINABLE FISHERY FUND ADVISORY PANEL.—

(A) IN GENERAL.— To assist in carrying out this subsection, the Secretary shall establish and convene an advisory panel under section 302(g), to be known as the ‘Western Pacific Sustainable Fishery Fund Advisory Panel’ (referred to in this paragraph as the ‘advisory panel’), to evaluate, determine the relative merits of, and annually rank applications for grants for implementation of marine conservation plans approved under paragraph (4).

(B) MEMBERS.— The advisory panel shall consist of members such that—

(i) the Governor of each applicable Pacific Insular Area selects 1 member; and

(ii) no member may be a member or employee of the Western Pacific Council.

(C) AWARD NOT IN ACCORDANCE WITH RANK.— If the Secretary awards a grant for a project not in accordance with the rank given to such project by the advisory panel, the Secretary shall provide a detailed written explanation of the reasons for such award.

(D) NOTICE.— The Secretary shall provide to the public timely notice of each meeting of the advisory panel.

(E) MINUTES.— The Secretary shall keep and make available to the public minutes of each meeting of the advisory panel.

(F) REPORTS.— The Secretary shall, with the assistance of the advisory panel, annually submit to Congress a report identifying any projects that were funded in the previous year and the status and progress of projects carried out under this subsection.

(G) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.— Chapter 10 of title 5, United States Code (commonly known as the ‘Federal Advisory Committee Act’), does not apply to the advisory panel.

TITLE III—NATIONAL FISHERY MANAGEMENT PROGRAM

Sec. 301. NATIONAL STANDARDS FOR FISHERY CONSERVATION AND MANAGEMENT.

(a) **In General.**— Any fishery management plan prepared, and any regulation promulgated to implement any such plan, pursuant to this title shall be consistent with the following national standards for fishery conservation and management:

(1) Conservation and management measures shall prevent over-fishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.

(2) Conservation and management measures shall be based upon the best scientific information available.

(3) To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

(4) Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

(5) Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.

(6) Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

(7) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

(8) Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities by utilizing economic and social data that meet the requirements of paragraph (2), in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.

~~(9) Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.~~

(9) Conservation and management measures shall—

(A) minimize bycatch; and

(B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.

(10) Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.

(b) The Secretary shall establish advisory guidelines (which shall not have the force and effect of law), based on the national standards, to assist in the development of fishery management plans.

Sec. 302. REGIONAL FISHERY MANAGEMENT COUNCILS.

(a) **Establishment.**— (1) There shall be established, within 120 days after the date of the enactment of this Act, eight Regional Fishery Management Councils, as follows:

(A) **New england council.**— The New England Fishery Management Council shall consist of the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut and shall have authority over the fisheries in the Atlantic Ocean seaward of such States (except as provided in paragraph (3)). The New England Council shall have ~~18~~ 19 voting members, including 12 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State) and 1 liaison appointed by the Secretary in accordance with paragraph (4) who is a member of the Mid-Atlantic Fishery Management Council to represent the interests of fisheries under the jurisdiction of such Council.

(B) **Mid-atlantic council.**— The Mid-Atlantic Fishery Management Council shall consist of the States of New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, and North Carolina and shall have authority over the fisheries in the Atlantic Ocean seaward of such States (except North Carolina, and as provided in paragraph (3)). The Mid-Atlantic Council shall have ~~21~~ 22 voting members, including 13 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State) and 1 liaison appointed by the Secretary in accordance with paragraph (4) who is a member of the New England Fishery Management Council to represent the interests of fisheries under the jurisdiction of such Council.

(C) **South atlantic council.**— The South Atlantic Fishery Management Council shall consist of the States of North Carolina, South Carolina, Georgia, and Florida and shall have authority over the fisheries in the Atlantic Ocean seaward of such States (except as provided in paragraph (3)). The South Atlantic Council shall have 13 voting members, including 8 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State).

(D) **Caribbean council.**— The Caribbean Fishery Management Council shall consist of the Virgin Islands and the Commonwealth of Puerto Rico and shall have authority over the fisheries in the Caribbean Sea and Atlantic Ocean seaward of such States and of commonwealths, territories, and possessions of the United States in the Caribbean Sea (except as provided in paragraph (3)). The Caribbean Council shall have 7 voting members, including 4 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State).

(E) **Gulf council.**— The Gulf of Mexico Fishery Management Council shall consist of the States of Texas, Louisiana, Mississippi, Alabama, and Florida and shall have authority over the fisheries in the Gulf of Mexico seaward of such States (except as provided in paragraph (3)). The Gulf Council shall have 17 voting members, including 11 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State).

(F) ²⁶ **Pacific council.**— The Pacific Fishery Management Council shall consist of the States of California, Oregon, Washington, and Idaho and shall have authority over the fisheries in the Pacific Ocean seaward of such States. The Pacific Council shall have 14 voting members, including 8 appointed by the Secretary in accordance with subsection (b)(2) (at least one of

whom shall be appointed from each such State), and including one appointed from an Indian tribe with Federally²⁷ recognized fishing rights from California, Oregon, Washington, or Idaho in accordance with subsection (b)(5).

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Margin so in law.

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So in original. The word “Federally” should be “federally”.

(G) **North pacific council.**— The North Pacific Fishery Management Council shall consist of the States of Alaska, Washington, and Oregon and shall have authority over the fisheries in the Arctic Ocean, Bering Sea, and Pacific Ocean ~~seaward~~ seaward of Alaska. The North Pacific Council shall have ~~11~~ 13 voting members, including 7 appointed by the Secretary in accordance with subsection (b)(2) (5 of whom shall be appointed from the State of Alaska and 2 of whom shall be appointed from the State of Washington) and 2 appointed by the Secretary in accordance with subsection (b)(6).

(H) **Western pacific council.**— The Western Pacific Fishery Management Council shall consist of the States of Hawaii, American Samoa, Guam, and the Northern Mariana Islands and shall have authority over the fisheries in the Pacific Ocean seaward of such States and of the Commonwealths, territories, and possessions of the United States in the Pacific Ocean area. The Western Pacific Council shall have 13 voting members, including 8 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each of the following States: Hawaii, American Samoa, Guam, and the Northern Mariana Islands).

(2) Each Council shall reflect the expertise and interest of the several constituent States in the ocean area over which such Council is granted authority.

(3)²⁸ The Secretary shall have authority over any highly migratory species fishery that is within the geographical area of authority of more than one of the following Councils: New England Council, Mid-Atlantic Council, South Atlantic Council, Gulf Council, and Caribbean Council.

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Margin so in law.

(4) REQUIREMENTS FOR LIAISON.— The Secretary shall appoint an individual to be a liaison between the Councils described in subparagraphs (A) and (B) of paragraph (1) who has expertise in a fishery that spans the geographical areas of both such Councils.

(b) **Voting Members.**— (1) The voting members of each Council shall be:

(A) The principal State official with marine fishery management responsibility and expertise in each constituent State, who is designated as such by the Governor of the State, so long as the official continues to hold such position, or the designee of such official.

(B) The regional director of the National Marine Fisheries Service for the geographic area concerned, or ~~his~~ such director's designee, except that if two such directors are within such geographical area, the Secretary shall designate which of such directors shall be the voting member.

(C) The members required to be appointed by the Secretary in accordance with ~~paragraphs (2) and (5)~~ paragraphs (2), (5), and (6).

~~(2) (A) The members of each Council required to be appointed by the Secretary must be individuals who, by reason of their occupational or other experience, scientific expertise, or training, are knowledgeable regarding the conservation and management, or the commercial or recreational harvest, of the fishery resources of the geographical area concerned. Within nine months after the date of enactment of the Fishery Conservation Amendments of 1990, the Secretary shall, by regulation, prescribe criteria for determining whether an individual satisfies the requirements of this subparagraph.~~

(A) REQUIRED EXPERTISE.— In making each appointment to a Council under this section, the Secretary shall appoint an individual who, by reason of occupational or other experience, scientific expertise, or training, is knowledgeable regarding—

(i) the conservation and management, or the commercial, recreational, or subsistence harvest, of the fishery resources of the geographic area concerned; or

(ii) ecosystem-based fishery management or climate science.

~~(B) The Secretary, in making appointments under this section, shall, to the extent practicable, ensure a fair and balanced apportionment, on a rotating or other basis, of the active participants (or their representatives) in the commercial and recreational fisheries under the jurisdiction of the Council. On January 31, 1991, and each year thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives²⁹ a report on the actions taken by the Secretary to ensure that such fair and balanced apportionment is achieved. The report shall—~~

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~~The Committee on Merchant Marine and Fisheries of the House of Representatives was abolished by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. The former jurisdiction of such committee is divided among the Committee on Resources, the Committee on Transportation and Infrastructure, and the Committee on Armed Services of the House of Representatives.~~

~~(i) list the fisheries under the jurisdiction of each Council, outlining for each fishery the type and quantity of fish harvested, fishing and processing methods employed, the number of participants, the duration and range of the fishery, and other distinguishing characteristics;~~

~~(ii) assess the membership of each Council in terms of the apportionment of the active participants in each such fishery; and~~

~~(iii) state the Secretary's plans and schedule for actions to achieve a fair and balanced apportionment on the Council for the active participants in any such fishery.~~

(B) APPORTIONMENT.—

(i) IN GENERAL.— In making each appointment under this section, the Secretary shall, to the extent practicable, ensure a fair and balanced apportionment, on a rotating or other basis, of active participants (or the representatives of such participants) in the commercial, recreational, and subsistence fisheries under the jurisdiction of the Council and of members of the conservation community, scientists, nonconsumptive users, and members of indigenous and tribal communities, as applicable.

(ii) REPORT.— The Secretary shall, on an annual basis, 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 regarding the actions taken by the Secretary to ensure that a fair and balanced apportionment described in clause (i) is achieved, including—

(I) a list of the fisheries under the jurisdiction of each Council, outlining for each fishery the type and quantity of fish harvested, fishing and processing methods employed, the number of participants, the duration and range of the fishery, and other distinguishing characteristics;

(II) an assessment of the membership of each Council in terms of the apportionment of the active participants in each such fishery and of members of the conservation community, scientists, nonconsumptive users, and members of indigenous and tribal communities; and

(III) a statement of the plans and schedule of the Secretary for actions to achieve a fair and balanced apportionment on each Council for the active participants in any such fishery and for the categories of members listed in subclause (II).

~~(C) The Secretary shall appoint the members of each Council from a list of individuals submitted by the Governor of each applicable constituent State. A Governor may not submit the names of individuals to the Secretary for appointment unless the Governor has determined that each such individual is qualified under the requirements of subparagraph (A) and unless the Governor has, to the extent practicable, first consulted with representatives of the commercial and recreational fishing interests of the State regarding those individuals. Each such list shall include the names and pertinent biographical data of not less than three individuals for each applicable vacancy and shall be accompanied by a statement by the Governor explaining how each such individual meets the requirements of subparagraph (A). The Secretary shall review each list submitted by a Governor to ascertain if the individuals on the list are qualified for the vacancy on the basis of such requirements. If the Secretary determines that any individual is not qualified, the Secretary shall notify the appropriate Governor of that determination. The Governor shall then submit a revised list or resubmit the original list with an additional explanation of the qualifications of the individual in question. An individual is not eligible for appointment by the Secretary until that individual complies with the applicable financial disclosure requirements under subsection (k).~~

(C) APPOINTMENTS.—

(i) LIST FROM GOVERNOR.—

(I) APPOINTMENT FROM LIST.— The Secretary shall appoint the members of each Council from a list of individuals submitted by the Governor of each applicable constituent State.

(II) REQUIREMENTS FOR LIST.— In submitting a list under subclause (I), a Governor
=

(aa) may only submit the name of an individual if such Governor has determined such individual is qualified under subparagraph (A);

(bb) shall include the names and pertinent biographical data of not less than 3 individuals for each applicable vacancy; and

(cc) shall include a statement explaining how each individual included on the list meets the requirements of subparagraph (A).

(III) REVIEW.— The Secretary shall review each list submitted under this subparagraph.

(IV) NOTIFICATION.— If the Secretary determines that an individual included on a list submitted under this subparagraph does not meet the requirements of this paragraph, the Secretary shall notify the appropriate Governor.

(V) RESPONSE TO REVIEW.— If a Governor receives notification under subclause (IV), such Governor may submit a revised list or resubmit the original list with an additional explanation of the qualifications of the individual for which such Governor received such a notification.

(ii) INDIVIDUALS WITHOUT FINANCIAL INTEREST.— The Secretary shall appoint to each Council at least 1 individual who does not have a financial interest in matters before the Council.

(iii) FINANCIAL DISCLOSURE REQUIREMENTS.— An individual is not eligible for appointment by the Secretary until that individual complies with the applicable financial disclosure requirements under subsection (j).

(D) (i) The Governor of a State submitting a list of names of individuals for appointment by the Secretary of Commerce to the Gulf of Mexico Fisheries Management Council under subparagraph (C) shall include—

(I) at least 1 nominee each from the commercial, recreational, and charter fishing sectors; and

(II) at least 1 other individual who is knowledgeable regarding the conservation and management of fisheries resources in the jurisdiction of the Council.

(ii) Notwithstanding the requirements of subparagraph (C), if the Secretary determines that the list of names submitted by the Governor does not meet the requirements of clause (i) the Secretary shall—

(I) publish a notice in the Federal Register asking the residents of that State to submit the names and pertinent biographical data of individuals who would meet the requirement not met for appointment to the Council; and

(II) add the name of any qualified individual submitted by the public who meets the unmet requirement to the list of names submitted by the Governor.

(iii) For purposes of clause (i) an individual who owns or operates a fish farm outside of the United States shall not be considered to be a representative of the commercial or recreational fishing sector.

(iv) The requirements of this subparagraph shall expire at the end of fiscal year 2012.

(E) Whenever the Secretary makes an appointment to a Council, the Secretary shall make a public announcement of such appointment not less than 45 days before the first day on which the individual is to take office as a member of the Council.

(F) GEOGRAPHICAL REPRESENTATION.— In appointing at-large members to the Western Pacific Council, the Secretary shall ensure geographical representation across each constituent State of such Council.

(3) Each voting member appointed to a Council by the Secretary in accordance with ~~paragraphs (2) and (5)~~ paragraph (2) shall serve for a term of 3 years; except that the Secretary may designate a shorter term if necessary to provide for balanced expiration to terms of office. No member appointed after January 1, 1986, may serve more than three consecutive terms. Any term in which an individual was appointed to replace a member who left office during the term shall not be counted in determining the number of consecutive terms served by that Council member.

(4) Successors to the voting members of any Council shall be appointed in the same manner as the original voting members. Any individual appointed to fill a vacancy occurring prior to the expiration of any term of office shall be appointed for the remainder of that term.

(5) (A)³⁰ The Secretary shall appoint to the Pacific Council one representative of an Indian tribe with Federally recognized fishing rights from California, Oregon, Washington, or Idaho from a list of ~~not less than 3~~ individuals submitted by the tribal governments. The Secretary, in consultation with the Secretary of the Interior and tribal governments, shall establish by regulation the procedure for submitting a list under this subparagraph.

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Margin so in law.

(B) Representation shall be rotated among the tribes taking into consideration—

(i) the qualifications of the individuals on the list referred to in subparagraph (A),

(ii) the various rights of the Indian tribes involved and judicial cases that set forth how those rights are to be exercised, and

(iii) the geographic area in which the tribe of the representative is located.

(C) A vacancy occurring prior to the expiration of any term shall be filled in the same manner as set out in subparagraphs (A) and (B), except that the Secretary may use the list from which the vacating representative was chosen.

(D) The tribal representative appointed under subparagraph (A) may designate as an alternate, during the period of the representative's term, an individual knowledgeable concerning tribal rights, tribal law, and the fishery resources of the geographical area concerned.

(E) An individual appointed under subparagraph (A) shall serve on the Pacific Council until such time as a new appointment to the tribal seat is made under subparagraph (A).

(6) (A) The Secretary, in accordance with subparagraph (C), shall appoint to the North Pacific Council 2 individuals to serve as representatives of covered Indian tribes from a list submitted by the tribal governments.

(B) The Secretary, in consultation with the Secretary of the Interior, tribal governments, and the Alaska Federation of Natives, shall establish by regulation the procedure for submitting a list under subparagraph (A).

(C) An individual is qualified for appointment to the North Pacific Council under subparagraph (A) if such individual—

(i) possesses knowledge of—

(I) the anadromous fish of the North Pacific Council region;

(II) the marine resources managed by such Council;

(III) the effects of the actions of such Council on such resources;

(IV) the subsistence uses, customs, and traditions relating to such resources;

and

(V) commercial and sport uses of the fish described in subclause (I) and such resources; or

(ii) demonstrates leadership through involvement in local, regional, or tribal fish and wildlife management or conservation organizations.

(D) Representation shall be rotated among affected tribal regions, taking into consideration—

(i) the qualifications of the individuals on the list submitted under subparagraph (A);

(ii) the degree to which the Indian tribes located within the North Pacific Council region are dependent on anadromous fish and marine resources within such region and the effects of the actions of such Council on such resources; and

(iii) the geographic area within which the tribe of the representative is located.

(E) An individual appointed under subparagraph (A) may designate as an alternate an individual knowledgeable with respect to tribal rights and fishing practices, Indigenous traditional knowledge, tribal law, and the marine resources managed by the North Pacific Council.

(F) An individual appointed under subparagraph (A) shall serve on the North Pacific Council until such time as a new appointment to the tribal seat is made under that subparagraph.

(G) In this paragraph, the term “covered Indian tribe” means an Indian tribe in Alaska that is identified (including parenthetically) on the most current list published by the Secretary under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

~~(6)~~ ³⁰ The Secretary may remove for cause any member of a Council required to be appointed by the Secretary in accordance with ~~paragraphs~~ paragraph (2), (5), or (6) ³¹ ~~(2) or (5)~~ if—

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So in original. The word “paragraphs” should be “paragraph”.

(A) the Council concerned first recommends removal by not less than two-thirds of the members who are voting members and submits such removal recommendation to the Secretary in writing together with a statement of the basis for the recommendation; or

(B) the member is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 307(1)(O).

(c) **Nonvoting Members.**— (1) The nonvoting members of each Council shall be:

(A) The regional or area director of the United States Fish and Wildlife Service for the geographical area concerned, or ~~his~~ such director’s designee.

(B) The commander of the Coast Guard district for the geographical area concerned, or ~~his~~ such commander’s designee; except that, if two Coast Guard districts are within such geographical area, the commander designated for such purpose by the commandant of the Coast Guard.

(C) The executive director of the Marine Fisheries Commission for the geographical area concerned, if any, or ~~his~~ such executive director’s designee.

(D) One representative of the Department of State designated for such purpose by the Secretary of State, or ~~his~~ such Secretary's designee.

(2) The Pacific Council shall have one additional nonvoting member who shall be appointed by, and serve at the pleasure of, the Governor of Alaska.

(d) **Compensation and Expenses.**— The voting members of each Council who are required to be appointed by the Secretary and who are not employed by the Federal Government or any State or local government, shall receive compensation at the daily rate for GS–15, step 7 of the General Schedule, when engaged in the actual performance of duties for such Council. The voting members of each Council, any nonvoting member described in subsection (c)(1)(C), and the nonvoting member appointed pursuant to subsection (c)(2) shall be reimbursed for actual expenses incurred in the performance of such duties, and other nonvoting members and Council staff members may be reimbursed for actual expenses.

(e) **Transaction of Business.**—

(1) A majority of the voting members of any Council shall constitute a quorum, but one or more such members designated by the Council may hold hearings. All decisions of any Council shall be by majority vote of the voting members present and voting.

(2) The voting members of each Council shall select a Chairman for such Council from among the voting members.

(3) Each Council shall meet at appropriate times and places in any of the constituent States of the Council at the call of the Chairman or upon the request of a majority of its voting members.

(4) If any voting member of a Council disagrees with respect to any matter which is transmitted to the Secretary by such Council, such member may submit a statement to the Secretary setting forth the reasons for such disagreement. The regional director of the National Marine Fisheries Service serving on the Council, or the regional director's designee, shall submit such a statement, which shall be made available to the public upon request, if the regional director disagrees with any such matter.

(5) ~~At the request of any voting member of a Council, the Council shall hold a roll call vote on any matter before the Council.~~ Each Council shall hold a roll call vote on all nonprocedural matters before the Council. At the request of any voting member of a Council, that Council shall hold a roll call vote on any procedural matter before the Council. The official minutes and other appropriate records of any Council meeting shall identify all roll call votes held, the name of each voting member present during each roll call vote, and how each member voted on each roll call vote.

(6) To the extent possible, each Council shall—

(A) seek to hold meetings in person; and

(B) ensure the availability of remote meeting participation and voting.

(f) **Staff and Administration.**—

(1) Each Council may appoint, and assign duties to, an executive director and such other full- and part-time administrative employees as the Secretary determines are necessary to the performance of its functions.

(2) Upon the request of any Council, and after consultation with the Secretary, the head of any Federal agency is authorized to detail to such Council, on a reimbursable basis, any of the personnel of such agency, to assist such Council in the performance of its functions under this Act.

(3) The Secretary shall provide to each Council such administrative and technical support services as are necessary for the effective functioning of such Council.

(4) The Administrator of General Services shall furnish each Council with such offices, equipment, supplies, and services as ~~he~~ the Administrator of General Services is authorized to furnish to any other agency or instrumentality of the United States.

(5) The Secretary and the Secretary of State shall furnish each Council with relevant information concerning foreign fishing and international fishery agreements.

(6) Each Council shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this Act, in accordance with such uniform standards as are prescribed by the Secretary. The procedures of a Council, and of its scientific and statistical committee and advisory panels established under subsection (g), must be consistent with the procedural guidelines set forth in subsection (i)(2). Each Council shall publish and make available to the public a statement of its organization, practices, and procedures.

(7) The Secretary shall pay—

(A) the compensation and expenses provided for in subsection (d);

(B) appropriate compensation to employees appointed under paragraph (1);

(C) the amounts required for reimbursement of other Federal agencies under paragraphs (2) and (4);

(D) the actual expenses of the members of the committees and panels established under subsection (g); and

(E) such other costs as the Secretary determines are necessary to the performance of the functions of the Councils.

(8) Each Council shall, with the approval of the Secretary, develop a code of conduct and ethics for members and employees of each such Council equivalent to those applicable to Federal personnel.

(9) The Secretary may, in accordance with applicable law, take disciplinary action, up to and including termination, against an executive director of a Council. A Council may, in accordance with applicable law, take disciplinary action, up to and including termination, against the executive director or any other employee of the Council.

(g) Committees and Advisory Panels.—

(1) (A) Each Council shall establish, maintain, and appoint the members of a scientific and statistical committee to assist it in the development, collection, evaluation, and peer review of such statistical, biological, economic, social, ecological, and other scientific information as is relevant to such Council's development and amendment of any fishery management plan.

~~(B) Each scientific and statistical committee shall provide its Council ongoing scientific advice for fishery management decisions, including recommendations for—~~

~~(i) acceptable biological catch;~~

~~(ii) preventing overfishing;~~

~~(iii) maximum sustainable yield;~~

~~(iv) achieving rebuilding targets;~~

~~(v) maintaining a sufficient abundance, diversity, and localized distribution of forage fish populations to support their role in marine ecosystems; and~~

~~(vi) reports on stock status and health, bycatch, habitat status, social and economic impacts of management measures, and sustainability of fishing practices.~~

~~(B) Each scientific and statistical committee shall provide its Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch, preventing overfishing, maximum sustainable yield, and achieving rebuilding targets, and reports on stock status and health, bycatch, habitat status, social and economic impacts of management measures, and sustainability of fishing practices.~~

(B) Each scientific and statistical committee shall provide its Council with ongoing scientific advice for fishery management decisions, including—

(i) recommendations—

(I) for accounting for all sources of mortality in establishing management measures;

(II) for the acceptable biological catch levels;

(III) for preventing overfishing;

(IV) for maximum sustainable yield; and

(V) for achieving rebuilding targets and promoting resilience of stocks of fish to climate change;

(ii) objective and measurable criteria to determine whether a stock of fish is overfished or experiencing overfishing; and

(iii) reports regarding stock status and health, sources of mortality, bycatch, habitat status, social, ecological, and economic impacts of management measures, and sustainability of fishing practices, and prevailing and anticipated future impacts of climate change on stocks of fish, fishing communities, and fishery sectors.

(C) Members appointed by the Councils to the scientific and statistical committees shall be Federal employees, State employees, academicians, or independent experts and shall have strong scientific or technical credentials and experience.

(D) Each member of a scientific and statistical committee shall be treated as an affected individual for purposes of paragraphs (2), (3)(B), (4), and (5)(A) of subsection (j). The Secretary shall keep disclosures made pursuant to this subparagraph on file.

(E) The Secretary and each Council may establish a peer review process for that Council for scientific information used to advise the Council about the conservation and management of the fishery. The review process, which may include existing committees or panels, is deemed to satisfy the requirements of the guidelines issued pursuant to section 515 of the Treasury and General Government Appropriations Act for Fiscal year 2001 (Public Law 106-554—Appendix C; 114 Stat. 2763A-153).

(F) In addition to the provisions of section 302(f)(7), the Secretary shall, subject to the availability of appropriations, pay a stipend to members of the scientific and statistical committees or advisory panels who are not employed by the Federal Government or a State marine fisheries agency.

(G) A science and statistical committee shall hold its meetings in conjunction with the meeting of the Council, to the extent practicable.

(2) Each Council shall establish such advisory panels as are necessary or appropriate to assist it in carrying out its functions under this Act.

(3) (A) Each Council shall establish and maintain a fishing industry advisory committee which shall provide information and recommendations on, and assist in the development of, fishery management plans and amendments to such plans.

(B) Appointments to a committee established under subparagraph (A) shall be made by each Council in such a manner as to provide fair representation to commercial fishing interests in the geographical area of authority of the Council.

(4) The Secretary shall establish advisory panels to assist in the collection and evaluation of information relevant to the development of any fishery management plan or plan amendment for a fishery to which subsection (a)(3) applies. Each advisory panel shall participate in all aspects of the development of the plan or amendment; be balanced in its representation of commercial, recreational, and other interests; and consist of not less than 7 individuals who are knowledgeable about the fishery for which the plan or amendment is developed, selected from among—

(A) members of advisory committees and species working groups appointed under Acts implementing relevant international fishery agreements pertaining to highly migratory species; and

(B) other interested persons.

(5) Decisions and recommendations made by committees and panels established under this subsection shall be considered to be advisory in nature.

(h) **Functions.**— Each Council shall, in accordance with the provisions of this Act—

(1) for each fishery under its authority that requires conservation and management, prepare and submit to the Secretary (A) a fishery management plan, and (B) amendments to each such plan that are necessary from time to time (and promptly whenever changes in conservation and management measures in another fishery substantially affect the fishery for which such plan was developed);

(2) prepare comments on any application for foreign fishing transmitted to it under section 204(b)(4)(C) or section 204(d), and any fishery management plan or amendment transmitted to it under section 304(c)(4);

(3) conduct public hearings, at appropriate times and in appropriate locations in the geographical area concerned, so as to allow all interested persons an opportunity to be heard in the development of fishery management plans and amendments to such plans, and with respect to the administration and implementation of the provisions of this Act (and for purposes of this paragraph, the term “geographical area concerned” may include an area under the authority of another Council if the fish in the fishery concerned migrate into, or occur in, that area or if the matters being heard affect fishermen of that area; but not unless such other Council is first consulted regarding the conduct of such hearings within its area);

(4) submit to the Secretary such periodic reports as the Council deems appropriate, and any other relevant report which may be requested by the Secretary;

(5) review on a continuing basis, and revise as appropriate, the assessments and specifications made pursuant to section 303(a)(3) and (4) with respect to the optimum yield from, the capacity and extent to which United States fish processors will process United States harvested fish from, and the total allowable level of foreign fishing in, each fishery (except as provided in subsection (a)(3)) within its geographical area of authority; ~~and~~ ³²

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So in law. The word “and” at the end of paragraph (5) probably should not

appear. Section 103(c)(1) of Public Law 109–479 attempts to amend this paragraph by striking “**authority, and**” and inserting “**authority;**”. The amendment could no be carried out because the comma in the matter purported to be struck did not appear in law.

(6) develop annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendations of its scientific and statistical committee or the peer review process established under subsection (g);

(7) develop, in conjunction with the scientific and statistical committee, multi-year research priorities for fisheries, fisheries interactions, habitats, forage fish populations and distribution, and other areas of research that are necessary for management purposes, that shall—

(A) establish priorities for 5-year periods;

(B) prioritize fisheries and habitats experiencing or expected to experience shifts in geographic range, spatial distribution, or productivity;

~~(B)~~ (C) be updated as necessary; and

~~(C)~~ (D) be submitted to the Secretary and the regional science centers of the National Marine Fisheries Service for their consideration in developing research priorities and budgets for the region of the Council;

(8) approve, for each of its managed stocks of fish, objective and measurable criteria for identifying whether the stock of fish is overfished or experiencing overfishing, which may not be less precautionary than the recommendation of its scientific and statistical committee;

(9) develop and implement a habitat protection plan to protect essential fish habitat in the region of the Council from adverse effects caused by fishing, including—

(A) quantitative and measurable targets and goals to increase quality, quantity, and representativeness of essential fish habitat; and

(B) conservation and management measures in a fishery management plan to implement the habitat protection plan;

(10) at routine intervals not less frequently than every 7 years and based on scientific evidence or other relevant information, review habitat protection plans developed under paragraph (9) by such Council and each designation of essential fish habitat and habitat areas of particular concern under section 303(a)(7) by such Council, and amend fishery management plans of such Council as necessary and appropriate;

~~(8)~~ (11) in addition to complying with the standards and requirements under paragraph (6), sections 301(a), 303(a)(15), and 304(e), and other applicable provisions of this Act, have the authority to use fishery management measures in a recreational fishery (or the recreational component of a mixed-use fishery) in developing a fishery management plan, plan amendment, or proposed regulations, such as extraction rates, fishing mortality targets, harvest control rules, or traditional or cultural practices of native communities in such fishery or fishery component; and

(12) develop a list of unmanaged forage fish occurring in the area under its authority and prohibit the development of any new directed forage fish fishery until the Council has—

(A) considered the best scientific information available and evaluated the potential impacts of forage fish harvest on existing fisheries, fishing communities, and the marine ecosystem;

(B) determined whether conservation and management of the forage fish fishery is needed;

(C) if a determination is made that conservation and management is needed, prepared and submitted to the Secretary a fishery management plan or amendment consistent with section 303; and

(D) received final, approved regulations from the Secretary pursuant to section 304(b)(3); and

9 12 conduct any other activities which are required by, or provided for in, this Act or which are necessary and appropriate to the foregoing functions.

(i) Procedural Matters.— (1) Chapter 10 of title 5, United States Code, shall not apply to the Councils, the Council coordination committee established under subsection (l), or to the scientific and statistical committees or other committees or advisory panels established under subsection (g).

(2) The following guidelines apply with respect to the conduct of business at meetings of a Council, and of a Council, of the Council coordination committee established under subsection (l), and of the scientific and statistical committees or other committees or advisory panels established under subsection (g):

(A) Unless closed in accordance with paragraph (3), each regular meeting and each emergency meeting shall be open to the public.

(B) Emergency meetings shall be held at the call of the chairman or equivalent presiding officer.

(C) Timely public notice of each regular meeting and each emergency meeting, including the time, place, and agenda of the meeting, shall be provided by any means that will result in wide publicity in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery), except that e-mail notification and website postings alone are not sufficient. Timely notice of each regular meeting shall also be published in the Federal Register. The published agenda of the meeting may not be modified to include additional matters for Council action without public notice or within 14 days prior to the meeting date, unless such modification is to address an emergency action under section 305(c), in which case public notice shall be given immediately.

(D) Interested persons shall be permitted to present oral or written statements regarding the matters on the agenda at meetings. All written information submitted to a Council by an interested person shall include a statement of the source and date of such information. Any oral or written statement shall include a brief description of the background and interests of the person in the subject of the oral or written statement.

33 (E) Detailed minutes of each meeting of the Council, except for any closed session, shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all statements filed. The Chairman shall certify the accuracy of the minutes of each such meeting and submit a copy thereof to the Secretary. The minutes shall be made available to any court of competent jurisdiction.

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(F) Subject to the procedures established under paragraph (4), and the guidelines prescribed by the Secretary under section 402(b), relating to confidentiality, the administrative record, including minutes required under subparagraph (E), of each meeting, and records or other documents which were made available to or prepared for or by the Council, committee, or panel incident to the meeting, shall be available for public inspection and copying at a single location in the offices of the Council or the Secretary, as appropriate.

(G) Each Council shall make available on the internet website of the Council—

(i) with respect to each meeting of the Council and of the Council Coordination Committee established under subsection (1) that is not closed in accordance with paragraph (3), to the extent possible, a webcast, live audio recording, or live video broadcast of each such meeting; and

(ii) with respect to each meeting of the Council and of the scientific and statistical committee established by the Council under subsection (g)(1)(A) that is not closed in accordance with paragraph (3), by not later than 30 days after the conclusion of each such meeting, an audio or video recording (if the meeting was in person or by video conference) or a searchable audio recording or written transcript of each such meeting.

(H) The Secretary shall maintain and make available to the public, for a period of not less than 5 years beginning on the date of a meeting, an archive of Council and scientific and statistical committee meeting audio and video recordings and transcripts made available under subparagraph (G).

(3) (A) Each Council, the Council Coordination Committee established under subsection (1), scientific and statistical committee, other committees, and advisory panel—

(i) shall close any meeting, or portion thereof, that concerns matters or information that bears a national security classification; and

(ii) may close any meeting, or portion thereof, that concerns matters or information that pertains to national security, employment matters, or briefings on litigation in which the Council is interested.

Subparagraphs (D) and (F) of paragraph (2) shall not apply to any meeting or portion thereof that is so closed.

(B) If any meeting or portion is closed, the Council concerned shall notify local newspapers in the major fishing ports within its region (and in other major, affected fishing ports),³⁴ including in that notification the time and place of the meeting. This subparagraph does not require notification regarding any brief closure of a portion of a meeting in order to discuss employment or other internal administrative matters.

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Section 103(f) of Public Law 109–479 provides as follows:

(f) **Closed Meetings.**—Section 302(i)(3)(B) (16 U.S.C. 1852(i)(3)(B)) is amended by striking “notify local newspapers in the major fishing ports within its region (and in other major, affected fishing ports,” and inserting “provide notice by any means that will result in wide publicity in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery), except that e-mail notification and website postings alone are not sufficient,”.

The amendment could not be executed because a close parenthesis appears in the law following the word “ports” and the comma in the matter purported to be struck.

(4) Each Council shall establish appropriate procedures applicable to it and to its committee and advisory panels for ensuring the confidentiality of the statistics that may be submitted to it by Federal or State authorities, and may be voluntarily submitted to it by private persons; including, but not limited to, procedures for the restriction of Council employee access and the prevention of conflicts of interest; except that such procedures, in the case of statistics submitted to the Council by a State or by the Secretary under section 402(b), must be consistent with the laws and regulations of that State, or with the procedures of the Secretary, as the case may be, concerning the confidentiality of the statistics.

(5) Each Council shall specify those procedures that are necessary or appropriate to ensure that the committees and advisory panels established under subsection (g) are involved, on a continuing basis, in the development and amendment of fishery management plans.

(6) At any time when a Council determines it appropriate to consider new information from a State or Federal agency or from a Council advisory body, the Council shall give comparable consideration to new information offered at that time by interested members of the public. Interested parties shall have a reasonable opportunity to respond to new data or information before the Council takes final action on conservation and management measures.

(j) **Disclosure of Financial Interest**³⁵.—

(1) For the purposes of this subsection—

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Section 107(i)(1) of P.L. 104–297 sought to amend the heading for subsection (j) by inserting “and Recusal” after “Interest”. Because of the use of incorrect typeface, the amendment cannot be executed.

(A) the term “affected individual” means an individual who—

(i) is nominated by the Governor of a State for appointment as a voting member of a Council in accordance with subsection (b)(2); or

(ii) is a voting member of a Council appointed—

(I) under subsection (b)(2); or

(II) under ~~subsection (b)(5)~~ *paragraph (5) or (6) of subsection (b)* who is not subject to disclosure and recusal requirements under the laws of an Indian tribal government; and

~~(B) the term “designated official” means a person with expertise in Federal conflict-of-interest requirements who is designated by the Secretary, in consultation with the Council, to attend Council meetings and make determinations under paragraph (7)(B).~~

(B) the term “designated official” means an attorney employed in the Office of the General Counsel of the National Oceanic and Atmospheric Administration who—

(i) has expertise in Federal conflict-of-interest requirements; and

(ii) is designated by the Secretary, in consultation with a Council, to attend the meetings of such Council and make determinations under paragraph (7)(B).

(2) Each affected individual must disclose any financial interest held by—

(A) that individual;

(B) the spouse, minor child, or partner of that individual; and

(C) any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, contractor, or employee;

in any harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be, undertaken within any fishery over which the Council concerned has jurisdiction, or with respect to an individual or organization with a financial interest in such activity.

(3) The disclosure required under paragraph (2) shall be made—

(A) in the case of an affected individual referred to in paragraph (1)(A)(i), before appointment by the Secretary; and

(B) in the case of an affected individual referred to in paragraph (1)(A)(ii), within 45 days of taking office.

(4) An affected individual referred to in paragraph (1)(A)(ii) must update ~~his or her~~ such individual's disclosure form at any time any such financial interest is acquired, or substantially changed, by any person referred to in paragraph (2)(A), (B), or (C).

(5) The financial interest disclosures required by this subsection shall—

(A) be made on such forms, in accordance with such procedures, and at such times, as the Secretary shall by regulation prescribe;

(B) be kept on file by the Council and made available ~~on the Internet~~ on the internet website of the agency, on the internet website of the applicable Council, and for public inspection at the Council offices during reasonable hours; and

(C)³⁶ be kept on file by the Secretary for use in reviewing determinations under paragraph (7)(B) and made available for public inspection at reasonable hours.

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Margin so in law.

(6) The participation by an affected individual referred to in paragraph (1)(A)(ii) in an action by a Council during any time in which that individual is not in compliance with the regulations prescribed under paragraph (5) may not be treated as cause for the invalidation of that action.

(7) (A)³⁶ After the effective date of regulations promulgated under subparagraph (F) of this paragraph, an affected individual required to disclose a financial interest under paragraph (2) shall not vote on a Council decision which would have a significant and predictable effect on such financial interest. A Council decision shall be considered to have a significant and predictable effect on a financial interest if there is a close causal link between the Council decision and an expected and substantially disproportionate benefit to the financial interest of the affected individual relative to the financial interests of other participants in the same gear type or sector of the fishery. An affected individual who may not vote may participate in Council deliberations relating to the decision after notifying the Council of the voting recusal and identifying the financial interest that would be affected.

(B) At the request of an affected individual, or upon the initiative of the appropriate designated official, the designated official shall make a determination for the record whether a Council decision would have a significant and predictable effect on a financial interest.

(C) Any Council member may submit a written request to the Secretary to review any determination by the designated official under subparagraph (B) within 10 days of such determination. Such review shall be completed within 30 days of receipt of the request.

(D) Any affected individual who does not vote in a Council decision in accordance with this subsection may state for the record how ~~he or she~~ such individual would have voted on such decision if ~~he or she~~ such individual had voted.

(E) If the Council makes a decision before the Secretary has reviewed a determination under subparagraph (C), the eventual ruling may not be treated as cause for the invalidation or reconsideration by the Secretary of such decision.

(F) The Secretary, in consultation with the Councils and by not later than one year from the date of enactment of the Sustainable Fisheries Act, shall promulgate regulations which prohibit an affected individual from voting in accordance with subparagraph (A), and which allow for the making of determinations under subparagraphs (B) and (C).

(8) Section 208 of title 18, United States Code, does not apply to an affected individual referred to in paragraph (1)(A)(ii) during any time in which that individual is in compliance with the regulations prescribed under paragraph (5).

(9) On January 1, 2008, and annually thereafter, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on action taken by the Secretary and the Councils to implement the disclosure of financial interest and recusal requirements of this subsection, including identification of any conflict of interest problems with respect to the Councils and scientific and statistical committees and recommendations for addressing any such problems.

(k) Council Training Program.—

(1) **Training course.**— Within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils and the National Sea Grant College Program, shall develop a training course for newly appointed Council members. The course may cover a variety of topics relevant to matters before the Councils, including—

(A) fishery science and basic stock assessment methods;

(B) fishery management techniques, data needs, and Council procedures;

(C) climate change and relevant impacts of climate change on fisheries health, range, and other factors that would affect the conservation and management of a stock of fish;

~~(C)~~ (D) social science and fishery economics;

~~(D)~~ (E) tribal treaty rights and native customs, access, and other rights related to Western Pacific indigenous communities;

~~(E)~~ (F) legal requirements of this Act, including conflict of interest and disclosure provisions of this section and related policies;

~~(F)~~ (G) other relevant legal and regulatory requirements, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.);

~~(G)~~ (H) public process for development of fishery management plans;

(I) recreational and commercial fishing information, including fish harvesting techniques, gear types, fishing vessel types, and economics for the fisheries within each Council's jurisdiction.

(I) recreational and commercial fishing information, including fish harvesting techniques, gear types, fishing vessel types, and economics for the fisheries within each Council's jurisdiction.

(J) ecosystem-based fishery management; and

(2) **Member training.**— The training course shall be available to both new and existing Council members, staff from the regional offices and regional science centers of the National Marine Fisheries Service, and may be made available to committee or advisory panel members as resources allow.

(3) **Required training.**— Council members appointed after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 shall complete a training course that meets the requirements of this section not later than 1 year after the date on which they were appointed. Any Council member who has completed a training course within 24 months before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 shall be considered to have met the training requirement of this paragraph.

(l) **Council Coordination Committee.**— The Councils may establish a Council coordination committee consisting of the chairs, vice chairs, and executive directors of each of the 8 Councils described in subsection (a)(1), or other Council members or staff, in order to discuss issues of relevance to all Councils, including issues related to the implementation of this Act.

(m) LOBBYING.—

(1) PROHIBITION ON COUNCIL LOBBYING.—

(A) IN GENERAL.— Except as provided in subparagraph (B), each member of a Council, member of a Council advisory body, and employee or contractor of a Council, is prohibited from using Federal funds to attempt to influence the—

(i) introduction, advancement, enactment, amendment, or repeal of Federal or State legislation; or

(ii) issuance, modification, or overturning of an Executive order, Presidential proclamation, or similar Presidential directive or decree.

(B) TECHNICAL AND FACTUAL PRESENTATIONS.— An individual described in subparagraph (A) may provide a technical and factual presentation directly related to the performance of the duties of a Council, through hearing testimony or written statements, if such presentation is in response to a documented request and is made available under paragraph (4).

(2) ADJUDICATING VIOLATIONS.—

(A) INITIATION BY SECRETARY.— The Secretary may initiate an investigation of a potential violation of paragraph (1).

(B) COMPLAINT.— The Secretary shall investigate a complaint submitted by any person or government entity regarding a potential violation of paragraph (1).

(3) PENALTIES.— If the Secretary determines that an individual violated paragraph (1), such individual shall be subject to disciplinary action, including suspension or expulsion from participation in, membership of, or employment by a Council, Council advisory body, or related entity or activity.

(4) TRAINING.— The Secretary shall provide training to individuals described in paragraph (1) regarding—

(A) compliance with regulations issued to implement this subsection; and

(B) general limits of Federal grant recipients on contacts with members and staff of the executive and legislative branches.

(5) RESTRICTION ON EX-VOTING MEMBER LOBBYING.— A voting member appointed to a Council by the Secretary in accordance with paragraph (2), (5), or (6) of subsection (b) may not lobby the

Council to which such member was appointed regarding any matter during the 1-year period beginning on the date on which the term of such member expires, if such member has not been appointed to serve a subsequent term.

(6) REPORT.— The Secretary shall annually submit to the Committee on Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that describes—

(A) the funding provided to implement this subsection;

(B) complaints received of and investigations into potential violations of paragraph (1); and

(C) barriers associated with and proposals to improve implementation of this subsection.

(n) WORKPLACE HARASSMENT PREVENTION.—

(1) PROHIBITION.— The Secretary shall prohibit any person from harassing a covered individual during the conduct of duties by such covered individual under this Act.

(2) HARASSMENT PREVENT TRAINING.— Council members and staff shall, as a condition of employment, not later than 1 year after the date of the enactment of the Sustaining America's Fisheries for the Future Act of 2024 or the first day of employment by a Council of such individual, and not less often than once every 2 years thereafter, complete 2 hours of workplace harassment prevention training approved by the office authorized by section 3541 of the National Defense Authorization Act for Fiscal Year 2017.

(3) DEFINITIONS.— In this subsection:

(A) COVERED INDIVIDUAL.— The term “covered individual” means—

(i) a Council member;

(ii) Council staff;

(iii) a Council advisory panel member;

(iv) a member of a committee associated with a Council or the National Oceanic and Atmospheric Administration;

(v) a Federal fishery permit holder; and

(vi) a staff member, crew member, employee, or contractor associated with a federally permitted vessel or a facility providing services to such vessels.

(B) HARASSMENT.— The term “harassment” means unwelcome verbal, visual, or physical conduct based on race, color, national origin, religion, age (40 and above), sex (including gender identity, sexual orientation, and pregnancy), disability, genetic information, or prior Equal Employment Opportunity activity.

Sec. 303. CONTENTS OF FISHERY MANAGEMENT PLANS.

(a) Required Provisions.— Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall—

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are—

(A) necessary and appropriate for the conservation and management of the fishery, to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery, and to promote the resilience of stocks of fish to cumulative stressors, including cumulative stressors associated with climate change;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interests in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, including considering the impacts of climate change, and include a summary of the information utilized in making such specification;

(4) assess and specify—

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, charter fishing, and fish processing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, quantification of bycatch, economic information necessary to meet the requirements of this Act, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors,³⁷

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So in law. The comma probably should be a semicolon.

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

~~(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;~~

(7) (A) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize adverse effects on essential fish habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of essential fish habitat; and

(B) describe and identify habitat areas of particular concern based on the guidelines established by the Secretary under section 305(b)(1)(A), avoid adverse effects on such habitat caused by fishing, monitor efficacy of actions to avoid adverse effects, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, ~~1991~~ 2024, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan, including data needed to implement the plan effectively under prevailing and anticipated environmental or ecological conditions, including climate change;

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and analyze the likely effects, if any, including the cumulative conservation, economic, and social impacts, of the conservation and management measures on, and possible mitigation measures for—

(A) participants in the fisheries and fishing communities affected by the plan or amendment;

(B) 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

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

~~(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;~~

(10) specify objective and measurable criteria for identifying when the stock of fish to which the plan applies is overfished or subject to overfishing (with an analysis of how such criteria were determined and the relationship of such criteria to the reproductive potential of stocks of fish in that fishery), which may not be less precautionary than the recommendation of the scientific and statistical committees for such fishery as required by section 302(g)(1)(B), and, in the case of a fishery which the Council or the Secretary has determined is approaching a condition of being overfished or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, ~~to the extent practicable and~~ in the following priority—

(A) minimize bycatch; and

(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and

include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery, including its economic impact, and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors as well as examine the vulnerability of the fishery and fishery participants to the impacts of prevailing and anticipated environmental or ecological conditions, including climate change;

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate, taking into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector, any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery ~~and~~; ³⁸

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So in law. The semicolon probably should appear before “and” at the end of paragraph (14). See amendment made by section 104(a)(9) of Public Law 109–479.

(15) establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability; ;

(16) assess and describe the anticipated impacts of climate change and other environmental and ecological changes on the fishery, including an assessment of whether and how the management measures contained in the plan or plan amendment have accounted for such impacts, and a summary of the information used in such assessment; and

(17) describe and identify the current range and distribution of, and fishing patterns on, each stock of fish managed under the plan, including areas outside the jurisdiction of the Council having authority to issue the plan, and for each stock of fish the distribution of which crosses management boundaries, describe the measures used to coordinate with other relevant management bodies for the conservation and management of each such stock of fish; ; and

(18) when setting annual catch limits for forage fish fisheries, assess, specify, and reduce such limits by the diet needs of fish species and other marine wildlife, such as marine mammals and birds, for which forage fish is a significant part of their diet.

(b) **Discretionary Provisions.**— Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may—

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to—

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone³⁹ or for anadromous species or Continental Shelf fishery resources beyond such zone³⁹;

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Effective upon the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime

Boundary, signed June 1, 1990, enters into force for the United States, section 301(g) of the Flower Garden National Marine Sanctuary (P.L. 102–251; 106 Stat. 64) amends this subparagraph as follows:

(g) **Contents of Fishery Management Plans.**—Section 303(b)(1)(A) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1853(b)(1)(A)) is amended—

(1) by inserting “or special areas,” immediately after “exclusive economic zone”; and

(2) by inserting “or areas” immediately after “such zone”.

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) (A) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(B) designate such zones in areas where deep sea corals are identified under section 408, to protect deep sea corals from physical damage from fishing gear or to prevent loss or damage to such fishing gear from interactions with deep sea corals, after considering long-term sustainable uses of fishery resources in such areas; and

(C) with respect to any closure of an area under this Act that prohibits all fishing, ensure that such closure—

(i) is based on the best scientific information available;

(ii) includes criteria to assess the conservation benefit of the closed area;

(iii) establishes a timetable for review of the closed area's performance that is consistent with the purposes of the closed area; and

(iv) is based on an assessment of the benefits and impacts of the closure, including its size, in relation to other management measures (either alone or in combination with such measures), including the benefits and impacts of limiting access to: users of the area, overall fishing activity, fishery science, and fishery and marine conservation;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the—

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery and take into account the different circumstances affecting fisheries from different States and ports, including distances to fishing grounds and proximity to time and area closures;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account—

- (A) present participation in the fishery;
- (B) historical fishing practices in, and dependence on, the fishery;
- (C) the economics of the fishery;
- (D) the capability of fishing vessels used in the fishery to engage in other fisheries;
- (E) the cultural and social framework relevant to the fishery and any affected fishing communities;
- (F) the fair and equitable distribution of access privileges in the fishery; and
- (G) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data which are necessary for the conservation and management of the fishery;

~~(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;~~

(8) require the collection of data necessary for the conservation and management of the fishery from a vessel of the United States engaged in fishing for species that are subject to the plan through—

(A) electronic monitoring or other electronic technology; or

(B) observers carried onboard such a vessel, except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research;

(12) include management measures in the plan to conserve target and non-target species and habitats, considering the variety of ecological factors affecting fishery populations; ~~and~~

(13) consider full retention requirements for species with high catch mortality rates, provided that an annual catch limit and accountability measures are in place for the species and constrain catch in the fishery; and

(14)⁴⁰ prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

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So in law. There is no paragraph (13). See amendment made by section 105(7) of Public Law 109–479 (120 Stat. 3586).

(c) **Proposed Regulations.**— Proposed regulations which the Council deems necessary or appropriate for the purposes of—

(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 304; and

(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 304.

Sec. 303A. LIMITED ACCESS PRIVILEGE PROGRAMS.

(a) **In General.**— After the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, a Council may submit, and the Secretary may approve, for a fishery that is managed under a limited access system, a limited access privilege program to harvest fish if the program meets the requirements of this section.

(b) **No Creation of Right, Title, or Interest.**— Limited access privilege, quota share, or other limited access system authorization established, implemented, or managed under this Act—

(1) shall be considered a permit for the purposes of sections 307, 308, and 309;

(2) may be revoked, limited, or modified at any time in accordance with this Act, including revocation if the system is found to have jeopardized the sustainability of the stock or the safety of fishermen;

(3) shall not confer any right of compensation to the holder of such limited access privilege, quota share, or other such limited access system authorization if it is revoked, limited, or modified;

(4) shall not create, or be construed to create, any right, title, or interest in or to any fish before the fish is harvested by the holder; and

(5) shall be considered a grant of permission to the holder of the limited access privilege or quota share to engage in activities permitted by such limited access privilege or quota share.

(c) **Requirements for Limited Access Privileges.**—

(1) **In general.**— Any limited access privilege program to harvest fish submitted by a Council or approved by the Secretary under this section shall—

(A) if established in a fishery that is overfished or subject to a rebuilding plan, assist in its rebuilding;

(B) if established in a fishery that is determined by the Secretary or the Council to have over-capacity, contribute to reducing capacity;

(C) promote—

(i) fishing safety;

(ii) fishery conservation and management; and

(iii) social and economic benefits , including the participation of fishing communities in the fishery;

(D) prohibit any person other than a United States citizen, a corporation, partnership, or other entity established under the laws of the United States or any State, or a permanent resident alien, that meets the eligibility and participation requirements established in the program from acquiring a privilege to harvest fish, including any person that acquires a limited access privilege solely for the purpose of perfecting or realizing on a security interest in such privilege;

(E) require that all fish harvested under a limited access privilege program be processed on vessels of the United States or on United States soil (including any territory of the United States);

(F) specify the goals of the program;

(G) include provisions for the regular monitoring and review by the Council and the Secretary of the operations of the program, including determining progress in meeting the goals of the program and this Act, and any necessary modification of the program to meet those goals, with a formal and detailed review 5 years after the implementation of the program and thereafter to coincide with scheduled Council review of the relevant fishery management plan (but no less frequently than once every 7 years);

(H) include an effective system for enforcement, monitoring, and management of the program, including the use of observers or electronic monitoring systems;

(I) include an appeals process for administrative review of the Secretary's decisions regarding initial allocation of limited access privileges;

(J) provide for the establishment by the Secretary, in consultation with appropriate Federal agencies, for an information collection and review process to provide any additional information needed to determine whether any illegal acts of anti-competition, anti-trust, price collusion, or price fixing have occurred among regional fishery associations or persons receiving limited access privileges under the program; ~~and~~

(K) provide for the revocation by the Secretary of limited access privileges held by any person found to have violated the antitrust laws of the United States; ~~; and~~

(L) consider the needs of fishing communities and provide a process for fishing communities to participate in the limited access privilege program in accordance with subsection (c)(3).

(2) **Waiver.**— The Secretary may waive the requirement of paragraph (1)(E) if the Secretary determines that—

(A) the fishery has historically processed the fish outside of the United States; and

(B) the United States has a seafood safety equivalency agreement with the country where processing will occur.

~~(3) **Fishing communities.**—~~

~~(A) **In general.**—~~

~~(i) **Eligibility.**— To be eligible to participate in a limited access privilege program to harvest fish, a fishing community shall—~~

~~(1) be located within the management area of the relevant Council;~~

~~(H) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;~~

~~(HH) consist of residents who conduct commercial or recreational fishing, processing, or fishery-dependent support businesses within the Council's management area; and~~

~~(IV) develop and submit a community sustainability plan to the Council and the Secretary that demonstrates how the plan will address the social and economic development needs of coastal communities, including those that have not historically had the resources to participate in the fishery, for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.~~

~~(ii) Failure to comply with plan.— The Secretary shall deny or revoke limited access privileges granted under this section for any person who fails to comply with the requirements of the community sustainability plan. Any limited access privileges denied or revoked under this section may be reallocated to other eligible members of the fishing community.~~

~~(B) Participation criteria.— In developing participation criteria for eligible communities under this paragraph, a Council shall consider—~~

~~(i) traditional fishing or processing practices in, and dependence on, the fishery;~~

~~(ii) the cultural and social framework relevant to the fishery;~~

~~(iii) economic barriers to access to fishery;~~

~~(iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;~~

~~(v) the expected effectiveness, operational transparency, and equitability of the community sustainability plan; and~~

~~(vi) the potential for improving economic conditions in remote coastal communities lacking resources to participate in harvesting or processing activities in the fishery.~~

(3) FISHING COMMUNITIES.—

(A) ELIGIBILITY.— To be eligible to participate in a limited access privilege program to harvest fish, a fishing community shall—

(i) be located within the management area of the relevant Council;

(ii) consist of residents who conduct commercial or recreational fishing, processing, or fishery-dependent support businesses within the management area of the relevant Council;

(iii) seek to participate in such program for a purpose other than perfecting or realizing a security interest in such access; and

(iv) develop and submit a community sustainability plan to the relevant Council and the Secretary that demonstrates how the plan will address the social and economic development needs of coastal communities, including those that have not historically had the resources to participate in the fishery, for approval.

(B) COMMUNITY SUSTAINABILITY PLAN APPROVAL.—

(i) IN GENERAL.— A community sustainability plan submitted by a fishing community to a Council and the Secretary for approval shall include the following components:

(I) A description of the entity and the Board and governance for the entity that will receive the allocation.

(II) A description of the quota allocation process that will be used by the entity, including an appeals process within the entity.

(III) Provisions for monitoring and enforcement of the community sustainability plan.

(IV) Goals and objectives for the fishing community and how the entity will use the allocation to meet those goals and objectives.

(V) A description of how the entity will sustain the participation of the fishing community in the fisheries, including providing for new entry and intergenerational transfer, encouraging active participation and addressing economic barriers to access to the fisheries.

(VI) A description of how the community sustainability plan will address the projected economic and social impacts associated with the implementation of the limited access privilege program, including the potential for strengthening economic conditions in remote fishing communities that lack the resources to participate in harvesting activities in the fishery.

(VII) A description of how the community sustainability plan will ensure the benefits of participating in the limited access privilege program accrue to the fishing community and participants, including limitations or measures necessary to prevent an inequitable concentration of limited access privileges within the fishing community.

(ii) PREVIOUSLY ADOPTED PLAN.— A community sustainability plan submitted before the date of the enactment of the Sustaining America's Fisheries for the Future Act of 2024 shall not be invalidated by failure to comply with clause (i) unless such plan is amended after such date.

(4) Regional fishery associations.—

(A) In general.— To be eligible to participate in a limited access privilege program to harvest fish, a regional fishery association shall—

(i) be located within the management area of the relevant Council;

(ii) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;

(iii) be a voluntary association, among willing parties with established by-laws and operating procedures;

(iv) consist of participants in the fishery who hold quota share that are designated for use in the specific region or subregion covered by the regional fishery association, including commercial or recreational fishing, processing, fishery-dependent support businesses, or fishing communities;

(v) not be eligible to receive an initial allocation of a limited access privilege but may acquire such privileges after the initial allocation, and may hold the annual fishing privileges of any limited access privileges it holds or the annual fishing privileges that its members contribute; and

(vi) develop and submit a regional fishery association plan to the Council and the Secretary for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

(B) Failure to comply with plan.— The Secretary shall deny or revoke limited access privileges granted under this section to any person participating in a regional fishery association who fails to comply with the requirements of the regional fishery association plan.

(C) Participation criteria.— In developing participation criteria for eligible regional fishery associations under this paragraph, a Council shall consider—

(i) traditional fishing or processing practices in, and dependence on, the fishery;

(ii) the cultural and social framework relevant to the fishery;

(iii) economic barriers to access to fishery;

(iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;

(v) the administrative and fiduciary soundness of the association; and

(vi) the expected effectiveness, operational transparency, and equitability of the fishery association plan.

(5) Allocation.— In developing a limited access privilege program to harvest fish a Council or the Secretary shall—

(A) establish procedures to ensure fair and equitable initial allocations, including consideration of—

(i) current and historical harvests;

(ii) employment in the harvesting and processing sectors;

(iii) investments in, and dependence upon, the fishery; and

(iv) the current and historical participation of fishing communities;

(B) consider the basic cultural and social framework of the fishery, especially through

(i) the development of policies to promote the sustained participation of small owner-operated fishing vessels and fishing communities that depend on the fisheries, including regional or port-specific landing or delivery requirements; and

(ii) procedures to address concerns over excessive geographic or other consolidation in the harvesting or processing sectors of the fishery;

(C) include measures to assist, when necessary and appropriate, entry-level and small vessel owner-operators, captains, crew, and fishing communities through set-asides of harvesting allocations, including providing privileges, which may include set-asides or allocations of harvesting privileges, or economic assistance in the purchase of limited access privileges;

(D) ensure that limited access privilege holders do not acquire an excessive share of the total limited access privileges in the program by—

(i) establishing a maximum share, expressed as a percentage of the total limited access privileges, that a limited access privilege holder is permitted to hold, acquire, or use; and

(ii) establishing any other limitations or measures necessary to prevent an inequitable concentration of limited access privileges; and

(E) authorize limited access privileges to harvest fish to be held, acquired, used by, or issued under the system to persons who substantially participate in the fishery, including in a specific sector of such fishery, as specified by the Council.

(6) Program initiation.—

(A) Limitation.— Except as provided in subparagraph (D), a Council may initiate a fishery management plan or amendment to establish a limited access privilege program to harvest fish on its own initiative or if the Secretary has certified an appropriate petition.

(B) Petition.— A group of fishermen constituting more than 50 percent of the permit holders, or holding more than 50 percent of the allocation, in the fishery for which a limited access privilege program to harvest fish is sought, may submit a petition to the Secretary requesting that the relevant Council or Councils with authority over the fishery be authorized to initiate the development of the program. Any such petition shall clearly state the fishery to which the limited access privilege program would apply. For multispecies permits in the Gulf of Mexico, only those participants who have substantially fished the species proposed to be included in the limited access program shall be eligible to sign a petition for such a program and shall serve as the basis for determining the percentage described in the first sentence of this subparagraph.

(C) Certification by secretary.— Upon the receipt of any such petition, the Secretary shall review all of the signatures on the petition and, if the Secretary determines that the signatures on the petition represent more than 50 percent of the permit holders, or holders of more than 50 percent of the allocation in the fishery, as described by subparagraph (B), the Secretary shall certify the petition to the appropriate Council or Councils.

(D) New england and gulf referendum.—

(i) Except as provided in clause (iii) for the Gulf of Mexico commercial red snapper fishery, the New England and Gulf Councils may not submit, and the Secretary may not approve or implement, a fishery management plan or amendment that creates an individual fishing quota program, including a Secretarial plan, unless such a system, as ultimately developed, has been approved by more than $\frac{2}{3}$ of those voting in a referendum among eligible permit holders, or other persons described in clause (v), with respect to the New England Council, and by a majority of those voting in the referendum among eligible permit holders with respect to the Gulf Council. For multispecies permits in the Gulf of Mexico, only those participants who have substantially fished the species proposed to be included in the individual fishing quota program shall be eligible to vote in such a referendum. If an individual fishing quota program fails to be approved by the requisite number of those voting, it may be revised and submitted for approval in a subsequent referendum.

(ii) The Secretary shall conduct a referendum under this subparagraph, including notifying all persons eligible to participate in the referendum and making available to them information concerning the schedule, procedures, and eligibility requirements for the referendum process and the proposed individual fishing quota program. Within 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall publish guidelines and

procedures to determine procedures and voting eligibility requirements for referenda and to conduct such referenda in a fair and equitable manner.

(iii) The provisions of section 407(c) of this Act shall apply in lieu of this subparagraph for an individual fishing quota program for the Gulf of Mexico commercial red snapper fishery.

(iv) Chapter 35 of title 44, United States Code, (commonly known as the Paperwork Reduction Act) does not apply to the referenda conducted under this subparagraph.

(v) The Secretary shall promulgate criteria for determining whether additional fishery participants are eligible to vote in the New England referendum described in clause (i) in order to ensure that crew members who derive a significant percentage of their total income from the fishery under the proposed program are eligible to vote in the referendum.

(vi) In this subparagraph, the term “individual fishing quota” does not include a sector allocation.

(7) Transferability.— In establishing a limited access privilege program, a Council shall—

(A) establish a policy and criteria for the transferability of limited access privileges (through sale or lease), that is consistent with the policies adopted by the Council for the fishery under paragraph (5); and

(B) establish, in coordination with the Secretary, a process for monitoring of transfers (including sales and leases) of limited access privileges.

(8) Preparation and implementation of secretarial plans.— This subsection also applies to a plan prepared and implemented by the Secretary under section 304(c) or 304(g).

(9) Antitrust savings clause.— Nothing in this Act shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of the preceding sentence, the term “antitrust laws” has the meaning given such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

(d) Auction and Other Programs.— In establishing a limited access privilege program, a Council shall consider, and may provide, if appropriate, an auction system or other program to collect royalties for the initial, or any subsequent, distribution of allocations in a limited access privilege program if—

(1) the system or program is administered in such a way that the resulting distribution of limited access privilege shares meets the program requirements of this section; and

(2) revenues generated through such a royalty program are deposited in the Limited Access System Administration Fund established by section 305(h)(5)(B) and available subject to annual appropriations.

(e) Cost Recovery.— In establishing a limited access privilege program, a Council shall—

(1) develop a methodology and the means to identify and assess the management, data collection and analysis, and enforcement programs that are directly related to and in support of the program; and

(2) provide, under section 304(d)(2), for a program of fees paid by limited access privilege holders that will cover the costs of management, data collection and analysis, and enforcement activities.

(f) Characteristics.— A limited access privilege established after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 is a permit issued for a period of not more than 10 years that—

(1) will be renewed before the end of that period, unless it has been revoked, limited, or modified as provided in this subsection;

(2) will be revoked, limited, or modified if the holder is found by the Secretary, after notice and an opportunity for a hearing under section 554 of title 5, United States Code, to have failed to comply with any term of the plan identified in the plan as cause for revocation, limitation, or modification of a permit, which may include conservation requirements established under the plan;

(3) may be revoked, limited, or modified if the holder is found by the Secretary, after notice and an opportunity for a hearing under section 554 of title 5, United States Code, to have committed an act prohibited by section 307 of this Act; and

(4) may be acquired, or reacquired, by participants in the program under a mechanism established by the Council if it has been revoked, limited, or modified under paragraph (2) or (3).

(g) Limited Access Privilege Assisted Purchase Program.—

(1) In general.— A Council may submit, and the Secretary may approve and implement, a program which reserves up to 25 percent of any fees collected from a fishery under section 304(d)(2) to be used, pursuant to section 53706(a)(7) of title 46, United States Code, to issue obligations that aid in financing—

(A) the purchase of limited access privileges in that fishery by fishermen who fish from small vessels; and

(B) the first-time purchase of limited access privileges in that fishery by entry level fishermen.

(2) Eligibility criteria.— A Council making a submission under paragraph (1) shall recommend criteria, consistent with the provisions of this Act, that a fisherman must meet to qualify for guarantees under subparagraphs (A) and (B) of paragraph (1) and the portion of funds to be allocated for guarantees under each subparagraph.

(h) Effect on Certain Existing Shares and Programs.— Nothing in this Act, or the amendments made by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, shall be construed to require a reallocation or a reevaluation of individual quota shares, processor quota shares, cooperative programs, or other quota programs, including sector allocation in effect before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006.

(i) Transition Rules.— The requirements of this section shall not apply to any quota program, including any individual quota program, cooperative program, or sector allocation for which a Council has taken final action or which has been submitted by a Council to the Secretary, or approved by the Secretary, within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, except that—

(1) the requirements of section 303(d) of this Act in effect on the day before the date of enactment of that Act shall apply to any such program;

(2) the program shall be subject to review under subsection (c)(1)(G) of this section not later than 5 years after the program implementation; and

(3) nothing in this subsection precludes a Council from incorporating criteria contained in this section into any such plans.

Sec. 304. ACTION BY THE SECRETARY.

(a) Review of Plans.—

(1) Upon transmittal by the Council to the Secretary of a fishery management plan or plan amendment, the Secretary shall—

(A) immediately commence a review of the plan or amendment to determine whether it is consistent with the national standards, the other provisions of this Act, and any other applicable law; and

(B) immediately publish in the Federal Register a notice stating that the plan or amendment is available and that written information, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 60-day period beginning on the date the notice is published.

(2) In undertaking the review required under paragraph (1), the Secretary shall—

(A) take into account the information, views, and comments received from interested persons;

(B) consult with the Secretary of State with respect to foreign fishing; and

(C) consult with the Secretary of the department in which the Coast Guard is operating with respect to enforcement at sea and to fishery access adjustments referred to in section 303(a)(6).

(3) The Secretary shall approve, disapprove, or partially approve a plan or amendment within 30 days of the end of the comment period under paragraph (1) by written notice to the Council. A notice of disapproval or partial approval shall specify—

(A) the applicable law with which the plan or amendment is inconsistent;

(B) the nature of such inconsistencies; and

(C) recommendations concerning the actions that could be taken by the Council to conform such plan or amendment to the requirements of applicable law.

If the Secretary does not notify a Council within 30 days of the end of the comment period of the approval, disapproval, or partial approval of a plan or amendment, then such plan or amendment shall take effect as if approved.

(4) If the Secretary disapproves or partially approves a plan or amendment, the Council may submit a revised plan or amendment to the Secretary for review under this subsection.

(5) For purposes of this subsection and subsection (b), the “**term immediately**” means on or before the 5th day after the day on which a Council transmits to the Secretary a fishery management plan, plan amendment, or proposed regulation that the Council characterizes as final.

(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. Within 15 days of initiating such evaluation the Secretary shall make a determination and—

(A) if that determination is affirmative, the Secretary shall publish such regulations in the Federal Register, with such technical changes as may be necessary for clarity and an explanation of those changes, for a public comment period of 15 to 60 days; or

(B) if that determination is negative, the Secretary shall notify the Council in writing of the inconsistencies and provide recommendations on revisions that would make the proposed regulations consistent with the fishery management plan, plan amendment, this Act, and other applicable law.

(2) Upon receiving a notification under paragraph (1)(B), the Council may revise the proposed regulations and submit them to the Secretary for reevaluation under paragraph (1).

(3) The Secretary shall promulgate final regulations within 30 days after the end of the comment period under paragraph (1)(A). The Secretary shall consult with the Council before making any revisions to the proposed regulations, and must publish in the Federal Register an explanation of any differences between the proposed and final regulations.

(c) **Preparation and Review of Secretarial Plans**⁴¹ (1) The Secretary ~~may~~ *shall* prepare a fishery management plan, with respect to any fishery, or any amendment to any such plan, in accordance with the national standards, the other provisions of this Act, and any other applicable law, if—

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So in law. The em dash and following period were omitted from the subsection heading as amended by section 109(b)(1) of P.L. 104–297.

(A) the appropriate Council fails to develop and submit to the Secretary, after a reasonable period of time *not to exceed 2 years, or 9 months in the case of a management plan or amendment subject to section 304(e)(7)(B)*, a fishery management plan for such fishery, or any necessary amendment to such a plan, if such fishery requires conservation and management;

(B) the Secretary disapproves or partially disapproves any such plan or amendment, or disapproves a revised plan or amendment, and the Council involved fails to submit a revised or further revised plan or amendment *not later than 180 days after the disapproval*; or

(C)⁴² the Secretary is given authority to prepare such plan or amendment under this section.

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Margin so in law.

Not later than 30 days before the date on which a time period established in subparagraph (B) or (C) ends, the Secretary shall provide written notification to the affected Council that if such Council does not fulfill the requirements described in such subparagraph, the Secretary shall issue a Secretarial plan.

(2)⁴² In preparing any plan or amendment under this subsection, the Secretary shall—

(A) conduct public hearings, at appropriate times and locations in the geographical areas concerned, so as to allow interested persons an opportunity to be heard in the preparation and amendment of the plan and any regulations implementing the plan; and

(B) consult with the Secretary of State with respect to foreign fishing and with the Secretary of the department in which the Coast Guard is operating with respect to enforcement at sea.

(3) Notwithstanding paragraph (1) for a fishery under the authority of a Council, the Secretary may not include in any fishery management plan, or any amendment to any such plan, ~~prepared by~~

him prepared by the Secretary, a provision establishing a limited access system, including any limited access privilege program, unless such system is first approved by a majority of the voting members, present and voting, of each appropriate Council.

(4)⁴² Whenever the Secretary prepares a fishery management plan or plan amendment under this section, the Secretary shall immediately—

(A) for a plan or amendment for a fishery under the authority of a Council, submit such plan or amendment to the appropriate Council for consideration and comment; and

(B) publish in the Federal Register a notice stating that the plan or amendment is available and that written information, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 60-day period beginning on the date the notice is published.

(5)⁴³ Whenever a plan or amendment is submitted under paragraph (4)(A), the appropriate Council must submit its comments and recommendations, if any, regarding the plan or amendment to the Secretary before the close of the 60-day period referred to in paragraph (4)(B). After the close of such 60-day period, the Secretary, after taking into account any such comments and recommendations, as well as any views, information, or comments submitted under paragraph (4)(B), may adopt such plan or amendment.

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Margin so in law.

(6)⁴³ The Secretary may propose regulations in the Federal Register to implement any plan or amendment prepared by the Secretary. In the case of a plan or amendment to which paragraph (4)(A) applies, such regulations shall be submitted to the Council with such plan or amendment. The comment period on proposed regulations shall be 60 days, except that the Secretary may shorten the comment period on minor revisions to existing regulations.

(7)⁴³ The Secretary shall promulgate final regulations within 30 days after the end of the comment period under paragraph (6). The Secretary must publish in the Federal Register an explanation of any substantive differences between the proposed and final rules. All final regulations must be consistent with the fishery management plan, with the national standards and other provisions of this Act, and with any other applicable law.

(d) **Establishment of Fees.**— (1) The Secretary shall by regulation establish the level of any fees which are authorized to be charged pursuant to section 303(b)(1). The Secretary may enter into a cooperative agreement with the States concerned under which the States administer the permit system and the agreement may provide that all or part of the fees collected under the system shall accrue to the States. The level of fees charged under this subsection shall not exceed the administrative costs incurred in issuing the permits.

(2) (A)⁴³ Notwithstanding paragraph (1), the Secretary is authorized and shall collect a fee to recover the actual costs directly related to the management, data collection, and enforcement of any—

(i) limited access privilege program; and

(ii) community development quota program that allocates a percentage of the total allowable catch of a fishery to such program.

(B) Such fee shall not exceed 3 percent of the ex-vessel value of fish harvested under any such program, and shall be collected at either the time of the landing, filing of a

landing report, or sale of such fish during a fishing season or in the last quarter of the calendar year in which the fish is harvested.

(C) (i) Fees collected under this paragraph shall be in addition to any other fees charged under this Act and shall be deposited in the Limited Access System Administration Fund established under section 305(h)(5)(B).

(ii) Upon application by a State, the Secretary shall transfer to such State up to 33 percent of any fee collected pursuant to subparagraph (A) under a community development quota program and deposited in the Limited Access System Administration Fund in order to reimburse such State for actual costs directly incurred in the management and enforcement of such program.

~~(e) Rebuilding Overfished Fisheries.—~~

~~(1) The Secretary shall report annually to the Congress and the Councils on the status of fisheries within each Council's geographical area of authority and identify those fisheries that are overfished or are approaching a condition of being overfished. For those fisheries managed under a fishery management plan or international agreement, the status shall be determined using the criteria for overfishing specified in such plan or agreement. A fishery shall be classified as approaching a condition of being overfished if, based on trends in fishing effort, fishery resource size, and other appropriate factors, the Secretary estimates that the fishery will become overfished within two years.~~

~~(2) If the Secretary determines at any time that a fishery is overfished, the Secretary shall immediately notify the appropriate Council and request that action be taken to end overfishing in the fishery and to implement conservation and management measures to rebuild affected stocks of fish. The Secretary shall publish each notice under this paragraph in the Federal Register.~~

~~(3) Within 2 years after an identification under paragraph (1) or notification under paragraphs (2) or (7), the appropriate Council (or the Secretary, for fisheries under section 302(a)(3)) shall prepare and implement a fishery management plan, plan amendment, or proposed regulations for the fishery to which the identification or notice applies—~~

~~(A) to end overfishing immediately in the fishery and to rebuild affected stocks of fish;~~
or

~~(B) to prevent overfishing from occurring in the fishery whenever such fishery is identified as approaching an overfished condition.~~

~~(4) For a fishery that is overfished, any fishery management plan, amendment, or proposed regulations prepared pursuant to paragraph (3) or paragraph (5) for such fishery shall—~~

~~(A) specify a time period for rebuilding the fishery that shall—~~

~~(i) be as short as possible, taking into account the status and biology of any overfished stocks of fish, the needs of fishing communities, recommendations by international organizations in which the United States participates, and the interaction of the overfished stock of fish within the marine ecosystem; and~~

~~(ii) not exceed 10 years, except in cases where 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;~~

~~(B) allocate both overfishing restrictions and recovery benefits fairly and equitably among sectors of the fishery; and~~

~~(C) for fisheries managed under an international agreement, reflect traditional participation in the fishery, relative to other nations, by fishermen of the United States.~~

~~(5) If, within the 2-year period beginning on the date of identification or notification that a fishery is overfished, the Council does not submit to the Secretary a fishery management plan, plan amendment, or proposed regulations required by paragraph (3)(A), the Secretary shall prepare a fishery management plan or plan amendment and any accompanying regulations to stop overfishing and rebuild affected stocks of fish within 9 months under subsection (c).~~

~~(6) During the development of a fishery management plan, a plan amendment, or proposed regulations required by this subsection, the Council may request the Secretary to implement interim measures to reduce overfishing under section 305(c) until such measures can be replaced by such plan, amendment, or regulations. Such measures, if otherwise in compliance with the provisions of this Act, may be implemented even though they are not sufficient by themselves to stop overfishing of a fishery.~~

~~(7) The Secretary shall review any fishery management plan, plan amendment, or regulations required by this subsection at routine intervals that may not exceed two years. If the Secretary finds as a result of the review that such plan, amendment, or regulations have not resulted in adequate progress toward ending overfishing and rebuilding affected fish stocks, the Secretary shall—~~

~~(A) in the case of a fishery to which section 302(a)(3) applies, immediately make revisions necessary to achieve adequate progress; or~~

~~(B) for all other fisheries, immediately notify the appropriate Council. Such notification shall recommend further conservation and management measures which the Council should consider under paragraph (3) to achieve adequate progress.~~

~~(f) **Miscellaneous Duties.**—⁴⁴ (1) Except as provided in paragraph (3)⁴⁵, if any fishery extends beyond the geographical area of authority of any one Council, the Secretary may—~~

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~~So in law. Section 110(b)(1)(A) of P.L. 101-627 sought to strike "miscellaneous duties" and insert "~~

~~fisheries under authority of more than one council~~

~~". The amendment probably should have stricken "~~

~~Miscellaneous Duties~~

~~" and inserted "~~

~~Fisheries Under Authority of More than One Council~~

~~". Because the use of incorrect typeface and capitalization in describing the text to be struck, the amendment cannot be executed.~~

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~~Section 109(f) of P.L. 104-297 (110 Stat. 3585) repealed paragraph (3) of this subsection.~~

~~(A) designate which Council shall prepare the fishery management plan for such fishery and any amendment to such plan; or~~

~~(B) may require that the plan and amendment be prepared jointly by the Councils concerned.~~

No jointly prepared plan or amendment may be submitted to the Secretary unless it is approved by a majority of the voting members, present and voting, of each Council concerned.

(2) The Secretary shall establish the boundaries between the geographical areas of authority of adjacent Councils:

(e) REBUILDING OVERFISHED FISHERIES AND ENDING OVERFISHING.—

(1) DETERMINATION OF STATUS.—

(A) IN GENERAL.— The Secretary shall determine, at any time based on the best scientific information available, for each stock of fish within the geographic area of authority of each Council (or the Secretary, for stocks of fish managed under section 302(a)(3)), whether each such stock of fish is—

(i) subject to overfishing;

(ii) overfished; or

(iii) approaching a condition of being overfished.

(B) CRITERIA FOR DETERMINATION.—

(i) CRITERIA PROVIDED BY MANAGING DOCUMENT.— In making a determination under subparagraph (A), the Secretary shall, with respect to a stock of fish managed under a stock of fish management plan or international agreement, use the criteria specified in such plan or agreement.

(ii) APPROACHING A CONDITION OF BEING OVERFISHED.— In making a determination under subparagraph (A), the Secretary shall classify a stock of fish as approaching a condition of being overfished if, based on trends in fishing effort, fishery resource size, and other appropriate factors, the Secretary estimates that the stock of fish will become overfished within 2 years.

(iii) STOCKS OF FISH LACKING CRITERIA.— For stocks of fish that lack criteria as required under section 303(a)(10), the Secretary shall determine whether the stock of fish is subject to overfishing or overfished using the best available scientific information.

(2) PUBLICATION.—

(A) IN GENERAL.— The Secretary shall publish each determination made under paragraph (1) in the Federal Register.

(B) NOTIFICATION OF COUNCIL.— If the Secretary determines that a stock of fish is subject to overfishing, overfished, or approaching a condition of being overfished under paragraph (1), the Secretary shall immediately notify the appropriate Council and request that action be taken—

(i) to end overfishing with respect to the stock of fish immediately;

(ii) for a stock of fish that is overfished, to end overfishing immediately and to implement conservation and management measures to rebuild the affected stock of fish; or

(iii) for a stock of fish that is approaching a condition of being overfished, to end overfishing immediately and prevent the stock of fish from reaching a overfished condition.

(C) ANNUAL REPORT.— The Secretary shall annually submit to Congress and each Council a report regarding the status of each stock of fish, including—

(i) a list of each determination made with respect to a stock of fish under paragraph (1) during the preceding year;

(ii) an identification of each stock of fish managed under this Act that is under a rebuilding plan or in need of a rebuilding plan (as specified by this section), including

—

(I) specifying the number of years the stock of fish has been in a rebuilding plan;

(II) the anticipated length in years of the current rebuilding plan of the stock of fish;

(III) the number of rebuilding plans that have been implemented for the stock of fish; and

(IV) whether a lack of adequate progress toward ending overfishing and rebuilding has been found for the stock of fish; and

(iii) the use, as appropriate, of the term “*depleted*” to further describe an overfished stock of fish that has been significantly impacted by environmental factors in addition to (or in the absence of) fishing pressure.

(3) REQUIRED ACTION BY COUNCIL.—

(A) DETERMINATION THAT REQUIRES ACTION.— Not later than 2 years after date on which the Secretary makes any of the following determinations, the appropriate Council (or the Secretary, for a fishery managed under section 302(a)(3)) shall take an action described in subparagraph (B):

(i) A determination that a stock of fish is subject to overfishing, overfished, or approaching a condition of being overfished.

(ii) A determination that a rebuilding plan has failed under paragraph (7)(C).

(iii) A determination that a stock of fish has reached the end of the time period for a rebuilding plan under paragraph (8).

(B) ACTIONS.— The actions described in this subparagraph are—

(i) with respect to a stock of fish that is subject to overfishing, to end overfishing immediately and prevent overfishing of the stock;

(ii) with respect to a stock of fish that is overfished, to end overfishing immediately and to rebuild the stock of fish; or

(iii) with respect to a stock of fish that is approaching a condition of being overfished, to end overfishing immediately and prevent the stock of fish from reaching such condition.

(4) REBUILDING PLAN REQUIRED.— For a stock of fish that is overfished, any management document prepared pursuant to paragraph (3) or (5) for such fishery shall—

(A) specify a time period for rebuilding the stock of fish that shall—

(i) be as short as possible, taking into account the status and biology of overfished stocks of fish, the needs of fishing communities, recommendations by international organizations in which the United States participates, and the interaction of the overfished stock of fish within the marine ecosystem; and

(ii) not exceed the time the stock of fish would be rebuilt in the absence of any fishing mortality plus 1 mean generation;

(B) allocate both overfishing restrictions and recovery benefits fairly and equitably among sectors of the fishery;

(C) for a stock of fish managed under an international agreement, reflect traditional participation in the stock of fish, relative to other nations, by fishermen of the United States; and

(D) contain objective and measurable criteria for evaluating rebuilding progress.

(5) SECRETARIAL PLAN.— If a Council does not meet the deadline described in paragraph (3) (A) to submit a management document the Secretary shall, not later than 9 months after the date on which such deadline expires, prepare such management document for the affected stock of fish under subsection (c).

(6) INTERIM MEASURES.—

(A) IN GENERAL.— During the development of a management document for a stock of fish required by this subsection, a Council may request that the Secretary implement interim measures to reduce overfishing under section 305(c) until such measures can be replaced by such management document.

(B) MEASURES ALLOWED.— Interim measures described in subparagraph (A), if otherwise in compliance with the provisions of this Act, may be implemented even if such measures are not sufficient to stop overfishing of a fishery.

(7) ASSESSMENT OF REBUILDING PLAN.—

(A) SECRETARIAL REVIEW.—

(i) IN GENERAL.— The Secretary shall review each management document relating to a stock of fish required by this subsection not less often than once every 2 years to determine whether such management document has resulted in adequate progress toward rebuilding affected stocks of fish.

(ii) LACK OF ADEQUATE PROGRESS.— In carrying out a review under clause (i), the Secretary shall find a lack of adequate progress toward rebuilding an affected stock of fish if—

(I) the status of the stock of fish is not improving sufficiently such that it becomes unlikely that the stock of fish will be rebuilt within the rebuilding time period;

(II) the applicable fishing mortality rate or annual catch limits are exceeded, and the causes and rebuilding consequences of such exceedances have not been corrected;

(III) new scientific information demonstrates that assumptions regarding the biology of the stock of fish that formed the basis for the rebuilding plan, such as the productivity of the stock of fish, were fundamentally inaccurate, and such inaccuracies render the current rebuilding plan unable to address the rebuilding needs of the stock of fish; or

(IV) for such other reasons as the Secretary determines appropriate.

(B) FINDING OF INADEQUATE PROGRESS.—

(i) IN GENERAL.— Except as provided in subparagraph (C), if the Secretary finds after a review under subparagraph (A) that a management document has not resulted in adequate progress toward rebuilding affected stocks of fish, the Secretary shall—

(I) in the case of a stock of fish to which section 302(a)(3) applies, immediately make revisions necessary to achieve adequate progress toward rebuilding the stock of fish by the deadline established under paragraph (4); or

(II) for all other stocks of fish, immediately notify the appropriate Council, which shall make revisions necessary to achieve adequate progress toward rebuilding the stock of fish by not later than the deadline established under paragraph (4).

(ii) COUNCIL INACTION.— If a Council fails to complete the action required under subclause (II) by the date that is 9 months after the date of the Council receives a notification from the Secretary under that subclause, the Secretary shall, not later than 18 months after the date of such notification, make such revisions as are needed to ensure adequate progress toward rebuilding the stock of fish by not later than the rebuilding deadline established under paragraph (4).

(C) FAILED REBUILDING PLAN.— If the Secretary finds that revisions pursuant to subparagraph (B) cannot achieve adequate progress within the time period set under paragraph (4), the Secretary may find that the rebuilding plan for the stock of fish has failed.

(D) PUBLICATION.— The Secretary shall publish the results of a review performed under this paragraph in the Federal Register, including a determination of adequate progress or inadequate progress, and the basis for such determination.

(8) SUBSEQUENT REBUILDING PLAN.—

(A) IN GENERAL.— If a rebuilding time period established under paragraph (4) expires and the relevant stock of fish has not been rebuilt, or the Secretary determines that an existing rebuilding plan for a stock of fish has failed under paragraph (7)(C), the Council (or Secretary in the case of a stock of fish to which section 302(a)(3) applies) shall prepare a new rebuilding plan pursuant to paragraphs (3) through (6), except that such plan shall have not less than a 75-percent chance of rebuilding the stock of fish by the end of the new rebuilding time period set under paragraph (4).

(B) MANAGEMENT MEASURES IN EFFECT.— Management measures intended to rebuild the stock of fish shall remain in effect during the preparation of a rebuilding plan under subparagraph (A).

(9) MANAGEMENT DOCUMENT.— In this subsection, the term “management document” means a management plan, management plan amendment, or proposed regulations for a stock of fish.

(f) FISHERIES UNDER AUTHORITY OF MORE THAN 1 COUNCIL.—

(1) SECRETARIAL REVIEW OF AREAS OF AUTHORITY.— The Secretary shall review the geographical area of authority of each Council to determine if a substantial portion of any federally managed fishery within such area is within the area of authority of another council—

(A) upon request of such Council; or

(B) not less frequently than every 5 years.

(2) DESIGNATION OF COUNCIL TO PREPARE PLAN.— If the Secretary determines under paragraph (1) that a substantial portion of a federally managed fishery is located in the geographical area of authority of more than 1 Council, the Secretary shall, not later than 6 months after making such determination—

(A) designate 1 of the Councils concerned to prepare the fishery management plan for such fishery and any amendment to such plan, if required under this Act; or

(B) designate that such plan and any such amendment, if required under this Act, be prepared jointly by the Councils concerned.

(3) DEADLINE FOR SUBMISSION OF PLAN.— Not later than 2 years after the Secretary makes a designation under paragraph (2), the designated Council or Councils shall prepare and submit a fishery management plan or amendment in accordance with this Act.

(4) TERMINATION OF CROSS-JURISDICTIONAL AUTHORITY.—

(A) REQUEST OF COUNCIL.— At the request of a Council or as a result of the review pursuant to paragraph (1), the Secretary shall determine whether a fishery described in paragraph (2) no longer has a substantial portion of such fishery located in the geographical area of authority of more than 1 Council.

(B) TERMINATION.—

(i) IN GENERAL.— If the Secretary determines under subparagraph (A) that a fishery described in paragraph (2) no longer has a substantial portion of such fishery located in the geographical area of authority of more than 1 Council—

(I) the Secretary shall determine which Council has predominant geographic authority over the fishery; and

(II) not later than 2 years after the date on which the determination under subclause (I) is made, and at such other times as required under this Act, the Council determined under such subclause shall adopt any existing fishery management plan for the fishery and shall prepare and submit any plan amendments necessary for transitioning to single-Council management as well as for any other purposes, in accordance with the provisions of this Act.

(ii) REPEAL OF PRIOR PLAN.— Notwithstanding subsection (h), upon the date of adoption of a fishery management plan under clause (i)(II), any preceding fishery management plan with respect to such fishery is repealed.

(5) ESTABLISHMENT OF CRITERIA.— The Secretary shall by regulation identify criteria for determining under paragraphs (1) and (5) whether a substantial portion of a federally managed fishery is located in the geographical area of authority of more than 1 Council.

(6) ESTABLISHMENT OF BOUNDARIES.— The Secretary shall establish the boundaries between the geographical areas of authority of adjacent Councils.

(7) REQUIREMENT FOR MAJORITY OF VOTING MEMBERS.— No jointly prepared plan or amendment required to be prepared under this subsection may be submitted to the Secretary unless such plan or amendment is approved by a majority of the voting members, present and voting, of each Council concerned.

(8) HIGHLY MIGRATORY SPECIES IN CERTAIN FISHERIES.— This subsection does not apply with respect to any fishery to which section 302(a)(3) applies.

(g) Atlantic Highly Migratory Species.—⁴⁶ (1) Preparation and implementation of plan or plan amendment.— The Secretary shall prepare a fishery management plan or plan amendment under subsection (c) with respect to any highly migratory species fishery to which section 302(a)(3) applies. In preparing and implementing any such plan or amendment, the Secretary shall—

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So in law (see section 109(g) of P.L. 104–297). Paragraph (1) should begin on the next line.

(A) consult with and consider the comments and views of affected Councils, commissioners and advisory groups appointed under Acts implementing relevant international fishery agreements pertaining to highly migratory species, and the advisory panel established under section 302(g);

(B) establish a scientific and statistical committee and an advisory panel under section 302(g) for each fishery management plan to be prepared under this paragraph;

~~(C) evaluate the likely effects, if any, of conservation and management measures on participants in the affected fisheries and minimize, to the extent practicable, any disadvantage to United States fishermen in relation to foreign competitors;~~

(C) for stocks of fish not managed pursuant to the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 et seq.), develop annual catch limits that may not exceed the fishing level recommendations of the scientific and statistical committee;

(D) with respect to a highly migratory species for which the United States is authorized to harvest an allocation, quota, or at a fishing mortality level under a relevant international fishery agreement, provide fishing vessels of the United States with a reasonable opportunity to harvest such allocation, quota, or at such fishing mortality level;

(E) review, on a continuing basis (and promptly whenever a recommendation pertaining to fishing for highly migratory species has been made under a relevant international fishery agreement), and revise as appropriate, the conservation and management measures included in the plan;

(F) diligently pursue, through international entities (such as the International Commission for the Conservation of Atlantic Tunas), comparable international fishery management measures with respect to fishing for highly migratory species; and

(G) ensure that conservation and management measures under this subsection—

- (i) promote international conservation of the affected fishery;
- (ii) take into consideration traditional fishing patterns of fishing vessels of the United States and the operating requirements of the fisheries;
- (iii) are fair and equitable in allocating fishing privileges among United States fishermen and do not have economic allocation as the sole purpose; and
- (iv) promote, to the extent practicable, implementation of scientific research programs that include the tagging and release of Atlantic highly migratory species.

(2) **Certain fish excluded from “bycatch” definition.**—Notwithstanding section 3(2), fish harvested in a commercial fishery managed by the Secretary under this subsection or the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971d), or highly migratory species harvested in a commercial fishery managed by a Council under this Act or the Western and Central Pacific Fisheries Convention Implementation Act, that are not regulatory discards and that are tagged and released alive under a scientific tagging and release program established by the Secretary shall not be considered bycatch for purposes of this Act.

(h) **Repeal or Revocation of a Fishery Management Plan.**— The Secretary may repeal or revoke a fishery management plan for a fishery under the authority of a Council only if the Council approves the repeal or revocation by a three-quarters majority of the voting members of the Council.

(i) **Environmental Review Process.**—

(1) **Procedures.**— The Secretary shall, in consultation with the Councils and the Council on Environmental Quality, revise and update agency procedures for compliance with the National Environmental Policy Act (42 U.S.C. 4231 et seq.). The procedures shall—

(A) conform to the time lines for review and approval of fishery management plans and plan amendments under this section; and

(B) integrate applicable environmental analytical procedures, including the time frames for public input, with the procedure for the preparation and dissemination of fishery management plans, plan amendments, and other actions taken or approved pursuant to this Act in order to provide for timely, clear and concise analysis that is useful to decision makers and the public, reduce extraneous paperwork, and effectively involve the public.

(2) **Usage.**— The updated agency procedures promulgated in accordance with this section used by the Councils or the Secretary shall be the sole environmental impact assessment procedure for fishery management plans, amendments, regulations, or other actions taken or approved pursuant to this Act.

(3) **Schedule for promulgation of final procedures.**— The Secretary shall—

(A) propose revised procedures within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006;

(B) provide 90 days for public review and comments; and

(C) promulgate final procedures no later than 12 months after the date of enactment of that Act.

(4) **Public participation.**— The Secretary is authorized and directed, in cooperation with the Council on Environmental Quality and the Councils, to involve the affected public in the development of revised procedures, including workshops or other appropriate means of public involvement.

(i j)⁴⁷ **International Overfishing.**— The provisions of this subsection shall apply in lieu of subsection (e) to a fishery that the Secretary determines is overfished or approaching a condition of being overfished due to excessive international fishing pressure, and for which there are no management measures to end overfishing under an international agreement to which the United States is a party. For such fisheries—

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So in law. Sections 107 and 406(a) of Public Law 109–479 each add a new subsection (i) at the end of section 304.

(1) the Secretary, in cooperation with the Secretary of State, immediately take appropriate action at the international level to end the overfishing; and

(2) within 1 year after the Secretary's determination, the appropriate Council, or Secretary, for fisheries under section 302(a)(3) shall—

(A) develop recommendations for domestic regulations to address the relative impact of fishing vessels of the United States on the stock and, if developed by a Council, the Council shall submit such recommendations to the Secretary; and

(B) develop and submit recommendations to the Secretary of State, and to the Congress, for international actions that will end overfishing in the fishery and rebuild the affected stocks, taking into account the relative impact of vessels of other nations and vessels of the United States on the relevant stock.

(k) STANDARDIZED BYCATCH REPORTING PROGRAM.—

(1) ESTABLISHMENT.— Not later than 3 years after the date of the enactment of the Sustaining America’s Fisheries for the Future Act of 2024, the Secretary shall establish a national standardized reporting program (referred to in this subsection as ‘the program’)—

(A) to assess the amount and type of bycatch occurring in each fishery and across fisheries;

(B) to determine the contribution of bycatch to the total fishing-related mortality of each fishery; and

(C) to evaluate the effects of bycatch on relevant fisheries and the ecosystem.

(2) METHODOLOGY AND STANDARDS.— The Secretary shall, in carrying out the program—

(A) identify appropriate methodologies and standards to collect and produce statistically accurate and precise information regarding bycatch; and

(B) require consistent data reporting, collection, and assessment for each fishery managed under a fishery management plan.

(3) MULTIPLE JURISDICTIONS.— If a species is caught in areas under the jurisdiction of more than 1 Council or fishery management plan, the Secretary shall require consistent reporting mechanisms across each such jurisdiction to ensure that data with respect to such species can be aggregated and compared.

(4) COORDINATION WITH STATES.— The Secretary shall coordinate with State fishery managers to carry out paragraph (3).

(l) FORAGE FISH MANAGEMENT GUIDELINES.—

(1) IN GENERAL.— Not later than 18 months after the date of the enactment of the Sustaining America’s Fisheries for the Future Act of 2024, the Secretary shall establish by regulation guidelines to assist the Councils in implementing sections 3(19), 302(h)(9), and 303(a)(16).

(2) WORKSHOPS.— In developing the guidelines under paragraph (1), the Secretary shall conduct workshops with Councils and other scientific, fisheries, and conservation interests.

Sec. 305. OTHER REQUIREMENTS AND AUTHORITY.

(a) Gear Evaluation and ~~Notification of Entry~~ Development of New Fisheries.—

(1) Not later than 18 months after the date of enactment of the Sustainable Fisheries Act, the Secretary shall publish in the Federal Register, after notice and an opportunity for public comment, a list of all fisheries—

(A) under the authority of each Council and all fishing gear used in such fisheries, based on information submitted by the Councils under section 303(a); and

(B) to which section 302(a)(3) applies and all fishing gear used in such fisheries.

(2) The Secretary shall include with such list guidelines for ~~determining when fishing gear or a fishery is sufficiently different from those listed as to require notification under paragraph (3).~~ determining—

(A) when a fishery is sufficiently different from those listed as to constitute a new fishery; and

(B) minimum criteria for a fishery to be considered managed under paragraph (1)(A), which, for federally managed fisheries, must include having a fishery management plan and associated regulations under this Act.

~~(3) Effective 180 days after the publication of such list, no person or vessel may employ fishing gear or engage in a fishery not included on such list without giving 90 days advance written notice to the appropriate Council, or the Secretary with respect to a fishery to which section 302(a)(3) applies. A signed return receipt shall serve as adequate evidence of such notice and as the date upon which the 90-day period begins.~~

~~(4) A Council may submit to the Secretary any proposed changes to such list or such guidelines the Council deems appropriate. The Secretary shall publish a revised list, after notice and an opportunity for public comment, upon receiving any such proposed changes from a Council.~~

~~(5) A Council may request the Secretary to promulgate emergency regulations under subsection (c) to prohibit any persons or vessels from using an unlisted fishing gear or engaging in an unlisted fishery if the appropriate Council, or the Secretary for fisheries to which section 302(a)(3) applies, determines that such unlisted gear or unlisted fishery would compromise the effectiveness of conservation and management efforts under this Act.~~

(3) Not later than 2 years after the date of the enactment of the Sustaining America's Fisheries for the Future Act of 2024, and at least once every 5 years thereafter, each Council (or the Secretary for fisheries to which section 302(a)(3) applies) shall review the fisheries for which the Council is responsible on the list published under paragraph (1)(A) and submit to the Secretary proposed changes to such list in specific and narrow terms, including geographic range, to ensure that only managed fisheries are included on such list.

(4) The Secretary shall review proposed changes pursuant to the guidelines established under paragraph (2) and publish a revised list, after notice and an opportunity for public comment.

(5) The Secretary may permit, pursuant to section 318(d), on a limited interim basis, fishing activity that is not included on the list, if—

(A) the experimental fishing permit is designed and implemented so as to yield information necessary and currently lacking for the development of a fishery management plan or amendment to such plan under section 302(h)(1) and section 303;

(B) the Secretary collects, evaluates, and, notwithstanding section 402(b), makes public the data generated by the experimental fishing activity at the end of each permit year, and based on such evaluation, the Council renders a determination of whether the fishing activity should be continued, either in the form of a subsequent year of experimental fishing under this paragraph, or in the form of a fishery managed under a fishery management plan pursuant to section 302(h)(1) and section 303; and

(C) the data collected from, and the evaluation of the Secretary of, the fishing activity are included in any fishery management plan or amendment that is prepared for management of the fishing activity.

(6) No person or vessel may employ fishing gear or engage in a fishery not included on the list except as provided in paragraph (4). A Council may request the Secretary to promulgate emergency regulations under subsection (c) to prohibit any persons or vessels from using an unlisted fishing gear or engaging in an unlisted fishery.

~~(6) Nothing in this subsection shall be construed to permit a person or vessel to engage in fishing or employ fishing gear when such fishing or gear is prohibited or restricted by regulation under a fishery management plan or plan amendment, or under other applicable law.~~

(b) Fish Habitat.— (1) (A) The Secretary shall, within 6 months of the date of enactment of the Sustainable Fisheries Act, establish by regulation guidelines to assist the Councils in the description and identification of essential fish habitat in fishery management plans (including adverse impacts on such habitat) and in the consideration of actions to ensure the conservation and enhancement of such habitat. The Secretary shall set forth a schedule for the amendment of fishery management plans to include the identification of essential fish habitat and for the review and updating of such identifications based on new scientific evidence or other relevant information.

(B) The Secretary, in consultation with participants in the fishery, shall provide each Council with recommendations and information regarding each fishery under that Council's authority to assist it in the identification of essential fish habitat, the adverse impacts on that habitat, and the actions that should be considered to ensure the conservation and enhancement of that habitat.

(C) The Secretary shall review programs administered by the Department of Commerce and ensure that any relevant programs further the conservation and enhancement of essential fish habitat.

(D) The Secretary shall use existing programs administered by the Secretary and coordinate with and provide information to other Federal agencies and such agencies shall take action to further the conservation and enhancement of essential fish habitat.

~~(2) Each Federal agency shall consult with the Secretary with respect to any action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by such agency that may adversely affect any essential fish habitat identified under this Act.~~

~~(3) Each Council—~~

~~(A) may comment on and make recommendations to the Secretary and any Federal or State agency concerning any activity authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by any Federal or State agency that, in the view of the Council, may affect the habitat, including essential fish habitat, of a fishery resource under its authority; and~~

~~(B) shall comment on and make recommendations to the Secretary and any Federal or State agency concerning any such activity that, in the view of the Council, is likely to substantially affect the habitat, including essential fish habitat, of an anadromous fishery resource under its authority.~~

~~(4) (A) If the Secretary receives information from a Council or Federal or State agency or determines from other sources that an action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by any State or Federal agency would adversely affect any essential fish habitat identified under this Act, the Secretary shall recommend to such agency measures that can be taken by such agency to conserve such habitat.~~

~~(B) Within 30 days after receiving a recommendation under subparagraph (A), a Federal agency shall provide a detailed response in writing to any Council commenting under paragraph (3) and the Secretary regarding the matter. The response shall include a description of measures proposed by the agency for avoiding, mitigating, or offsetting the impact of the activity on such habitat. In the case of a response that is inconsistent with the recommendations of the Secretary, the Federal agency shall explain its reasons for not following the recommendations.~~

(2) REQUIREMENTS FOR FEDERAL AGENCY ACTIONS WITH ADVERSE EFFECT.— Each Federal agency shall—

(A) with respect to an action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by such agency that may adversely affect essential fish habitat identified under this Act, notify and consult with the Secretary;

(B) with respect to an action that may adversely affect essential fish habitat, ensure that any action authorized, funded, or undertaken by such agency avoids the adverse effect

of such action on essential fish habitat or, to the extent that the adverse effect cannot be avoided, minimize and mitigate the adverse effect; and

(C) with respect to an action that may adversely affect a habitat area of particular concern, in consultation with the Secretary—

(i) monitor, or require monitoring for, such adverse effect for the period during which such adverse effect is likely to occur; or

(ii) take action to minimize and mitigate such adverse effect of the action on the habitat area of particular concern and the species with respect to which the habitat area of particular concern is designated.

(3) INFORMATION TO COUNCIL.— The Secretary shall inform each Council that has authority over an affected fishery of any consultation carried out under this subsection, including information regarding the proposed action and the potential adverse effects, and each such Council—

(A) may comment on and make recommendations to the Secretary and any Federal or State agency concerning any activity authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by any Federal or State agency that, in the view of the Council, may affect the habitat, including essential fish habitat, of a fishery resource under the authority of such Council; and

(B) shall comment on and make recommendations to the Secretary and any Federal or State agency concerning any such activity that, in the view of the Council, is likely to substantially affect the habitat, including essential fish habitat, of an anadromous fishery resource under the authority of such Council.

(4) INFORMATION FROM OTHER SOURCES.—

(A) RECEIPT OF INFORMATION.— If the Secretary determines based on information received from a Council, Federal or State agency, or other source that an action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by a Federal or State agency will adversely affect essential fish habitat identified under this Act—

(i) the Secretary shall recommend to such agency measures for such agency to take to avoid such adverse effects; and

(ii) to the extent such adverse effects cannot be avoided, such agency shall minimize and mitigate such adverse effects.

(B) REQUIRED RESPONSE.—

(i) IN GENERAL.— The head of a Federal agency that receives a recommendation from the Secretary under subparagraph (A) regarding measures for such agency to take to avoid the adverse effects of an action described in that subparagraph on essential fish habitat identified under this Act shall, not later than 30 days after the date on which such agency head receives such recommendation, submit to the Secretary and each Council that comments under paragraph (3) a detailed response in writing regarding such recommendation, including—

(I) a description of each measure such agency proposes to take to avoid the adverse effects;

(II) to the extent the adverse effects cannot be avoided, a description of each measure such agency proposes to take to minimize and mitigate the adverse effects of the action on such essential fish habitat; and

(III) if such response is inconsistent with such recommendation an explanation regarding—

(aa) how each measure described in subclause (I) will avoid such adverse effects; and

(bb) to the extent such adverse effects cannot be avoided, a description of each measure such agency proposes to take to minimize and mitigate such adverse effects.

(C) PUBLICATION.— The Secretary shall make available to the public—

(i) each recommendation made under subparagraph (A) on the date on which such recommendation is made; and

(ii) each response made by an agency under subparagraph (B) on the date on which such response is received by the Secretary.

(D) MONITORING.— The Secretary shall monitor each measure taken by each Federal agency to meet the requirements of this subsection.

(5) REGULATIONS.— The Secretary shall issue regulations regarding the consultation process established under this subsection, including—

(A) ensuring that each recommendation made by the Secretary under paragraph (4) results in the avoidance of adverse effects on essential fish habitat and, to the extent adverse effects cannot be avoided, the minimization and mitigation of any such adverse effects;

(B) measures to streamline such consultation process with other environmental review processes; and

(C) procedures to develop programmatic recommendations for measures that avoid, minimize, and mitigate adverse impacts of actions on essential fish habitat.

(6) REQUIRED RESTRICTIONS.— A Federal agency may not enter into a lease, easement, right-of-way, or sale of any area designated as essential fish habitat unless such agency attaches appropriate covenants or restrictions on the use of the area to require that parties avoid causing adverse effects to the relevant essential fish habitat.

(7) CONSIDERATIONS FOR RESTORATION PROJECTS.— In consulting with a Federal agency under this section for projects that seek to restore and improve the long-term resilience of habitat, particularly in estuarine environments heavily affected by sea level rise and other climate change factors, the Secretary shall account for the consequences of not pursuing such restoration and habitat resilience projects and the long-term positive impacts on fish populations of such activities.

(c) **Emergency Actions and Interim Measures.**— (1) If the Secretary finds that an emergency or overfishing⁴⁸ exists or that interim measures are needed to reduce overfishing for any fishery, he may promulgate emergency or overfishing⁴⁸ regulations or interim measures necessary to address the emergency or overfishing⁴⁸, without regard to whether a fishery management plan exists for such fishery.

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Section 110(b)(2)(C) of P.L. 104–297 amended this paragraph by inserting “or overfishing” after “emergency”, but did not specify at which occurrence of the word “emergency” the amendment should be made. Therefore, the amendment was executed at each place such word appears.

(2) If a Council finds that an emergency or overfishing⁴⁸ exists or that interim measures⁴⁹ are needed to reduce overfishing⁴⁸ for any fishery within its jurisdiction, whether or not a fishery management plan exists for such fishery—

(A) the Secretary shall promulgate emergency or overfishing⁴⁸ regulations or interim measures⁴⁹ under paragraph (1) to address the emergency or overfishing⁴⁸ if the Council, by unanimous vote of the members who are voting members, requests the taking of such action; and

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Section 110(b)(2)(B) of P.L. 104–297 amends this paragraph by inserting “or interim measures” after “emergency regulations”, but did not specify at which occurrence of the phrase “emergency regulations” the amendment should be made. Therefore, the amendment was executed at each place such phrase appears.

(B) the Secretary may promulgate emergency or overfishing⁴⁸ regulations or interim measures⁴⁹ under paragraph (1) to address the emergency or overfishing⁴⁸ if the Council, by less than a unanimous vote, requests the taking of such action.

(3) Any emergency regulation or interim measure which changes any existing fishery management plan or amendment shall be treated as an amendment to such plan for the period in which such regulation is in effect. Any emergency regulation or interim measure promulgated under this subsection—

(A) shall be published in the Federal Register together with the reasons therefor;

(B)⁵⁰ shall, except as provided in subparagraph (C), remain in effect for not more than 180 days after the date of publication, and may be extended by publication in the Federal Register for one additional period of not more than 186 days,⁵¹ provided the public has had an opportunity to comment on the emergency regulation or interim measure, and, in the case of a Council recommendation for emergency regulations or interim measures, the Council is actively preparing a fishery management plan, plan amendment, or proposed regulations to address the emergency or overfishing on a permanent basis;

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Margin so in law.

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Section 108(a) of Public Law 109–479 amends paragraph (3)(B) by striking “180 days,” the second time it appears and inserting “186 days,”. There was not a second occurrence of “180 days[,]”⁵¹; however, the amendment was executed to reflect the probable intent of Congress.

(C)⁵⁰ that responds to a public health emergency or an oil spill may remain in effect until the circumstances that created the emergency no longer exist,⁵² *Provided*, That the public has an opportunity to comment after the regulation⁵³ is published, and, in the case of a public health emergency, the Secretary of Health and Human Services concurs with the Secretary's action; and

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So in original. The comma should be a colon.

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Section 110(b)(3)(A) of P.L. 104–297 amends paragraph (3) by inserting “or interim measure” after “emergency regulation” each place such term appears. It did not insert that phrase after “the regulation” in subparagraph (C).

(D) may be terminated by the Secretary at an earlier date by publication in the Federal Register of a notice of termination, except for emergency regulations or interim measures promulgated under paragraph (2) in which case such early termination may be made only upon the agreement of the Secretary and the Council concerned.

(d) **Responsibility of the Secretary.**— The Secretary shall have general responsibility to carry out any fishery management plan or amendment approved or ~~prepared by him~~ *prepared by the Secretary*, in accordance with the provisions of this Act. The Secretary may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to discharge such responsibility or to carry out any other provision of this Act.

(e) **Effect of Certain Laws on Certain Time Requirements.**— The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), and Executive Order Numbered 12866, dated September 30, 1993, shall be complied with within the time limitations specified in subsections (a), (b), and (c) of section 304 as they apply to the functions of the Secretary under such provisions.

(f) **Judicial Review.**— (1) Regulations promulgated by the Secretary under this Act and actions described in paragraph (2) shall be subject to judicial review to the extent authorized by, and in accordance with, chapter 7 of title 5, United States Code, if a petition for such review is filed within ~~30~~ *60* days after the date on which the regulations are promulgated or the action is published in the Federal Register, as applicable; except that—

(A) section 705 of such title is not applicable, and

(B) the appropriate court shall only set aside any such regulation or action on a ground specified in section 706(2)(A), (B), (C), or (D) of such title.

(2) The actions referred to in paragraph (1) are actions that are taken by the Secretary under regulations which implement a fishery management plan, including but not limited to actions that establish the date of closure of a fishery to commercial or recreational fishing.

(3) (A) Notwithstanding any other provision of law, the Secretary shall file a response to any petition filed in accordance with paragraph (1), not later than 45 days after the date the Secretary is served with that petition, except that the appropriate court may extend the period for filing such a response upon a showing by the Secretary of good cause for that extension.

(B) A response of the Secretary under this paragraph shall include a copy of the administrative record for the regulations that are the subject of the petition.

(4) Upon a motion by the person who files a petition under this subsection, the appropriate court shall assign the matter for hearing at the earliest possible date and shall expedite the matter in every possible way.

(g) Negotiated Conservation and Management Measures.—

(1) (A) In accordance with regulations promulgated by the Secretary pursuant to this paragraph, a Council may establish a fishery negotiation panel to assist in the development of specific conservation and management measures for a fishery under its authority. The Secretary may establish a fishery negotiation panel to assist in the development of specific conservation and management measures required for a fishery under section 304(e)(5), for a fishery for which the Secretary has authority under section 304(g), or for any other fishery with the approval of the appropriate Council.

(B) No later than 180 days after the date of enactment of the Sustainable Fisheries Act, the Secretary shall promulgate regulations establishing procedures, developed in cooperation with the Administrative Conference of the United States, for the establishment and operation of fishery negotiation panels. Such procedures shall be comparable to the procedures for negotiated rulemaking established by subchapter III of chapter 5 of title 5, United States Code.

(2) If a negotiation panel submits a report, such report shall specify all the areas where consensus was reached by the panel, including, if appropriate, proposed conservation and management measures, as well as any other information submitted by members of the negotiation panel. Upon receipt, the Secretary shall publish such report in the Federal Register for public comment.

(3) Nothing in this subsection shall be construed to require either a Council or the Secretary, whichever is appropriate, to use all or any portion of a report from a negotiation panel established under this subsection in the development of specific conservation and management measures for the fishery for which the panel was established.

(h) Central Registry System for Limited Access System Permits.—

(1) Within 6 months after the date of enactment of the Sustainable Fisheries Act, the Secretary shall establish an exclusive central registry system (which may be administered on a regional basis) for limited access system permits established under section 303(b)(6) or other Federal law, including limited access privileges, which shall provide for the registration of title to, and interests in, such permits, as well as for procedures for changes in the registration of title to such permits upon the occurrence of involuntary transfers, judicial or nonjudicial foreclosure of interests, enforcement of judgments thereon, and related matters deemed appropriate by the Secretary. Such registry system shall—

(A) provide a mechanism for filing notice of a nonjudicial foreclosure or enforcement of a judgment by which the holder of a senior security interest acquires or conveys ownership of a permit, and in the event of a nonjudicial foreclosure, by which the interests of the holders of junior security interests are released when the permit is transferred;

(B) provide for public access to the information filed under such system, notwithstanding section 402(b); and

(C) provide such notice and other requirements of applicable law that the Secretary deems necessary for an effective registry system.

(2) The Secretary shall promulgate such regulations as may be necessary to carry out this subsection, after consulting with the Councils and providing an opportunity for public comment. The Secretary is authorized to contract with non-Federal entities to administer the central registry system.

(3) To be effective and perfected against any person except the transferor, its heirs and devisees, and persons having actual notice thereof, all security interests, and all sales and other transfers of permits described in paragraph (1), shall be registered in compliance with the regulations promulgated under paragraph (2). Such registration shall constitute the exclusive means of perfection of title to, and security interests in, such permits, except for Federal tax liens thereon, which shall be perfected exclusively in accordance with the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.). The Secretary shall notify both the buyer and seller of a permit if a lien has been filed by the Secretary of the Treasury against the permit before collecting any transfer fee under paragraph (5) of this subsection.

(4) The priority of security interests shall be determined in order of filing, the first filed having the highest priority. A validly-filed security interest shall remain valid and perfected notwithstanding a change in residence or place of business of the owner of record. For the purposes of this subsection, “security interest” shall include security interests, assignments, liens and other encumbrances of whatever kind.

(5) (A) Notwithstanding section 304(d)(1), the Secretary shall collect a reasonable fee of not more than one-half of one percent of the value of a limited access system permit upon registration of the title to such permit with the central registry system and upon the transfer of such registered title. Any such fee collected shall be deposited in the Limited Access System Administration Fund established under subparagraph (B).

(B) There is established in the Treasury a Limited Access System Administration Fund. The Fund shall be available, without appropriation or fiscal year limitation, only to the Secretary for the purposes of—

(i) administering the central registry system; and

(ii) administering and implementing this Act in the fishery in which the fees were collected. Sums in the Fund that are not currently needed for these purposes shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

(i) Alaska and Western Pacific Community Development Programs.—

(1) Western alaska community development quota program.—

(A) **In general.**— There is established the western Alaska community development quota program in order—

(i) to provide eligible western Alaska villages with the opportunity to participate and invest in fisheries in the Bering Sea and Aleutian Islands Management Area;

(ii) to support economic development in western Alaska;

(iii) to alleviate poverty and provide economic and social benefits for residents of western Alaska; and

(iv) to achieve sustainable and diversified local economies in western Alaska.

(B) Program allocation.—

(i) **In general.**— Except as provided in clause (ii), the annual percentage of the total allowable catch, guideline harvest level, or other annual catch limit allocated to the program in each directed fishery of the Bering Sea and Aleutian Islands shall be the percentage approved by the Secretary, or established by Federal law, as of March 1, 2006, for the program. The percentage for each fishery shall be either a directed fishing allowance or include both directed fishing and nontarget needs based on existing practice with respect to the program as of March 1, 2006, for each fishery.

(ii) Exceptions.— Notwithstanding clause (i)—

(I) the allocation under the program for each directed fishery of the Bering Sea and Aleutian Islands (other than a fishery for halibut, sablefish, pollock, and crab) shall be a total allocation (directed and nontarget combined) of 10.7 percent effective January 1, 2008; and

(II) the allocation under the program in any directed fishery of the Bering Sea and Aleutian Islands (other than a fishery for halibut, sablefish, pollock, and crab) established after the date of enactment of this subclause shall be a total allocation (directed and nontarget combined) of 10.7 percent.

The total allocation (directed and nontarget combined) for a fishery to which subclause (I) or (II) applies may not be exceeded.

(iii) Processing and other rights.— Allocations to the program include all processing rights and any other rights and privileges associated with such allocations as of March 1, 2006.

(iv) Regulation of harvest.— The harvest of allocations under the program for fisheries with individual quotas or fishing cooperatives shall be regulated by the Secretary in a manner no more restrictive than for other participants in the applicable sector, including with respect to the harvest of nontarget species.

(C) Allocations to entities.— Each entity eligible to participate in the program shall be authorized under the program to harvest annually the same percentage of each species allocated to the program under subparagraph (B) that it was authorized by the Secretary to harvest of such species annually as of March 1, 2006, except to the extent that its allocation is adjusted under subparagraph (H). Such allocation shall include all processing rights and any other rights and privileges associated with such allocations as of March 1, 2006. Voluntary transfers by and among eligible entities shall be allowed, whether before or after harvesting. Notwithstanding the first sentence of this subparagraph, seven-tenths of one percent of the total allowable catch, guideline harvest level, or other annual catch limit, within the amount allocated to the program by subclause (I) or subclause (II) of subparagraph (B)(ii), shall be allocated among the eligible entities by the panel established in subparagraph (G), or allocated by the Secretary based on the nontarget needs of eligible entities in the absence of a panel decision.

(D) Eligible villages.— The following villages shall be eligible to participate in the program through the following entities:

(i) The villages of Akutan, Atka, False Pass, Nelson Lagoon, Nikolski, and Saint George through the Aleutian Pribilof Island Community Development Association.

(ii) The villages of Aleknagik, Clark's Point, Dillingham, Egegik, Ekuk, Ekwok, King Salmon/Savonoski, Levelock, Manokotak, Naknek, Pilot Point, Port Heiden, Portage Creek, South Naknek, Togiak, Twin Hills, and Ugashik through the Bristol Bay Economic Development Corporation.

(iii) The village of Saint Paul through the Central Bering Sea Fishermen's Association.

(iv) The villages of Chefornak, Chevak, Eek, Goodnews Bay, Hooper Bay, Kipnuk, Kongiganak, Kwigillingok, Mekoryuk, Napakiak, Napaskiak, Newtok, Nightmute, Oscarville, Platinum, Quinhagak, Scammon Bay, Toksook Bay, Tuntutuliak, and Tununak through the Coastal Villages Region Fund.

(v) The villages of Brevig Mission, Diomed, Elim, Gambell, Golovin, Koyuk, Nome, Saint Michael, Savoonga, Shaktoolik, Stebbins, Teller, Unalakleet, Wales, and White Mountain through the Norton Sound Economic Development Corporation.

(vi) The villages of Alakanuk, Emmonak, Grayling, Kotlik, Mountain Village, and Nunam Iqua through the Yukon Delta Fisheries Development Association.

(E) Eligibility requirements for participating entities.— To be eligible to participate in the program, an entity referred to in subparagraph (D) shall meet the following requirements:

(i) **Board of directors.**— The entity shall be governed by a board of directors. At least 75 percent of the members of the board shall be resident fishermen from the entity's member villages. The board shall include at least one director selected by each such member village.

(ii) **Panel representative.**— The entity shall elect a representative to serve on the panel established by subparagraph (G).

(iii) **Other investments.**— The entity may make up to 20 percent of its annual investments in any combination of the following:

(I) For projects that are not fishery-related and that are located in its region.

(II) On a pooled or joint investment basis with one or more other entities participating in the program for projects that are not fishery-related and that are located in one or more of their regions.

(III) For matching Federal or State grants for projects or programs in its member villages without regard to any limitation on the Federal or State share, or restriction on the source of any non-Federal or non-State matching funds, of any grant program under any other provision of law.

(iv) **Fishery-related investments.**— The entity shall make the remainder percent of its annual investments in fisheries-related projects or for other purposes consistent with the practices of the entity prior to March 1, 2006.

(v) **Annual statement of compliance.**— Each year the entity, following approval by its board of directors and signed by its chief executive officer, shall submit a written statement to the Secretary and the State of Alaska that summarizes the purposes for which it made investments under clauses (iii) and (iv) during the preceding year.

(vi) **Other panel requirements.**— The entity shall comply with any other requirements established by the panel under subparagraph (G).

(F) Entity status, limitations, and regulation.— The entity—

(i) shall be subject to any excessive share ownership, harvesting, or processing limitations in the fisheries of the Bering Sea and Aleutian Islands Management Area only to the extent of the entity's proportional ownership, excluding any program allocations, and notwithstanding any other provision of law;

(ii) shall comply with State of Alaska law requiring annual reports to the entity's member villages summarizing financial operations for the previous calendar year, including general and administrative costs and compensation levels of the top 5 highest paid personnel;

(iii) shall comply with State of Alaska laws to prevent fraud that are administered by the Alaska Division of Banking and Securities, except that the entity and the State

shall keep confidential from public disclosure any information if the disclosure would be harmful to the entity or its investments; and

(iv) is exempt from compliance with any State law requiring approval of financial transactions, community development plans, or amendments thereto, except as required by subparagraph (H).

(G) Administrative panel.—

(i) **Establishment.**— There is established a community development quota program panel.

(ii) **Membership.**— The panel shall consist of 6 members. Each entity participating in the program shall select one member of the panel.

(iii) **Functions.**— The panel shall—

(I) administer those aspects of the program not otherwise addressed in this paragraph, either through private contractual arrangement or through recommendations to the North Pacific Council, the Secretary, or the State of Alaska, as the case may be; and

(II) coordinate and facilitate activities of the entities under the program.

(iv) **Voting requirement.**— The panel may act only by the affirmative vote of at least 5 of its members, except that any decision made pursuant to the last sentence of subparagraph (C) shall require the unanimous vote of all 6 members of the panel.

(H) Decennial review and adjustment of entity allocations.—

(i) **In general.**— During calendar year 2012 and every 10 years thereafter, the State of Alaska shall evaluate the performance of each entity participating in the program based on the criteria described in clause (ii).

(ii) **Criteria.**— The panel shall establish a system to be applied under this subparagraph that allows each entity participating in the program to assign relative values to the following criteria to reflect the particular needs of its villages:

(I) Changes during the preceding 10-year period in population, poverty level, and economic development in the entity's member villages.

(II) The overall financial performance of the entity, including fishery and nonfishery investments by the entity.

(III) Employment, scholarships, and training supported by the entity.

(IV) Achieving of the goals of the entity's community development plan.

(iii) **Adjustment of allocations.**— After the evaluation required by clause (i), the State of Alaska shall make a determination, on the record and after an opportunity for a hearing, with respect to the performance of each entity participating in the program for the criteria described in clause (ii). If the State determines that the entity has maintained or improved its overall performance with respect to the criteria, the allocation to such entity under the program shall be extended by the State for the next 10-year period. If the State determines that the entity has not maintained or improved its overall performance with respect to the criteria—

(I) at least 90 percent of the entity's allocation for each species under subparagraph (C) shall be extended by the State for the next 10-year period; and

(II) the State may determine, or the Secretary may determine (if State law prevents the State from making the determination), and implement an appropriate

reduction of up to 10 percent of the entity's allocation for each species under subparagraph (C) for all or part of such 10-year period.

(iv) **Reallocation of reduced amount.**— If the State or the Secretary reduces an entity's allocation under clause (iii), the reduction shall be reallocated among other entities participating in the program whose allocations are not reduced during the same period in proportion to each such entity's allocation of the applicable species under subparagraph (C).

(I) **Secretarial approval not required.**— Notwithstanding any other provision of law or regulation thereunder, the approval by the Secretary of a community development plan, or an amendment thereof, under the program is not required.

(J) **Community development plan defined.**— In this paragraph, the term “community development plan” means a plan, prepared by an entity referred to in subparagraph (D), for the program that describes how the entity intends—

(i) to harvest its share of fishery resources allocated to the program, or

(ii) to use its share of fishery resources allocated to the program, and any revenue derived from such use, to assist its member villages with projects to advance economic development,

but does not include a plan that allocates fishery resources to the program.

(2) (A) The Western Pacific Council and the Secretary may establish a western Pacific community development program for any fishery under the authority of such Council in order to provide access to such fishery for western Pacific communities that participate in the program.

(B) To be eligible to participate in the western Pacific community development program, a community shall—

(i) be located within the Western Pacific Regional Fishery Management Area;

(ii) meet criteria developed by the Western Pacific Council, approved by the Secretary and published in the Federal Register;

(iii) consist of community residents who are descended from the aboriginal people indigenous to the area who conducted commercial or subsistence fishing using traditional fishing practices in the waters of the Western⁵⁴ Pacific region;

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So in original; probably should be “western”.

(iv) not have previously developed harvesting or processing capability sufficient to support substantial participation in fisheries in the Western Pacific Regional Fishery Management Area; and

(v) develop and submit a Community Development Plan to the Western Pacific Council and the Secretary.

(C) In developing the criteria for eligible communities under subparagraph (B)(ii), the Western Pacific Council shall base such criteria on traditional fishing practices in or dependence on the fishery, the cultural and social framework relevant to the fishery, and economic barriers to access to the fishery.

(D) For the purposes of this subsection “**Western Pacific Regional Fishery Management Area**” means the area under the jurisdiction of the Western Pacific Council, or an island within such area.

(E) Notwithstanding any other provision of this Act, the Western Pacific Council shall take into account traditional indigenous fishing practices in preparing any fishery management plan.

(3) The Secretary shall deduct from any fees collected from a community development quota program under section 304(d)(2) the costs incurred by participants in the program for observer and reporting requirements which are in addition to observer and reporting requirements of other participants in the fishery in which the allocation to such program has been made.

(4) After the date of enactment of the Sustainable Fisheries Act, the North Pacific Council and Western Pacific Council may not submit to the Secretary a community development quota program that is not in compliance with this subsection.

(j) Western Pacific and Northern Pacific Regional Marine Education and Training.—

(1) **In general.**— The Secretary shall establish a pilot program for regionally-based marine education and training programs in the Western Pacific and the Northern Pacific to foster understanding, practical use of knowledge (including native Hawaiian, Alaskan Native, and other Pacific Islander-based knowledge), and technical expertise relevant to stewardship of living marine resources. The Secretary shall, in cooperation with the Western Pacific and the North Pacific Regional Fishery Management Councils, regional educational institutions, and local Western Pacific and Northern Pacific community training entities, establish programs or projects that will improve communication, education, and training on marine resource issues throughout the region and increase scientific education for marine-related professions among coastal community residents, including indigenous Pacific islanders, Native Hawaiians, Alaskan Natives, and other underrepresented groups in the region.

(2) **Program components.**— The program shall—

(A) include marine science and technology education and training programs focused on preparing community residents for employment in marine related professions, including marine resource conservation and management, marine science, marine technology, and maritime operations;

(B) include fisheries and seafood-related training programs, including programs for fishery observers, seafood safety and seafood marketing, focused on increasing the involvement of coastal community residents in fishing, fishery management, and seafood-related operations;

(C) include outreach programs and materials to educate and inform consumers about the quality and sustainability of wild fish or fish products farmed through responsible aquaculture, particularly in Hawaii, Alaska, the Western Pacific, the Northern Pacific, and the Central Pacific;

(D) include programs to identify, with the fishing industry, methods and technologies that will improve the data collection, quality, and reporting and increase the sustainability of fishing practices, and to transfer such methods and technologies among fisheries sectors and to other nations in the Western, Northern, and Central Pacific;

(E) develop means by which local and traditional knowledge (including Pacific islander, Native Hawaiian, and Alaskan Native knowledge) can enhance science-based management of fishery resources of the region; and

(F) develop partnerships with other Western Pacific Island and Alaskan agencies, academic institutions, and other entities to meet the purposes of this section.

(k) Multispecies Groundfish.—

(1) **In general.**— Within 60 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary of Commerce shall determine whether fishing in State waters—

(A) without a New England multispecies groundfish fishery permit on regulated species within the multispecies complex is not consistent with the applicable Federal fishery management plan; or

(B) without a Federal bottomfish and seamount groundfish permit in the Hawaiian archipelago on regulated species within the complex is not consistent with the applicable Federal fishery management plan or State data are not sufficient to make such a determination.

(2) **Cure.**— If the Secretary makes a determination that such actions are not consistent with the plan, the Secretary shall, in consultation with the Council, and after notifying the affected State, develop and implement measures to cure the inconsistency pursuant to section 306(b).

(l) GUIDANCE.— Not later than 2 years after the date of the enactment of the Sustaining America’s Fisheries for the Future Act of 2024, the Secretary shall issue guidelines to assist the Councils in preparing and adapting fishery management for the impacts of climate change, including for consideration of climate change in the conservation and management of stocks of fish under the geographical area of authority of each Council.

(m) RECREATIONAL DATA IMPROVEMENT.—

(1) IN GENERAL.— Not later than 2 years after the date of the enactment of the Sustaining America’s Fisheries for the Future Act of 2024, the Secretary shall establish guidelines for recreational catch data, which shall include the development of data standards to improve timeliness, accuracy, precision, and validation of data produced by recreational surveys in order to facilitate the use of such data in stock assessments, for use in management actions, and for other uses as applicable.

(2) RECOMMENDATIONS CONSIDERED.— In establishing guidelines under paragraph (1), the Secretary shall consider the relevant recommendations developed under section 404(e), subsections (g)(4)(C) and (h) of section 401, and section 201(b) of the Modernizing Recreational Fisheries Management Act of 2018 (16 U.S.C. 1881 note).

(3) MULTIPLE DATA SOURCES.— If recreational catch data for a stock of fish come from more than 1 survey program, such as Federal and non-Federal sources, including from States or Marine Fisheries Commissions, the Secretary shall implement measures, which may include the use of calibration methods, as needed for the timely integration of such data to ensure consistent methods and approaches are used for monitoring of catch against the relevant annual catch limits and for other fishery science and management purposes.

(n) FORAGE FISH.— Not later than 6 months after the date of the enactment of the Sustaining America’s Fisheries for the Future Act of 2024, the Secretary shall issue a definition of the term “forage fish” for the purposes of this Act. In defining such term, the Secretary shall consider factors including whether a species covered by such definition, throughout such species’ lifecycle—

(1) is at a low trophic level;

(2) is generally small- to intermediate-sized;

(3) occurs in schools or other dense aggregations;

(4) contributes significantly to the diets of other fish, marine mammals, or birds; and

(5) serves as a conduit for energy transfer to species at a higher trophic level.

* * * * *

Sec. 307. PROHIBITED ACTS.

It is unlawful—

(1) for any person—

(A) to violate any provision of this Act or any regulation or permit issued pursuant to this Act;

(B) to use any fishing vessel to engage in fishing after the revocation, or during the period of suspension, of an applicable permit issued pursuant to this Act;

(C) to violate any provision of, or regulation under, an applicable governing international fishery agreement entered into pursuant to section 201(c);

(D) to refuse to permit any officer authorized to enforce the provisions of this Act (as provided for in section 311) to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this Act or any regulation, permit, or agreement referred to in subparagraph (A) or (C);

(E) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search or inspection described in subparagraph (D);

(F) to resist a lawful arrest for any act prohibited by this section;

(G) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this Act or any regulation, permit, or agreement referred to in subparagraph (A) or (C);

(H) to interfere, with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this section;

(I) to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United States fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act;

(J) to ship, transport, offer for sale, sell, or purchase, in interstate or foreign commerce, any whole live lobster of the species *Homarus americanus*, that—

(i) is smaller than the minimum possession size in effect at the time under the American Lobster Fishery Management Plan, as implemented by regulations published in part 649 of title 50, Code of Federal Regulations, or any successor to that plan implemented under this title, or in the absence of any such plan, is smaller than the minimum possession size in effect at the time under a coastal fishery management plan for American lobster adopted by the Atlantic States Marine Fisheries Commission under the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5101 et seq.);

(ii) is bearing eggs attached to its abdominal appendages; or

(iii) bears evidence of the forcible removal of extruded eggs from its abdominal appendages;

(K) to knowingly steal, or without authorization, to⁵⁶ remove, damage, or tamper with—

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Section 113(b)(1) of P.L. 104–297 sought to amend this subparagraph by striking “knowingly steal or without authorization, to” and inserting “to steal or attempt to steal or to negligently and without authorization”. The text sought to be struck does not appear. Therefore the amendment cannot be executed.

(i) fishing gear owned by another person, which is located in the exclusive economic zone⁵⁷, or

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Effective upon the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States, section 301(h)(1) of the Flower Garden National Marine Sanctuary (P.L. 102–251; 106 Stat. 64) amends this subparagraph by inserting “or special area” after “exclusive economic zone”.

(ii) fish contained in such fishing gear;

(L) to ~~forcibly~~ assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer ~~on a vessel~~ under this Act, or any data collector employed by the National Marine Fisheries Service or under contract to any person to carry out responsibilities under this Act;

(M) to engage in large-scale driftnet fishing that is subject to the jurisdiction of the United States, including use of a fishing vessel of the United States to engage in such fishing beyond the exclusive economic zone of any nation, unless such large-scale driftnet fishing—

(i) deploys, within the exclusive economic zone, a net with a total length of less than two and one-half kilometers and a mesh size of 14 inches or greater; and

(ii) is conducted within 5 years of the date of enactment of the Driftnet Modernization and Bycatch Reduction Act;

(N) to strip pollock of its roe and discard the flesh of the pollock;

(O) to knowingly and willfully fail to disclose, or to falsely disclose, any financial interest as required under section 302(j), or to knowingly vote on a Council decision in violation of section 302(j)(7)(A);

(P) (i) to remove any of the fins of a shark (including the tail) at sea;

(ii) to have custody, control, or possession of any such fin aboard a fishing vessel unless it is naturally attached to the corresponding carcass;

(iii) to transfer any such fin from one vessel to another vessel at sea, or to receive any such fin in such transfer, without the fin naturally attached to the corresponding carcass; or

(iv) to land any such fin that is not naturally attached to the corresponding carcass, or to land any shark carcass without such fins naturally attached;

(Q) to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish taken, possessed, transported, or sold in violation of any foreign law or regulation or any treaty or in contravention of any binding conservation measure adopted by an international agreement or organization to which the United States is a party; or

(R) to use any fishing vessel to engage in fishing in Federal or State waters, or on the high seas or in the waters of another country, after the Secretary has made a payment to the owner of that fishing vessel under section 312(b)(2).

For purposes of subparagraph (P), there shall be a rebuttable presumption that if any shark fin (including the tail) is found aboard a vessel, other than a fishing vessel, without being naturally attached to the corresponding carcass, such fin was transferred in violation of subparagraph (P)(iii) or that if, after landing, the total weight of shark fins (including the tail) landed from any vessel exceeds five percent of the total weight of shark carcasses landed, such fins were taken, held, or landed in violation of subparagraph (P). In such subparagraph, the term “naturally attached”, with respect to a shark fin, means attached to the corresponding shark carcass through some portion of uncut skin.

(2) for any vessel other than a vessel of the United States, and for the owner or operator of any vessel other than a vessel of the United States, to engage—

(A) in fishing within the boundaries of any State, except—

(i) recreational fishing permitted under section 201(i);

(ii) fish processing permitted under section 306(c); or

(iii) transshipment at sea of fish or fish products within the boundaries of any State in accordance with a permit approved under section 204(d);

(B) in fishing, except recreational fishing permitted under section 201(i), within the exclusive economic zone, or for any anadromous species or Continental Shelf fishery resources beyond such zone or areas, unless such fishing is authorized by, and conducted in accordance with, a valid and applicable permit issued pursuant to section 204(b), (c), or (d); or

(C) except as permitted under section 306(c), in fish processing (as defined in paragraph (4)(A) of such section) within the internal waters of a State (as defined in paragraph (4)(B) of such section);

(3) for any vessel of the United States, and for the owner or operator of any vessel of the United States, to transfer at sea directly or indirectly, or attempt to so transfer at sea, any United States harvested fish to any foreign fishing vessel, while such foreign vessel is within the exclusive economic zone or within the boundaries of any State except to the extent that the foreign fishing vessel has been permitted under section 204(d) or section 306(c) to receive such fish;

(4) for any fishing vessel other than a vessel of the United States to operate, and for the owner or operator of a fishing vessel other than a vessel of the United States to operate such vessel, in the exclusive economic zone⁵⁸ or within the boundaries of any State or special areas, if—

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Effective upon the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States, section 301(h)(4) of the Flower Garden National Marine Sanctuary (P.L. 102–251; 106 Stat. 64) amends this paragraph by inserting “or special area” after “exclusive economic zone”.

(A) all fishing gear on the vessel is not stored below deck or in an area where it is not normally used, and not readily available, for fishing; or

(B) all fishing gear on the vessel which is not so stored is not secured and covered so as to render it unusable for fishing;

unless such vessel is authorized to engage in fishing in the area in which the vessel is operating; and

(5) for any vessel of the United States, and for the owner or operator of any vessel of the United States, to engage in fishing in the waters of a foreign nation in a manner that violates an international fishery agreement between that nation and the United States that has been subject to Congressional oversight in the manner described in section 203, or any regulations issued to implement such an agreement; except that the binding provisions of such agreement and implementing regulations shall have been published in the Federal Register prior to such violation.

Sec. 309. CRIMINAL OFFENSES.

(a) **Offenses.**— A person is guilty of an offense if ~~he~~ such person commits any act prohibited by—

(1) section 307(1)(D), (E), (F), (H), (I), or (L); or

(2) section 307(2).

(b) **Punishment.**— Any offense described in subsection (a)(1) is punishable by a fine of not more than \$100,000, or imprisonment for not more than 6 months, or both; except that if in the commission of any such offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any observer described in section 307(1)(L) or any officer authorized to enforce the provisions of this Act (as provided for in section 311), or places any such observer or officer in fear of imminent bodily injury, the offense is punishable by a fine of not more than \$200,000, or imprisonment for not more than 10 years, or both. Any offense described in subsection (a)(2) is punishable by a fine of not more than \$200,000.

(c) **Jurisdiction.**— There is Federal jurisdiction over any offense described in this section.

Sec. 311. ENFORCEMENT.

(a) **Responsibility.**— The provisions of this Act shall be enforced by the Secretary and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, including all elements of the Department of Defense, and of any State agency, in the performance of such duties.

(b) Powers of Authorized Officers.— (1) Any officer who is authorized (by the Secretary, the Secretary of the department in which the Coast Guard is operating, or the head of any Federal or State agency which has entered into an agreement with such Secretaries under subsection (a)) to enforce the provisions of this Act may—

(A) with or without a warrant or other process—

(i) arrest any person, if ~~he~~ *such officer* has reasonable cause to believe that such person has committed an act prohibited by section 307;

(ii) board, and search or inspect, any fishing vessel which is subject to the provisions of this Act;

(iii) seize any fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, the violation of any provisions of this Act;

(iv) seize any fish (wherever found) taken or retained in violation of any provision of this Act;

(v) seize any other evidence related to any violation of any provisions of this Act; and

(vi)⁶² access, directly or indirectly, for enforcement purposes any data or information required to be provided under this title or regulations under this title, including data from vessel monitoring systems, satellite-based maritime distress and safety systems, or any similar system, subject to the confidentiality provisions of section 402;

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Margin so in law.

(B) execute any warrant or other process issued by any court of competent jurisdiction; and

(C) exercise any other lawful authority.

(2) Subject to the direction of the Secretary, a person charged with law enforcement responsibilities by the Secretary who is performing a duty related to enforcement of a law regarding fisheries or other marine resources may make an arrest without a warrant for an offense against the United States committed in ~~his~~ *such person's* presence, or for a felony cognizable under the laws of the United States, if ~~he~~ *such person* has reasonable grounds to believe that the person to be arrested has committed or is committing a felony. The arrest authority described in the preceding sentence may be conferred upon an officer or employee of a State agency, subject to such conditions and restrictions as are set forth by agreement between the State agency, the Secretary, and, with respect to enforcement operations within the exclusive economic zone⁶³, the Secretary of the department in which the Coast Guard is operating.

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Effective upon the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States, section 301(i) of the Flower Garden National Marine Sanctuary (P.L. 102–251; 106 Stat. 64) amends this paragraph by inserting “and special areas” after “exclusive economic zone”.

(c) Issuance of Citations.— If any officer authorized to enforce the provisions of this Act (as provided for in this section) finds that a fishing vessel is operating or has been operated in violation of any provision of this Act, such officer may, in accordance with regulations issued jointly by the Secretary and the Secretary of the department in which the Coast Guard is operating, issue a citation to the owner or operator of such vessel in lieu of proceeding under subsection (b). If a permit has been issued pursuant to this Act for such vessel, such officer shall note the issuance of any citation under this subsection, including the date thereof and the reason therefor, on the permit. The Secretary shall maintain a record of all citations issued pursuant to this subsection.

(d) Jurisdiction of Courts.— The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this Act. In the case of Hawaii or any possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Hawaii, except that in the case of Guam and Wake Island, the appropriate court is the United States District Court for the District of Guam, and in the case of the Northern Mariana Islands, the appropriate court is the United States District Court for the District of the Northern Mariana Islands. Any such court may, at any time—

- (1) enter restraining orders or prohibitions;
- (2) issue warrants, process in rem, or other process;
- (3) prescribe and accept satisfactory bonds or other security; and
- (4) take such other actions as are in the interest of justice.

(e) Payment of Storage, Care, and Other Costs.— (1) Notwithstanding any other provision of law, the Secretary or the Secretary of the Treasury may pay from sums received as fines, penalties, and forfeitures of property for violations of any provisions of this Act or of any other marine resource law enforced by the Secretary, including the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.)—

(A) the reasonable and necessary costs incurred in providing temporary storage, care, and maintenance of seized fish or other property pending disposition of any civil or criminal proceeding alleging a violation of any provision of this Act or any other marine resource law enforced by the Secretary with respect to that fish or other property;

(B) a reward of not less than 20 percent of the penalty collected or \$20,000, whichever is the lesser amount, to any person who furnishes information which leads to an arrest, conviction, civil penalty assessment, or forfeiture of property for any violation of any provision of this Act or any other marine resource law enforced by the Secretary;

(C) any expenses directly related to investigations and civil or criminal enforcement proceedings, including any necessary expenses for equipment, training, travel, witnesses, and contracting services directly related to such investigations or proceedings;

(D) any valid liens or mortgages against any property that has been forfeited;

(E) ⁶⁴ claims of parties in interest to property disposed of under section 612(b) of the Tariff Act of 1930 (19 U.S.C. 1612(b)), as made applicable by section 310(c) of this Act or by any other marine resource law enforced by the Secretary, to seizures made by the Secretary, in amounts determined by the Secretary to be applicable to such claims at the time of seizure; and

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(F) reimbursement to any Federal or State agency, including the Coast Guard, for services performed, or personnel, equipment, or facilities utilized, under any agreement with the Secretary entered into pursuant to subsection (a), or any similar agreement authorized by law.

(2)⁶⁴ Any person found in an administrative or judicial proceeding to have violated this Act or any other marine resource law enforced by the Secretary shall be liable for the cost incurred in the sale, storage, care, and maintenance of any fish or other property lawfully seized in connection with the violation.

(f) Enforcement of Northeast Multispecies Fishery Management Plan.—

(1) **Enforcement agreements.**— Beginning not later than October 1, 1993, the Secretary shall, if requested by the Governor of a State represented on the New England Fishery Management Council, enter into an agreement under subsection (a), with each of the States represented on such Council, that authorizes the marine law enforcement agency of such State to perform duties of the Secretary relating to enforcement of the Northeast Multispecies Fishery Management Plan.

(2) **Reimbursement.**— An agreement with a State under this subsection shall provide, subject to the availability of appropriations, for reimbursement of the State for expenses incurred in detection and prosecution of violations of any fishery management plan approved by the Secretary.

(3) Coast guard enforcement working group.—

(A) **Establishment.**— The Commander of the First Coast Guard District shall establish an informal fisheries enforcement working group to improve the overall compliance with and effectiveness of the regulations issued under the Northeast Multispecies Fishery Management Plan.

(B) **Membership.**— The working group shall consist of members selected by the Commander, and shall include—

(i) individuals who are representatives of various fishing ports located in the States represented on the New England Fishery Management Council;

(ii) captains of fishing vessels that operate in waters under the jurisdiction of that Council; and

(iii) other individuals the Commander considers appropriate.

(C) **Non-federal status of working group members.**— An individual shall not receive any compensation for, and shall not be considered to be a Federal employee based on, membership in the working group.

(D) **Meetings.**— The working group shall meet, at the call of the Commander, at least 4 times each year. The meetings shall be held at various major fishing ports in States represented on the New England Fishery Management Council, as specified by the Commander.

(4) **Use of fines and penalties.**— Amounts available to the Secretary under this Act which are attributable to fines and penalties imposed for violations of the Northeast Multispecies Fishery Management Plan shall be used by the Secretary ~~pursuant to this section to enforce that Plan~~ to enforce and monitor (including electronic monitoring) implementation of such Plan.

(g) **Enforcement in the Pacific Insular Areas.**— The Secretary, in consultation with the Governors of the Pacific Insular Areas and the Western Pacific Council, shall to the extent practicable support cooperative enforcement agreements between Federal and Pacific Insular Area authorities.

(h) Joint Enforcement Agreements.—

(1) **In general.**— The Governor of an eligible State may apply to the Secretary for execution of a joint enforcement agreement with the Secretary that will authorize the deputization and funding of State law enforcement officers with marine law enforcement responsibilities to perform duties of the Secretary relating to law enforcement provisions under this title or any other marine resource law enforced by the Secretary. Upon receiving an application meeting the requirements of this subsection, the Secretary may enter into a joint enforcement agreement with the requesting State.

(2) **Eligible state.**— A State is eligible to participate in the cooperative enforcement agreements under this section if it is in, or bordering on, the Atlantic Ocean (including the Caribbean Sea), the Pacific Ocean, the Arctic Ocean, the Gulf of Mexico, Long Island Sound, or 1 or more of the Great Lakes.

(3) **Requirements.**— Joint enforcement agreements executed under paragraph (1)—

(A) shall be consistent with the purposes and intent of this section to the extent applicable to the regulated activities;

(B) may include specifications for joint management responsibilities as provided by the first section of Public Law 91–412 (15 U.S.C. 1525); and

(C) shall provide for confidentiality of data and information submitted to the State under section 402.

(4) **Allocation of funds.**— The Secretary shall include in each joint enforcement agreement an allocation of funds to assist in management of the agreement. The allocation shall be fairly distributed among all eligible States participating in cooperative enforcement agreements under this subsection, based upon consideration of Federal marine enforcement needs, the specific marine conservation enforcement needs of each participating eligible State, and the capacity of the State to undertake the marine enforcement mission and assist with enforcement needs. The agreement may provide for amounts to be withheld by the Secretary for the cost of any technical or other assistance provided to the State by the Secretary under the agreement.

(i) **Improved Data Sharing.**—

(1) **In general.**— Notwithstanding any other provision of this Act, as soon as practicable but no later than 21 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall implement data-sharing measures to make any data required to be provided by this Act from satellite-based maritime distress and safety systems, vessel monitoring systems, or similar systems—

(A) directly accessible by State enforcement officers authorized under subsection (a) of this section; and

(B) available to a State management agency involved in, or affected by, management of a fishery if the State has entered into an agreement with the Secretary under section 402(b)(1)(B) of this Act.

(2) **Agreement required.**— The Secretary shall promptly enter into an agreement with a State under section 402(b)(1)(B) of this Act if—

(A) the Attorney General or highest ranking legal officer of the State provides a written opinion or certification that State law allows the State to maintain the confidentiality of information required by Federal law to be kept confidential; or

(B) the Secretary is provided other reasonable assurance that the State can and will protect the identity or business of any person to which such information relates.

(j) **Definitions.**— For purposes of this section—

(1) The term “provisions of this Act” includes (A) any regulation or permit issued pursuant to this Act, and (B) any provision of, or regulation issued pursuant to, any international fishery agreement under which foreign fishing is authorized by section 201 (b) or (c),⁶⁵ with respect to fishing subject to the exclusive fishery management authority of the United States.

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Section 115(e) of P.L. 104–297 sought to amend section 311(i)(1) of the Magnuson Fishery Conservation and Management Act by striking “201(b), (c)” and inserting “201(b) or (c), or section 204(d)”. However, there is no subsection (i) in section 311. The intent may have been to amend section 311(h)(1). However, the language sought to be struck does not appear in that section. For both of these reasons, the amendment cannot be executed.

(2) The term “violation of any provision of this Act” includes (A) the commission of any act prohibited by section 307, and (B) the violation of any regulation, permit, or agreement referred to in paragraph (1).

[Section 203(a) of division S of Public Law 117–328.]

Sec. 316. BYCATCH REDUCTION ENGINEERING PROGRAM.

(a) **Bycatch Reduction Engineering Program.**— Not later than 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, 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 (in this section referred to as the ‘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 Act;

~~(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.~~

(3) provide information, outreach, technical assistance, and training to Councils, tribes, and fishery participants that will encourage adoption and use of technologies and methods developed under the program; and

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

(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 of 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;

(2) projects to mitigate for seabird mortality; and

(3) actions at appropriate international fishery organizations to reduce seabird interactions in fisheries.

(d) **Report.**— The Secretary shall ~~transmit an annual report~~, *not less frequently than once every 3 years, transmit a report* to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources that—

(1) describes funding provided to implement this section;

(2) describes developments in gear technology achieved under this section; ~~and~~

(3) describes improvements and reduction in bycatch and seabird interactions associated with implementing this section, as well as proposals to address remaining bycatch or seabird interaction problems; ~~and~~

(4) includes a description of each bycatch reduction technology and method developed, tested, or supported by the program, and a summary of how each such technology and method have been implemented into fishery management, or an explanation for why each such technology and method has not been implemented.

Sec. 318. 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 Act 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), *fishing communities*, 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.~~

(b) ELIGIBLE PROJECTS.—

(1) IN GENERAL.— The Secretary shall make funds available under the program established under subsection (a) on a competitive basis and based on regional fishery management needs to support cooperative research and management projects to address critical needs identified by the Councils.

(2) SUBMISSION OF CRITICAL NEEDS LIST.— Each Council shall annually submit a list of critical needs to the Secretary that identifies and prioritizes such needs.

(3) USE OF DATA.— The program established under subsection (a) shall promote and encourage efforts to use sources of data maintained by other Federal agencies, State agencies, local and traditional knowledge, 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.

(c) PRIORITIES.— In making funds available under subsection (b), the Secretary shall select projects that form part of a coherent program of cooperative research or management projects focused on addressing priority issues identified by the Councils, and shall give priority to the following types of 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 improve fishery-dependent data collection, intake, use, and access including

—

(A) to assess the amount and type of bycatch or post-release mortality occurring in a fishery;

(B) expanding the use of electronic technology and modernizing data management systems; and

(C) improving monitoring coverage through the expanded use of electronic technology.

(3) Conservation engineering or management projects designed to reduce bycatch, including avoidance of post-release mortality, reduction of bycatch in high seas fisheries, and transfer of such fishing technologies and methods to other nations, or other regional entities, including fishing communities, regional fishery associations, and fishing sectors.

(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 for which electronic technologies can be added.

(6) Projects to test and expand electronic technologies for monitoring, reporting, observer coverage, and other functions.

(7) Projects that use electronic technologies to—

(A) monitor changing ocean conditions;

(B) improve methods;

(C) support adaptive management; and

(D) enhance climate resilience in fisheries.

(8) Projects designed—

(A) to identify the impacts of anticipated changing ocean conditions, including climate change, on stocks of fish, fisheries, and fishing communities; or

(B) to develop conservation and management strategies to adapt to such impacts.

(9) Cooperative management projects that make use of data collected under this section.

(10) Projects to better understand—

(A) interactions between sharks and humans;

(B) what causes increases in such interactions;

(C) the status of shark populations; and

(D) how to best address such interactions to benefit both sharks and humans.

(d) Experimental Permitting Process.— Not later than 180 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, 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) COOPERATIVE MANAGEMENT AGREEMENTS.—

(1) IN GENERAL.— Not later than 1 year after the date of the enactment of the Sustaining America's Fisheries for the Future Act of 2024, the Secretary, in consultation with the Councils and with input from the public, shall issue guidance to facilitate a transparent, timely, uniform, and regionally based process for the development, oversight, and management of cooperative management agreements.

(2) PROCESS FOR APPROVAL.— The Secretary may use the process developed pursuant to subsection (d) to approve cooperative management agreements as if such agreements are cooperative fishing agreements.

(3) PERFORMANCE STANDARDS.— An agreement authorized by this subsection shall be subject to performance standards and accountability measures specified in a fishery management plan or otherwise established by the Secretary, in consultation with the Councils, and shall not allow catch in excess of annual catch limits or bycatch in excess of bycatch caps or limits.

(4) PREEXISTING AGREEMENTS.— This subsection shall not apply to a cooperative management agreement submitted to or proposed or approved by the Secretary before the date of the enactment of the Sustaining America's Fisheries for the Future Act of 2024.

(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 g) Exempted Projects.— The procedures of this section shall not apply to research funded by quota set-asides in a fishery.

(h) PUBLIC REPORT OF DATA.— *With respect to any cooperative research project funded or experimental fishing permit issued under this section, the appropriate Council shall publish a report regarding results and data generated by such project or under such permit.*

(i) PROGRESS REPORT.— *Not later than 180 days after the date of the enactment of the Sustaining America’s Fisheries for the Future Act of 2024, the Assistant Administrator for Fisheries shall submit to Congress a report regarding—*

(1) the progress made by the National Marine Fisheries Service with respect to the implementation of the recommendations of the Cooperative Research and Cooperative Management Working Group report titled ‘NOAA Technical Memorandum NMFS–F/SPO–156’ (August 2015); and

(2) the development and implementation of any subsequent recommendations by such Working Group.

SEC. 322. INCREASING RESILIENCE OF STOCKS OF FISH TO CLIMATE CHANGE.

(a) VULNERABILITY ASSESSMENT.— *Not later than 3 years after the date of the enactment of the Sustaining America’s Fisheries for the Future Act of 2024, and every 5 years thereafter, the Secretary shall—*

(1) assess the vulnerability of stocks of fish within the geographical area of authority of each Council to climate change;

(2) notify each Council of the vulnerability of stocks of fish within such geographical area; and

(3) make recommendations to each Council for measures to increase the resilience of stocks of fish within such geographical area identified as vulnerable to climate change.

(b) COUNCIL PRIORITIZATION PLANS.—

(1) IN GENERAL.— *Not later than 1 year after receiving a notification from the Secretary under subsection (a), each Council shall publish a plan identifying management actions to increase resilience of the stocks of fish identified as vulnerable to climate change and begin implementing such management actions.*

(2) HIGHLY MIGRATORY SPECIES.— *With respect to stocks of fish managed under section 302(a)(3), not later than 1 year after issuing a notification under subsection (a), the Secretary shall publish a plan identifying management actions to increase resilience of such stocks of fish identified as vulnerable to climate change and begin implementing such management actions.*

(3) REPORT.— *Not later than 3 years after publishing a plan under paragraph (1), each Council shall report to the Secretary on the actions the Council has taken to implement such plan or provide an explanation for not taking such action.*

(c) REPORT TO CONGRESS.— *Not later than 3 years after the date of the enactment of the Sustaining America’s Fisheries for the Future Act of 2024, and every 5 years thereafter, the Secretary shall submit to Congress a report—*

(1) describing the vulnerability of stocks of fish to climate change;

(2) identifying the risks posed by climate change to the conservation and management of stocks of fish; and

(3) summarizing the steps taken by the Secretary and the Councils to mitigate and address the impacts on and risks of climate change to stocks of fish.

TITLE IV—FISHERY MONITORING AND RESEARCH

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Sec. 402. 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 determination is made. If the Secretary determines that the need for an information collection program is not justified, the Secretary shall inform the Council of the reasons for such determination in writing. The determinations of the Secretary under this paragraph regarding a Council request shall be made within a reasonable period of time after receipt of that request. The Council shall consider the use of electronic monitoring and reporting or other electronic technology as part of an information collection program implemented under this paragraph.

(2) **Secretarial initiation.**— If the Secretary determines that additional information is necessary for developing, implementing, revising, or monitoring a fishery management plan, or for determining whether a fishery is in need of management, the Secretary may, by regulation, implement an information collection or observer program requiring submission of such additional information for the fishery. The Secretary shall consider the use of electronic monitoring and reporting or other electronic technology as part of an information collection program implemented under this paragraph.

(3) SECRETARIAL REVIEW.—

(A) IN GENERAL.— Not less often than once every 5 years, the Secretary shall review the procedures and policies by which information is collected, managed, and used to manage fisheries and revise information collection programs and policies needed to integrate data collection and management and improve the timeliness, quality, usability, and cost-effectiveness and reduce unnecessary duplication within and across fishery management plans and regions.

(B) REPORT.— Upon the completion of each review carried out under subparagraph (A), the Secretary shall publish a report for the public describing the findings of each such review and planned revisions to information collection programs.

(b) Confidentiality of Information.—

(1) Any information submitted to the Secretary, a State fishery management agency, or a marine fisheries commission by any person in compliance with the requirements of this Act shall be confidential and shall not be disclosed except—

(A) to Federal employees and Council employees who are responsible for fishery management plan development, monitoring, or enforcement;

(B) to State or Marine Fisheries Commission employees as necessary to further the Department's mission, subject to a confidentiality agreement that prohibits public disclosure of the identity of business of any person;

(C) to State employees who are responsible for fishery management plan enforcement, if the States employing those employees have entered into a fishery enforcement agreement with the Secretary and the agreement is in effect;

(D) when required by court order;

(E) when such information is used by State, Council, or Marine Fisheries Commission employees to verify catch under a limited access program, but only to the extent that such use is consistent with subparagraph (B);

(F) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act;

(G) when such information is required to be submitted to the Secretary for any determination under a limited access program;

(H) in support of homeland and national security activities, including the Coast Guard's homeland security missions as defined in section 888(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)(2)); or

(I) to Federal agencies, to the extent necessary and appropriate, to administer Federal programs established to combat illegal, unreported, or unregulated fishing or forced labor (as such terms are defined in section 11329 of the Don Young Coast Guard Authorization Act of 2022), which shall not include an authorization for such agencies to release data to the public unless such release is related to enforcement.

(2) Any observer information shall be confidential and shall not be disclosed, except in accordance with the requirements of subparagraphs (A) through (H) of paragraph (1), or—

(A) as authorized by a fishery management plan or regulations under the authority of the North Pacific Council to allow disclosure to the public of weekly summary bycatch information identified by vessel or for haul-specific bycatch information without vessel identification;

(B) when such information is necessary in proceedings to adjudicate observer certifications; or

(C) as authorized by any regulations issued under paragraph (3) allowing the collection of observer information, pursuant to a confidentiality agreement between the observers, observer employers, and the Secretary prohibiting disclosure of the information by the observers or observer employers, in order—

(i) to allow the sharing of observer information among observers and between observers and observer employers as necessary to train and prepare observers for deployments on specific vessels; or

(ii) to validate the accuracy of the observer information collected.

(3) The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve the confidentiality of information submitted in compliance with any requirement or regulation under this Act, except that the Secretary may release or make public any such information in any aggregate or summary form which does not directly or indirectly disclose the identity or business of any person who submits such information. Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary, or with the approval of the Secretary, the Council, of any information

submitted in compliance with any requirement or regulation under this Act or the use, release, or publication of bycatch information pursuant to paragraph (2)(A).

(c) Restriction on Use of Certain Information.— (1) The Secretary shall promulgate regulations to restrict the use, in civil enforcement or criminal proceedings under this Act, the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), and the Endangered Species Act (16 U.S.C. 1531 et seq.), of information collected by voluntary fishery data collectors, including sea samplers, while aboard any vessel for conservation and management purposes if the presence of such a fishery data collector aboard is not required by any of such Acts or regulations thereunder.

(2) The Secretary may not require the submission of a Federal or State income tax return or statement as a prerequisite for issuance of a permit until such time as the Secretary has promulgated regulations to ensure the confidentiality of information contained in such return or statement, to limit the information submitted to that necessary to achieve a demonstrated conservation and management purpose, and to provide appropriate penalties for violation of such regulations.

(d) Contracting Authority.— Notwithstanding any other provision of law, the Secretary may provide a grant, contract, or other financial assistance on a sole-source basis to a State, Council, or Marine Fisheries Commission for the purpose of carrying out information collection or other programs if—

(1) the recipient of such a grant, contract, or other financial assistance is specified by statute to be, or has customarily been, such State, Council, or Marine Fisheries Commission; or

(2) the Secretary has entered into a cooperative agreement with such State, Council, or Marine Fisheries Commission.

(e) Resource Assessments.— (1) The Secretary may use the private sector to provide vessels, equipment, and services necessary to survey the fishery resources of the United States when the arrangement will yield statistically reliable results.

(2)⁶⁹ The Secretary, in consultation with the appropriate Council and the fishing industry

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(A) may structure competitive solicitations under paragraph (1) so as to compensate a contractor for a fishery resources survey by allowing the contractor to retain for sale fish harvested during the survey voyage;

(B) in the case of a survey during which the quantity or quality of fish harvested is not expected to be adequately compensatory, may structure those solicitations so as to provide that compensation by permitting the contractor to harvest on a subsequent voyage and retain for sale a portion of the allowable catch of the surveyed fishery; and

(C) may permit fish harvested during such survey to count toward a vessel's catch history under a fishery management plan if such survey was conducted in a manner that precluded a vessel's participation in a fishery that counted under the plan for purposes of determining catch history.

(3) The Secretary shall undertake efforts to expand annual fishery resource assessments in all regions of the Nation.

Sec. 404. FISHERIES RESEARCH.

(a) **In General.**— The Secretary shall initiate and maintain, in cooperation with the Councils, a comprehensive program of fishery research to carry out and further the purposes, policy, and provisions of this Act. Such program shall be designed to acquire knowledge and information, including statistics, on fishery conservation and management, on changes in geographic range, spatial distribution, and productivity of a fishery or interrelated fisheries, and on the economics and social characteristics of the fisheries.

(b) **Strategic Plan.**— Within one year after the date of enactment of the Sustainable Fisheries Act, and at least every 3 years thereafter, the Secretary shall develop and publish in the Federal Register a strategic plan for fisheries research for the 5 years immediately following such publication. The plan shall—

- (1) identify and describe a comprehensive program with a limited number of priority objectives for research in each of the areas specified in subsection (c);
- (2) indicate goals and timetables for the program described in paragraph (1);
- (3) provide a role for commercial fishermen in such research, including involvement in field testing;
- (4) provide for collection and dissemination, in a timely manner, of complete and accurate information concerning fishing activities, catch, effort, stock assessments, and other research conducted under this section; and
- (5) be developed in cooperation with the Councils and affected States, and provide for coordination with the Councils, affected States, and other research entities.

(c) **Areas of Research.**— Areas of research are as follows:

- (1) Research to support fishery conservation and management, including but not limited to, biological research concerning the abundance and life history parameters of stocks of fish, the interdependence of fisheries or stocks of fish, the identification of essential fish habitat, the impact of pollution on fish populations, the impact of wetland and estuarine degradation, changes in geographic range, spatial distribution, and productivity of a fishery or interrelated fisheries, and other factors affecting the abundance and availability of fish.
- (2) Conservation engineering research, including the study of fish behavior and the development and testing of new gear technology and fishing techniques to minimize bycatch and any adverse effects on essential fish habitat and promote efficient harvest of target species.
- (3) Research on the fisheries, including the social, cultural, and economic relationships among fishing vessel owners, crew, United States fish processors, associated shoreside labor, seafood markets and fishing communities.
- (4) Information management research, including the development of a fishery information base and an information management system that will permit the full use of information in the support of effective fishery conservation and management.

(d) **Public Notice.**— In developing the plan required under subsection (a), the Secretary shall consult with relevant Federal, State, and international agencies, scientific and technical experts, and other interested persons, public and private, and shall publish a proposed plan in the Federal Register for the purpose of receiving public comment on the plan. The Secretary shall ensure that affected commercial fishermen are actively involved in the development of the portion of the plan pertaining to conservation engineering research. Upon final publication in the Federal Register, the plan shall be submitted by the Secretary to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives.

(e) **Improving Data Collection and Analysis.**—

(1) **In general.**— Not later than 1 year after the date of enactment of the Modernizing Recreational Fisheries Management Act of 2017, the Secretary shall develop, in consultation with the science and statistical committees of the Councils established under section 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), to the extent such information is consistent with section 301(a)(2), into fisheries management decisions.

(2) **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 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 assessments and surveys and for other purposes;

(B) provide specific recommendations for collecting data and performing analyses identified 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; and

(C) consider the extent to which the acceptance and use of data and analyses identified in the report in fishery management decisions is practicable and compatible with the requirements of section 301(a)(2).

SEC. 409. RECREATIONAL DATA IMPROVEMENT PROGRAM.

(a) IN GENERAL.— The Secretary shall establish and carry out a comprehensive program to implement the guidelines established under section 305(m).

(b) COORDINATION AND COLLABORATION.— In carrying out the program established under subsection (a), the Secretary shall coordinate with programs established under subsection 401(g) and promote collaboration with State and Federal partners.

(c) STRATEGIC PLAN.—

(1) IN GENERAL.— Not later than 1 year after the date of the enactment of the Sustaining America’s Fisheries for the Future Act of 2024, and not less frequently than once every 5 years thereafter, the Secretary shall develop, publish in the Federal Register, 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 strategic plan for recreational data improvements for the 5 years immediately following such publication.

(2) REQUIREMENTS.— Each plan published under paragraph (1) shall—

(A) improve coordination between Federal programs that implement recreational fishing surveys and other data from non-Federal sources, including data from States or Marine Fisheries Commissions;

(B) improve the timeliness, accuracy, precision, and validation of data produced by surveys;

(C) describe processes to calibrate data sources with historical time series data prior to being used for management;

(D) develop methods to integrate recreational data collected from more than 1 source for use in stock assessments;

(E) create goals, objectives, and timeframes for achievement of subparagraphs (A) through (D);

(F) consider the use and effectiveness of experimental fishing permits to carry out such research; and

(G) describe the role of fishery participants in the program.

(3) COORDINATION.— In developing each strategic plan under paragraph (1), the Secretary shall cooperate with the Councils and affected States, provide for coordination with the Councils, affected States, and other research and data collection entities, and allow for public input.

(4) PROPOSED PLAN.— Prior to publishing each plan under paragraph (1), the Secretary shall publish a proposed plan in the Federal Register for the purpose of receiving public comment on the plan.

(d) AREAS OF RESEARCH.— In carrying out the program established under subsection (a), the Secretary shall prioritize research and improvement in the following areas:

(1) Development of data standards and validation processes for survey programs collecting data on recreational fishing catch and effort, including those produced by State agencies and considered integral or supplemental to Federal surveys.

(2) Research to understand how surveys of recreational fishing can more effectively account for differences in fishing rate and effort, including among fishermen who use private or public access points, and fishermen who are State residents or nonresidents.

(3) Methods and policies to improve the estimation of discards in recreational fisheries, including estimation of discarded fish both during and outside of fishing seasons.

(4) To improve understanding of best practices for minimizing discard mortality as well as estimation of adoption rates of such practices by fishermen.

(5) To assess changes in discard mortality estimates when best fishing practices are adequately and verifiably applied.

(6) Research regarding how the use of electronic applications can be used to collect data in recreational fisheries, including spatial information, depth, discard rate and disposition, release method, and socioeconomic information, while meeting data and validation standards.

(7) Research regarding how electronic technologies can most effectively be incorporated into survey designs.

(8) Research regarding methods to integrate recreational catch data from more than 1 survey source for use in assessments.

(9) The use of approaches to improve recreational data, including the use of tag and endorsement measures to fund such data improvement, stock-wide regional effort surveys, and species-specific oversampling.

2. Coastal Zone Management Act of 1972

3. National Defense Authorization Act for Fiscal year 2017

[As Amended Through P.L. 118–31, Enacted December 22, 2023]

**DIVISION C—DEPARTMENT
OF ENERGY NATIONAL
SECURITY AUTHORIZATIONS
AND OTHER
AUTHORIZATIONS**

**TITLE XXXV—MARITIME
MATTERS**

**Subtitle C—Sexual Harassment
and Assault Prevention at the
National Oceanic and Atmospheric
Administration**

**Sec. 3541. ACTIONS TO ADDRESS SEXUAL
HARASSMENT AT NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION.**

(a) **Required Policy.**— Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere, develop a policy on the prevention of and response to sexual harassment involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and ~~individuals who work with or conduct business on behalf of the Administration~~ *covered personnel*.

(b) **Matters to Be Specified in Policy.**— The policy developed under subsection (a) shall include—

(1) establishment of a program to promote awareness of the incidence of sexual harassment;

(2) clear procedures an individual should follow in the case of an occurrence of sexual harassment, including—

(A) a specification of the person or persons to whom an alleged occurrence of sexual harassment should be reported by an individual and options for confidential reporting, including—

(i) options and contact information for after-hours contact; and

(ii) a procedure for obtaining assistance and reporting sexual harassment while working in a remote scientific field camp, at sea, or in another field status; and

(B) a specification of any other person whom the victim should contact;

(3) establishment of a mechanism by which—

(A) questions regarding sexual harassment can be confidentially asked and confidentially answered; and

(B) incidents of sexual harassment can be reported on a restricted or unrestricted basis; and

(4) a prohibition on retaliation and consequences for retaliatory actions.

(c) **Consultation and Assistance.**— In developing the policy required by subsection (a), the Secretary may consult or receive assistance from such State, local, and national organizations and subject matter experts as the Secretary considers appropriate.

(d) **Availability of Policy.**— The Secretary shall ensure that the policy developed under subsection (a) is available to—

(1) all employees of the Administration and members of the commissioned officer corps of the Administration, including those employees and members who conduct field work for the Administration; and

(2) the public.

(e) **Geographic Distribution of Equal Employment Opportunity Personnel.**— The Secretary shall designate out of existing staff at least 1 employee of the Administration who is tasked with handling matters relating to equal employment opportunity or sexual harassment at each marine and aviation center of the Administration.

(f) **Quarterly Reports.**—

(1) **In general.**— Not less frequently than 4 times each year, the Director of the Civil Rights Office of the Administration shall submit to the Under Secretary a report on sexual harassment *and equal employment* in the Administration.

(2) **Contents.**— Each report submitted under paragraph (1) shall include the following:

(A) The number of sexual harassment and equal employment cases, both actionable and non-actionable, involving individuals covered by the policy developed under subsection (a).

(B) The number of open actionable sexual harassment and equal employment cases and how long the cases have been open.

(C) A synopsis of each case and the disciplinary action taken, if any, in each case.

~~(C)~~ (D) Such trends or region-specific issues as the Director may have discovered with respect to sexual harassment and equal employment in the Administration.

~~(D)~~ (E) Such recommendations as the Director may have with respect to sexual harassment and equal employment in the Administration.

Sec. 3542. ACTIONS TO ADDRESS SEXUAL ASSAULT AT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) **Comprehensive Policy on Prevention of and Response to Sexual Assaults.**— Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere, develop a comprehensive policy on the prevention of and response to sexual assaults involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and ~~individuals who work with or conduct business on behalf of the Administration~~ covered personnel.

(b) **Elements of Comprehensive Policy.**— The comprehensive policy developed under subsection (a) shall, at minimum, address the following matters:

- (1) Prevention measures.
- (2) Education and training on prevention and response.
- (3) A list of support resources an individual may use in the occurrence of sexual assault, including—
 - (A) options and contact information for after-hours contact; and
 - (B) a procedure for obtaining assistance and reporting sexual assault while working in a remote scientific field camp, at sea, or in another field status.
- (4) Easy and ready availability of information described in paragraph (3).
- (5) Establishing a mechanism by which—
 - (A) questions regarding sexual assault can be confidentially asked and confidentially answered; and
 - (B) incidents of sexual assault can be reported on a restricted or unrestricted basis.
- (6) Protocols for the investigation of complaints by command and law enforcement personnel.
- (7) Prohibiting retaliation and consequences for retaliatory actions against someone who reports a sexual assault.
- (8) Oversight by the Under Secretary of administrative and disciplinary actions in response to substantiated incidents of sexual assault.
- (9) Victim advocacy, including establishment of and the responsibilities and training requirements for victim advocates as described in subsection (c).

(10) Availability of resources for victims of sexual assault within other Federal agencies and State, local, and national organizations.

(c) Victim Advocacy.—

(1) **In general.**— The Secretary, acting through the Under Secretary, shall establish victim advocates to advocate for victims of sexual assaults involving employees of the Administration, members of the commissioned officer corps of the Administration, and ~~individuals who work with or conduct business on behalf of the Administration~~ *covered personnel*.

(2) **Victim advocates.**— For purposes of this subsection, a victim advocate is an existing permanent employee of the Administration who—

(A) is trained in matters relating to sexual assault and the comprehensive policy developed under subsection (a); and

(B) serves as a victim advocate voluntarily and in addition to the employee's other duties as an employee of the Administration.

(3) **Primary duties.**— The primary duties of a victim advocate established under paragraph (1) shall include the following:

(A) Supporting victims of sexual assault and informing them of their rights and the resources available to them as victims.

(B) Acting as a companion in navigating investigative, medical, mental and emotional health, and recovery processes relating to sexual assault.

(C) Helping to identify resources to ensure the safety of victims of sexual assault.

(4) **Location.**— The Secretary shall ensure that at least 1 victim advocate established under paragraph (1) is stationed—

(A) in each region in which the Administration conducts operations; and

(B) in each marine and aviation center of the Administration.

(5) Hotline.—

(A) **In general.**— In carrying out this subsection, the Secretary shall provide a telephone number at which a victim of a sexual assault can contact a victim advocate.

(B) **24-HOUR ACCESS.**— The Secretary shall ensure that the telephone number established under subparagraph (A) is monitored at all times.

(C) **Partnership.**— The Secretary shall, where possible, use established hotlines for purposes of this paragraph.

(6) **Formal relationships with other entities.**— The Secretary may enter into formal relationships with other entities to make available additional victim advocates.

(d) Availability of Policy.— The Secretary shall ensure that the policy developed under subsection (a) is available to—

(1) all employees of the Administration and members of the commissioned officer corps of the Administration, including those employees and members who conduct field work for the Administration; and

(2) the public.

(e) Consultation and Assistance.— In developing the policy required by subsection (a), the Secretary may consult or receive assistance from such State, local, and national organizations and subject matter experts as the Secretary considers appropriate.

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Sec. 3548. ANNUAL REPORT ON SEXUAL ASSAULTS IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION. Annual report on sexual assaults, sexual harassment, and equal employment in the National Oceanic and Atmospheric Administration.

(a) **In General.**— Not later than January 15 of each year, the Secretary of Commerce shall 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 ~~the sexual assaults involving~~ sexual assault and sexual harassment involving and the equal employment of employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and ~~individuals who work with or conduct business on behalf of the Administration covered personnel.~~

(b) **Contents.**— Each report submitted under subsection (a) shall include, with respect to the previous calendar year, the following:

(1) The number of alleged sexual assaults involving employees, members, and individuals described in subsection (a).

(2) A synopsis of each case and the disciplinary action taken, if any, in each case.

(3) The policies, procedures, and processes implemented by the Secretary, and any updates or revisions to such policies, procedures, and processes.

(4) A summary of the reports received by the Under Secretary for Oceans and Atmosphere under section 3541(f), including a synopsis of each case and the disciplinary action taken, if any, in each case.

(5) A summary of the number of change of station, unit transfer, and change of work location requests submitted to the Under Secretary under section 3544(a), including the number of such requests that were denied.

(6) A summary of the number of cases referred to the Coast Guard under this section.

(7) The number of alleged sexual assaults and sexual harassment cases involving fisheries observers, protected species observers, and endangered species observers, including—

(A) a synopsis of each case and the status of such case;

(B) the disposition of any investigation; and

(C) a description of the fishery management region and fishery or the geographic region and type of permitted operation in which the sexual assault or sexual harassment is alleged to have occurred, as appropriate.

(c) **Privacy Protection.**— In preparing and submitting a report under subsection (a), the Secretary shall ensure that no individual involved in an alleged sexual assault can be identified by the contents of the report.

**4. National Oceanic and Atmospheric Administration Commissioned Officer Corps
Act of 2002**

[As Amended Through P.L. 117–263, Enacted December 23,
2022]

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**TITLE II—NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION
COMMISSIONED OFFICER CORPS**

* * * * *

Subtitle E—Rights and Benefits

**Sec. 261. APPLICABILITY OF CERTAIN
PROVISIONS OF TITLE 10, UNITED STATES CODE.**

(a) **Provisions Made Applicable to the Corps.**— The rules of law that apply to the Armed Forces under the following provisions of title 10, United States Code, as those provisions are in effect from time to time, apply also to the commissioned officer corps of the Administration:

- (1) Chapter 40, relating to leave.
- (2) Section 533(b), relating to constructive service.
- (3) Section 716, relating to transfers between the armed forces and to and from National Oceanic and Atmospheric Administration.
- (4) Section 771, relating to unauthorized wearing of uniforms.
- (5) Section 774, relating to wearing religious apparel while in uniform.
- (6) Section 982, relating to service on State and local juries.
- (7) Section 1031, relating to administration of oaths.
- (8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.
- (9) Section 1035, relating to deposits of savings.
- (10) Section 1036, relating to transportation and travel allowances for escorts for dependents of members.
- (11) Section 1052, relating to reimbursement for adoption expenses.
- (12) Section 1074n, relating to annual mental health assessments.
- (13) Section 1090a, relating to referrals for mental health evaluations.
- (14) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.

(15) Section 1174a, relating to special separation benefits (except that benefits under subsection (b)(2)(B) of such section are subject to the availability of appropriations for such purpose and are provided at the discretion of the Secretary of Commerce).

(16) Chapter 61, relating to retirement or separation for physical disability.

(17) Chapter 69, relating to retired grade, except sections 1370, 1375, and 1376.

(18) Chapter 71, relating to computation of retired pay.

(19) Chapter 73, relating to annuities based on retired or retainer pay.

(20) Subchapter II of chapter 75, relating to death benefits.

(21) Subchapter I of chapter 88, relating to Military Family Programs, applicable on an as-available and fully reimbursable basis.

(22) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.

(23) Section 2634, relating to transportation of motor vehicles for members on permanent change of station.

(24) Sections 2731 and 2735, relating to property loss incident to service.

(25) Section 2771, relating to final settlement of accounts of deceased members.

(26) Section 657, relating to prohibition on service by individuals convicted of certain sexual offenses.

~~(26)~~ (27) Such other provisions of subtitle A of that title as may be adopted for applicability to the commissioned officer corps of the National Oceanic and Atmospheric Administration by any other provision of law.

(b) **References.**— The authority vested by title 10, United States Code, in the “**military departments**”, “**the Secretary concerned**”, or “**the Secretary of Defense**” with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the Administration, by the Secretary of Commerce or the Secretary's designee. For purposes of paragraph (8) of subsection (a), the term “**Inspector General**” in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.

(c) **Regulations Regarding Protected Communications and Prohibition of Retaliatory Personnel Actions.**— The Secretary may prescribe regulations to carry out the application of section 1034 of title 10, United States Code, to the commissioned officer corps of the Administration, including by prescribing such administrative procedures for investigation and appeal within the commissioned officer corps as the Secretary considers appropriate.

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5. Title 46 of the United States Code

TITLE Title 46—SHIPPING

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SUBTITLE Subtitle II—Vessels and Seamen

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PART PART G—MERCHANT SEAMEN PROTECTION AND RELIEF

CHAPTER CHAPTER 101—GENERAL

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§10104. Requirement to report sexual offenses

(a) MANDATORY REPORTING BY RESPONSIBLE ENTITY OF A VESSEL.—

(1) IN GENERAL.— The responsible entity of a vessel shall report to the Commandant any complaint or incident of harassment, sexual harassment, or sexual assault in violation of employer policy or law, of which such entity is made aware.

(2) PENALTY.— A responsible entity of a vessel who knowingly fails to report in compliance with paragraph (1) is liable to the United States Government for a civil penalty of not more than \$50,000.

(b) REPORTING PROCEDURES.—

(1) RESPONSIBLE ENTITY OF A VESSEL REPORTING.— A report required under subsection (a) shall be made immediately after the responsible entity of a vessel gains knowledge of a sexual assault or sexual harassment incident by the fastest telecommunication channel available to—

(A) a single entity in the Coast Guard designated by the Commandant to receive such reports; and

(B) the appropriate officer or agency of the government of the country in whose waters the incident occurs.

(2) CONTENTS.— Such shall include, to the best of the knowledge of the individual making the report—

(A) the name, official position or role in relation to the vessel, and contact information of such individual;

(B) the name and official number of the documented vessel;

(C) the time and date of the incident;

(D) the geographic position or location of the vessel when the incident occurred; and

(E) a brief description of the alleged sexual harassment or sexual assault being reported.

(3) RECEIVING REPORTS; COLLECTION OF INFORMATION.—

(A) RECEIVING REPORTS.— With respect to reports submitted under subsection (a), the Commandant—

(i) may establish additional reporting procedures, including procedures for receiving reports through—

(I) a single telephone number that is continuously manned at all times; and

(II) a single email address that is continuously monitored; and

(ii) shall use procedures that include preserving evidence in such reports and providing emergency service referrals.

(B) COLLECTION OF INFORMATION.— After receipt of the report made under subsection (a), the Coast Guard shall collect information related to the identity of each alleged victim, alleged perpetrator, and any witnesses identified in the report through means designed to protect, to the extent practicable, the personal identifiable information of such individuals.

(c) SUBPOENA AUTHORITY.—

(1) IN GENERAL.— The Commandant may compel the testimony of witnesses and the production of any evidence by subpoena to determine compliance with this section.

(2) JURISDICTIONAL LIMITS.— The jurisdictional limits of a subpoena issued under this section are the same as, and are enforceable in the same manner as, subpoenas issued under chapter 63 of this title.

(d) COMPANY AFTER-ACTION SUMMARY.—

(1) A responsible entity of a vessel that makes a report under subsection (a) shall—

(A) submit to the Commandant a document with detailed information to describe the actions taken by such entity after becoming aware of the sexual assault or sexual harassment incident, including the results of any investigation into the complaint or incident and any action taken against the offending individual; and

(B) make such submission not later than 10 days after such entity made the report under subsection (a).

(2) CIVIL PENALTY.— A responsible entity of a vessel that fails to comply with paragraph (1) is liable to the United States Government for a civil penalty of \$25,000 and \$500 shall be added for each day of noncompliance, except that the total amount of a penalty with respect to a complaint or incident shall not exceed \$50,000 per violation.

(e) INVESTIGATORY AUDIT.— The Commandant shall periodically perform an audit or other systematic review of the submissions made under this section to determine if there were any failures to comply with the requirements of this section.

(f) APPLICABILITY; REGULATIONS.—

(1) REGULATIONS.— The Secretary may issue regulations to implement the requirements of this section.

(2) INTERIM REPORTS.— Any report required to be made to the Commandant under this section shall be made to the Coast Guard National Command Center, until regulations implementing the procedures required by this section are issued.

(g) DEFINITION OF RESPONSIBLE ENTITY OF A VESSEL.— In this section, the term “responsible entity of a vessel” means—

(1) the owner, master, or managing operator of a documented vessel engaged in commercial service; ~~or~~

(2) the employer of a seafarer on such a vessel; ~~or~~

(3) the Director of the Office of Marine and Aviation Operations, with respect to each vessel owned or operated by the National Oceanic and Atmospheric Administration.

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6. Magnuson Stevens Fishery Conservation and Management Reauthorization Act of 2006

Sec. 1. SHORT TITLE; TABLE OF CONTENTS

(a) **Short Title.**— This Act may be cited as the “Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006”.

(b) **Table of Contents.**— The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendment of Magnuson-Stevens Fishery Conservation and Management Act.
- Sec. 3. Changes in findings and definitions.
- Sec. 4. Highly migratory species.
- Sec. 5. Total allowable level of foreign fishing.
- Sec. 6. Western Pacific Sustainable Fisheries Fund.
- Sec. 7. Authorization of appropriations.

TITLE I—CONSERVATION AND MANAGEMENT

- Sec. 101. Cumulative impacts.
- Sec. 102. Caribbean Council jurisdiction.
- Sec. 103. Regional fishery management councils.
- Sec. 104. Fishery management plan requirements.
- Sec. 105. Fishery management plan discretionary provisions.
- Sec. 106. Limited access privilege programs.
- Sec. 107. Environmental review process.
- Sec. 108. Emergency regulations.
- Sec. 109. Western Pacific and North Pacific community development.
- Sec. 110. Secretarial action on State groundfish fishing.
- Sec. 111. Joint enforcement agreements.
- Sec. 112. Transition to sustainable fisheries.
- Sec. 113. Regional coastal disaster assistance, transition, and recovery program.

- Sec. 114. Fishery finance program hurricane assistance.
- Sec. 115. Fisheries hurricane assistance program.
- Sec. 116. Bycatch reduction engineering program.
- Sec. 117. Community-based restoration program for fishery and coastal habitats.
- Sec. 118. Prohibited acts.
- Sec. 119. Shark feeding.
- Sec. 120. Clarification of flexibility.
- Sec. 121. Southeast Alaska fisheries communities capacity reduction.
- Sec. 122. Conversion to catcher/processor shares.

TITLE II—INFORMATION AND RESEARCH

- Sec. 201. Recreational fisheries information.
- Sec. 202. Collection of information.
- Sec. 203. Access to certain information.
- Sec. 204. Cooperative research and management program.
121 STAT. 3576
- Sec. 205. Herring study.
- Sec. 206. Restoration study.
- Sec. 207. Western Pacific fishery demonstration projects.
- ~~Sec. 208. Fisheries conservation and management fund.~~
- Sec. 208. Zeke Grader Fisheries Conservation and Management Fund.
- Sec. 209. Use of fishery finance program for sustainable purposes.
- Sec. 210. Regional ecosystem research.
- Sec. 211. Deep sea coral research and technology program.
- Sec. 212. Impact of turtle excluder devices on shrimping.
- Sec. 213. Hurricane effects on commercial and recreational fishery habitats.
- Sec. 214. North Pacific Fisheries Convention.
- Sec. 215. New England groundfish fishery.
- Sec. 216. Report on council management coordination.
- Sec. 217. Study of shortage in the number of individuals with post- baccalaureate degrees in subjects related to fishery science.
- Sec. 218. Gulf of Alaska Rockfish demonstration program.

TITLE III—OTHER FISHERIES STATUTES

- Sec. 301. Amendments to Northern Pacific Halibut Act.
- Sec. 302. Reauthorization of other fisheries Acts.

TITLE IV—INTERNATIONAL

- Sec. 401. International monitoring and compliance.
- Sec. 402. Finding with respect to illegal, unreported, and unregulated fishing.
- Sec. 403. Action to end illegal, unreported, or unregulated fishing and reduce bycatch of protected marine species.
- Sec. 404. Monitoring of Pacific insular area fisheries.
- Sec. 405. Reauthorization of Atlantic Tunas Convention Act.
- Sec. 406. International overfishing and domestic equity.
- Sec. 407. United States catch history.
- Sec. 408. Secretarial representative for international fisheries.

TITLE V—IMPLEMENTATION OF WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION

- Sec. 501. Short title.
- Sec. 502. Definitions.
- Sec. 503. Appointment of United States commissioners.
- Sec. 504. Authority and responsibility of the Secretary of State.
- Sec. 505. Rulemaking authority of the Secretary of Commerce.
- Sec. 506. Enforcement.
- Sec. 507. Prohibited acts.
- Sec. 508. Cooperation in carrying out convention.
- Sec. 509. Territorial participation.
- Sec. 510. Exclusive economic zone notification.
- Sec. 511. Authorization of appropriations.

TITLE VI—PACIFIC WHITING

- Sec. 601. Short title.

- Sec. 602. Definitions.
- Sec. 603. United States representation on joint management committee.
- Sec. 604. United States representation on the scientific review group.
- Sec. 605. United States representation on joint technical committee.
- Sec. 606. United States representation on advisory panel.
- Sec. 607. Responsibilities of the secretary.
- Sec. 608. Rulemaking.
- Sec. 609. Administrative matters.
- Sec. 610. Enforcement.
- Sec. 611. Authorization of appropriations.

TITLE VII—MISCELLANEOUS

- Sec. 701. Study of the acidification of the oceans and effect on fisheries.
- Sec. 702. Puget Sound regional shellfish settlement.

TITLE VIII—TSUNAMI WARNING AND EDUCATION

- Sec. 801. Short title.
- Sec. 802. Definitions.
- Sec. 803. Purposes.
- Sec. 804. Tsunami forecasting and warning program.
- Sec. 805. National tsunami hazard mitigation program.
- Sec. 806. Tsunami research program.
- Sec. 807. Global tsunami warning and mitigation network.
121 STAT. 3577
- Sec. 808. Authorization of appropriations.

TITLE IX—POLAR BEARS

- Sec. 901. Short title.
- Sec. 902. Amendment of Marine Mammal Protection Act of 1972.

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TITLE I—CONSERVATION AND MANAGEMENT

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Sec. 104. FISHERY MANAGEMENT PLAN REQUIREMENTS

(a) **In general.**— Section 303(a) (16 U.S.C. 1853(a)) is amended—

(1) by striking “and charter fishing” in paragraph (5) and inserting “charter fishing, and fish processing”;

(2) by inserting “economic information necessary to meet the requirements of this Act,” in paragraph (5) after “number of hauls,”;

(3) by striking “and” after the semicolon in paragraph (9)(A);

(4) by inserting “and” after the semicolon in paragraph (9)(B);

(5) by inserting after paragraph (9)(B) the following:

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

•
;

(6) by striking “fishery” the first place it appears in paragraph (13) and inserting “fishery, including its economic impact,”;

(7) by striking “and” after the semicolon in paragraph (13);

(8) by striking “allocate” in paragraph (14) and inserting “allocate, taking into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector,”;

(9) by striking “fishery.” in paragraph (14) and inserting “fishery and;” and

(10) by adding at the end the following:

“(15) establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability.

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~~(b) **Effective Dates; Application to Certain Species.**— The amendment made by subsection (a)(10)—~~

~~(1) shall, unless otherwise provided for under an international agreement in which the United States participates, take effect—~~

~~(A) in fishing year 2010 for fisheries determined by the Secretary to be subject to overfishing; and~~

~~(B) in fishing year 2011 for all other fisheries; and~~

~~(2) shall not apply to a fishery for species that have a life cycle of approximately 1 year unless the Secretary has determined the fishery is subject to overfishing of that species; and~~

~~(3) shall not limit or otherwise affect the requirements of section 301(a)(1) or 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a)(1) or 1854(e), respectively);~~

(b) EFFECTIVE DATES; APPLICATION TO CERTAIN SPECIES.— The amendment made by subsection (a) (10)—

(1) except as provided in paragraph (2), shall apply to any management plan for a stock of fish prepared by any Council or the Secretary, including a management plan governing a stock of fish managed under an international agreement in which the United States participates; and

(2) shall not apply to a management plan for a stock of fish for a species that has a life cycle of approximately 1 year unless the Secretary has determined such stock of fish is subject to overfishing with respect to such species; and

(3) shall not limit or otherwise affect the requirements of section 301(a)(1) or 304(e) of the Magnuson Stevens Fishery Conservation and Management Act.

(c) Clarification of Rebuilding Provision.— Section 304(e) (16 U.S.C. 1854(e)) is amended

(1) by striking “one year of” in paragraph (3) and inserting “2 years after”;

(2) by inserting “and implement” after “prepare” in paragraph (3);

(3) by inserting “immediately” after “overfishing” in paragraph (3)(A); 121 STAT. 3585

(4) by striking “ending overfishing and” in paragraph (4)(A); and

(5) by striking “one-year” in paragraph (5) and inserting “2-year”.

(d) Effective Date for Subsection (c).— The amendments made by subsection (c) shall take effect 30 months after the date of enactment of this Act.

TITLE II—INFORMATION AND RESEARCH

* * * * *

Sec. 208. Zeke Grader FISHERIES CONSERVATION AND MANAGEMENT FUND

(a) In General.— The Secretary shall establish and maintain a fund, to be known as the “Zeke Grader Fisheries Conservation and Management Fund”, which shall consist of amounts retained and deposited into the Fund under subsection (c).

(b) Purposes.— Subject to the allocation of funds described in subsection (d), amounts in the Fund shall be available to the Secretary of Commerce, without appropriation or fiscal year limitation, to disburse as described in subsection (e) for—

(1) efforts to improve fishery harvest data collection including—

- (A) expanding the use of electronic catch reporting programs and technology; and
- (B) improvement of monitoring and observer coverage through the expanded use of electronic monitoring devices and satellite tracking systems such as VMS on small vessels;
- (2) cooperative fishery research and analysis, in collaboration with fishery participants, academic institutions, community residents, and other interested parties;
- (3) development of methods or new technologies to improve the quality, health safety, and value of fish landed;
- (4) conducting analysis of fish and seafood for health benefits and risks, including levels of contaminants and, where feasible, the source of such contaminants;
- (5) marketing of sustainable United States fishery products, including consumer education regarding the health or other benefits of wild fishery products harvested by vessels of the United States;
- (6) improving data collection under the Marine Recreational Fishery Statistics Survey in accordance with section 401(g)(3) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881(g)(3)); ~~and~~
- (7) providing financial assistance to fishermen to offset the costs of modifying fishing practices and gear to meet the requirements of this Act, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and other Federal laws in pari materia; ~~and~~
- (8) conducting research and analysis to prepare and adapt fisheries and fishing communities to the effects of climate change.

(c) Deposits to the Fund.—

(1) **Quota set-asides.**— Any amount generated through quota set-asides established by a Council under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and designated by the Council for inclusion in the ~~Fishery Conservation and Management Fund~~ Zeke Grader Fisheries Conservation and Management Fund, may be deposited in the Fund.

(2) **Other funds.**— In addition to amounts received pursuant to paragraph (1) of this subsection, the ~~Fishery Conservation and Management Fund~~ Zeke Grader Fisheries Conservation and Management Fund may also receive funds from—

- (A) appropriations for the purposes of this section; and
- (B) States or other public sources or private or non-profit organizations for purposes of this section.

~~(d) **Regional Allocation.**— The Secretary shall, every 2 years, apportion monies from the Fund among the eight Council regions according to recommendations of the Councils, based on regional priorities identified through the Council process, except that no 121 STAT. 3617 region shall receive less than 5 percent of the Fund in each allocation period.~~

(d) ALLOCATION.—

(1) IN GENERAL.— Except as provided in paragraphs (2) and (3), the Secretary shall, every 2 years, apportion amounts from the Fund among the regions of each Council according to recommendations of such Councils, based on regional priorities identified through the process of such Councils.

(2) MINIMUM ALLOCATION.— In the case of amounts deposited in the Fund pursuant to subsection (c)(2), unless specified otherwise, the Secretary shall allocate not less than 5 percent of the Fund in each allocation period to each region described in paragraph (1).

(3) SPECIFICALLY APPORTIONED FUNDS.— The Secretary may apportion amounts from the Fund to a specific project or region described in paragraph (1) if such amounts were identified by the Council that designated such amounts for inclusion in the Fund under subsection (c)(1), or by the appropriation Act, State, public source, or nonprofit or organization from which they were received under subsection (c)(2), as being deposited for that specific project or region.

(e) Limitation on the Use of the Fund.— No amount made available from the Fund may be used to defray the costs of carrying out requirements of this Act or the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) other than those uses identified in this section.

TITLE V—IMPLEMENTATION OF WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION

* * * * *

Sec. 503. APPOINTMENT OF UNITED STATES COMMISSIONERS

(a) In General.— The United States shall be represented on the Commission by 5 United States Commissioners. The President shall appoint individuals to serve on the Commission at the pleasure of the President. In making the appointments, the President shall select Commissioners from among individuals who are knowledgeable or experienced concerning highly migratory fish stocks in the Western and Central Pacific Ocean, one of whom shall be an officer or employee of the Department of Commerce, and one of whom shall be the chairman or a member of the Western Pacific Fishery Management Council and the Pacific Fishery Management Council. The Commissioners shall be entitled to adopt such rules of procedures as they find necessary and to select a chairman from among 121 STAT. 3637 members who are officers or employees of the United States Government.

(a) IN GENERAL.—

(1) REPRESENTATION.— The United States shall be represented on the Commission by 5 United States Commissioners.

(2) APPOINTMENT.—

(A) IN GENERAL.— The President shall appoint individuals to serve on the Commission.

(B) QUALIFICATIONS OF COMMISSIONERS.— In making appointments under this paragraph, the President shall select Commissioners from among individuals who are knowledgeable or experienced concerning highly migratory fish stocks and commercial fishing in the Western and Central Pacific Ocean—

(i) 1 of whom shall be an officer or employee of the Department of Commerce;

(ii) 1 of whom shall be the chairman or a member of the Western Pacific Fishery Management Council;

(iii) 1 of whom shall be the chairman or a member of the Pacific Fishery Management Council; and

(iv) 1 of whom shall be an individual with knowledge and experience in marine conservation who shall represent the public interest in marine conservation and non-consumptive uses of the Western and Central Pacific Ocean.

(3) PLEASURE OF PRESIDENT.— Each individual appointed by the President to serve on the Commission shall serve at the pleasure of the President.

(4) RULES OF PROCEDURE.— The Commissioners shall be entitled to adopt such rules of procedures as they find necessary and to select a chairman from among members who are officers or employees of the United States Government.

(b) Alternate Commissioners.— The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time deemed appropriate Alternate United States Commissioners to the Commission. Any Alternate United States Commissioner may exercise at any meeting of the Commission, Council, any Panel, or the advisory committee established pursuant to subsection (d), all powers and duties of a United States Commissioner in the absence of any Commissioner appointed pursuant to subsection (a) of this section for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of United States Commissioners appointed pursuant to subsection (a) of this section who will not be present at such meeting.

(c) Administrative Matters.—

(1) Employment status.— Individuals serving as such Commissioners, other than officers or employees of the United States Government, shall be considered to be Federal employees while performing such service, only for purposes of—

(A) injury compensation under chapter 81 of title 5, United States Code;

(B) requirements concerning ethics, conflicts of interest, and corruption as provided under title 18, United States Code; and

(C) any other criminal or civil statute or regulation governing the conduct of Federal employees.

(2) Compensation.— The United States Commissioners or Alternate Commissioners, although officers of the United States while so serving, shall receive no compensation for their services as such Commissioners or Alternate Commissioners.

(3) Travel expenses.—

(A) The Secretary of State shall pay the necessary travel expenses of United States Commissioners and Alternate United States Commissioners in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(B) The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.

(d) Advisory Committees.—

(1) Establishment of permanent advisory committee.—

(A) Membership.— There is established an advisory committee which shall be composed of—

(i) not less than 15 nor more than 20 individuals appointed by the Secretary of Commerce in consultation with the United States Commissioners, who shall select such individuals from the various groups concerned with the fisheries covered by the WCPFC Convention, providing, to the maximum extent practicable, an equitable balance among such groups;

(ii) the chair of the Western Pacific Fishery Management Council's Advisory Committee or the chair's designee; and

(iii) officials of the fisheries management authorities of American Samoa, Guam, and the Northern Mariana Islands (or their designees). 121 STAT. 3638

(B) Terms and privileges.— Each member of the advisory committee appointed under subparagraph (A) shall serve for a term of 2 years and shall be eligible for reappointment. The advisory committee shall be invited to attend all non-executive meetings of the United States Commissioners and at such meetings shall be given opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the Commission.

(C) Procedures.— The advisory committee established by subparagraph (A) shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this chapter, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the WCPFC Convention. The advisory committee shall publish and make available to the public a statement of its organization, practices, and procedures. A majority of the members of the advisory committee shall constitute a quorum. Meetings of the advisory committee, except when in executive session, shall be open to the public, and prior notice of meetings shall be made public in a timely fashion. and the advisory committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(D) Provision of information.— The Secretary and the Secretary of State shall furnish the advisory committee with relevant information concerning fisheries and international fishery agreements.

(2) Administrative matters.—

(A) Support services.— The Secretary shall provide to advisory committees in a timely manner such administrative and technical support services as are necessary for their effective functioning.

(B) Compensation; status; expenses.— Individuals appointed to serve as a member of an advisory committee—

(i) shall serve without pay, but while away from their homes or regular places of business in the performance of services for the advisory committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code; and

(ii) shall be considered Federal employees while performing service as members of an advisory committee only for purposes of—

(I) injury compensation under chapter 81 of title 5, United States Code;

(II) requirements concerning ethics, conflicts-of-interest, and corruption, as provided by title 18, United States Code; and

(III) any other criminal or civil statute or regulation governing the conduct of Federal employees in their capacity as Federal employees.

(f) **Memorandum of Understanding.**— For highly migratory species in the Pacific, the Secretary, in coordination with the Secretary of State, shall develop a memorandum of understanding 121 STAT. 3639 with the Western Pacific, Pacific, and North Pacific Fishery Management Councils, that clarifies the role of the relevant Council or Councils with respect to—

- (1) participation in United States delegations to international fishery organizations in the Pacific Ocean, including government-to-government consultations;
- (2) providing formal recommendations to the Secretary and the Secretary of State regarding necessary measures for both domestic and foreign vessels fishing for these species;
- (3) coordinating positions with the United States delegation for presentation to the appropriate international fishery organization; and
- (4) recommending those domestic fishing regulations that are consistent with the actions of the international fishery organization, for approval and implementation under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)

7. Modernizing Recreational Fisheries Management Act of 2018

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TITLE III—RULE OF CONSTRUCTION

~~Sec. 301. RULE OF CONSTRUCTION~~ Nothing in this Act shall be construed as modifying the requirements of sections 301(a), 302(h)(6), 303(a)(15), or 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a), 1852(h)(6), 1853(a)(15), and 1854(e)), or the equal application of such requirements and other standards and requirements under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) to commercial, charter, 132 STAT. 5361 and recreational fisheries, including each component of mixed-use fisheries.

SEC. 301. RULE OF CONSTRUCTION.

“Nothing in this Act, including the amendment made by section 102(a)(3), may be construed to modify the requirements of section 301(a), 302(h)(6), 303(a)(15), or 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a), 1852(h)(6), 1853(a)(15), or 1854(e)), or the equal application of such requirements and other standards and requirements under that Act (18 U.S.C. 1801 et seq.) to commercial, charter, and recreational fisheries, including each component of mixed-use fisheries.

8. Atlantic Tunas Convention Act of 1975

[As Amended Through P.L. 117–286, Enacted December 27, 2022]

* * * * *

Sec. 3. COMMISSIONERS ~~(a)~~ ~~(1)~~ The United States shall be represented by

not more than three Commissioners who shall serve as delegates of the United States on the Commission, and who may serve on the Council and Panels of the Commission as provided for in the Convention. Such Commissioners shall be appointed by and serve at the pleasure of the President. Not more than one such Commissioner shall be a salaried employee of any State or political subdivision thereof, or the Federal Government. Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code. The Commissioners shall be entitled to select a Chairman to adopt such rules of procedure as they find necessary.

~~(2)~~ Of the Commissioners appointed under paragraph (1) who are not governmental employees

~~(A)~~ one shall be appointed from among individuals with knowledge and experience regarding commercial fishing in the Atlantic Ocean, Gulf of Mexico, or Caribbean Sea; and

~~(B)~~ one shall be appointed from among individuals with knowledge and experience regarding recreational fishing in the Atlantic Ocean, Gulf of Mexico, or Caribbean Sea.

~~(3)~~ ~~(A)~~ The term of a Commissioner shall be three years.

~~(B)~~ An individual appointed in accordance with paragraph (2) shall not be eligible to serve more than two consecutive terms as a Commissioner.

(a) APPOINTMENT AND NUMBER; RULES OF PROCEDURE; TERM.—

(1) APPOINTMENT.— The President shall appoint 4 Commissioners to serve as delegates of the United States to the Commission as follows:

(A) 1 Commissioner shall be a Federal employee who shall serve as Chair.

(B) 3 Commissioners shall not be Federal employees, of whom—

(i) 1 shall have knowledge and experience regarding commercial fishing in the Atlantic Ocean, Gulf of Mexico, or Caribbean Sea;

(ii) 1 shall have knowledge and experience regarding recreational fishing in the Atlantic Ocean, Gulf of Mexico, or Caribbean Sea; and

(iii) 1 shall have knowledge and experience in marine conservation and shall represent the public interest in marine conservation and nonconsumptive uses of the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea.

(2) TERM OF APPOINTMENT.—

(A) LENGTH OF TERM.— The term of a Commissioner appointed under paragraph (1) shall be 3 years.

(B) CONSECUTIVE TERMS.— No individual appointed under paragraph (1) shall serve more than 2 consecutive terms as Commissioner.

(C) PLEASURE OF PRESIDENT.— Each Commissioner appointed under paragraph (1) shall serve at the pleasure of the President.

(3) REPRESENTATION OF THE UNITED STATES.—

(A) IN GENERAL.— At meetings of the Commission, Council, any Panel, or any other function as provided for in the Convention, the United States shall be represented by the Commissioner described in paragraph (1)(A) and 2 Commissioners described in paragraph (1)(B).

(B) PROCEDURES FOR ROTATION.— The Secretary of State, in consultation with the Secretary, shall establish procedures under which the Commissioners appointed described in paragraph (1)(B) rotate in representing the United States to the Commission.

(C) RIGHT TO PARTICIPATION.— Each Commissioner appointed under paragraph (1) may

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(i) attend all meetings of the Commission, Council, any Panel, or any other function as provided for in the Convention; and

(ii) participate fully in all United States preparatory activity for any activity relating to the Convention.

(b) The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time deemed appropriate Alternate United States Commissioners to the Commission. Any Alternate United States Commissioner may exercise at any meeting of the Commission, Council, any Panel, or the advisory committee established pursuant to section 4 of this Act, all powers and duties of a United States Commissioner in the absence of any Commissioner appointed pursuant to subsection (a) of this section for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of United States Commissioners appointed pursuant to subsection (a) of this section who will not be present at such meeting.

(c) The United States Commissioners or Alternate Commissioners, although officers of the United States while so serving, shall receive no compensation for their services as such Commissioners or Alternate Commissioners.

(d) (1) The Secretary of State shall pay the necessary travel expenses of United States Commissioners, Alternate United States Commissioners, and authorized advisors in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(2) The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.

(e) **Sense of Congress Regarding Fish Habitat.**— It is the sense of the Congress that the United States Commissioners should seek to include ecosystem considerations in fisheries management, including the conservation of fish habitat.

Sec. 6. ADMINISTRATION (a) The Secretary is authorized and directed to administer and enforce all of the provisions of the Convention, this Act, and regulations issued pursuant thereto, except to the extent otherwise provided for in this Act. In carrying out such functions the Secretary is authorized and directed to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and this Act, and with the concurrence of the Secretary of State, he may cooperate with the duly authorized officials of the government of any party to the Convention. In addition, the Secretary may utilize, with the concurrence of the Secretary of the department in which the Coast Guard is operating insofar as such utilization involves enforcement at sea, with or without reimbursement and by agreement with any other Federal department or agency,

or with any agency of any State, the personnel, services, and facilities of that agency for enforcement purposes with respect to any vessel in the fisheries zone¹, or wherever found, with respect to any vessel documented under the laws of the United States, and any vessel numbered or otherwise licensed under the laws of any State. When so utilized, such personnel of the States of the United States are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(b) Enforcement activities at sea under the provisions of this Act for fishing vessels subject to the jurisdiction of the United States shall be primarily the responsibility of the Secretary of the department in which the Coast Guard is operating, in cooperation with the Secretary and the United States Customs Service. The Secretary after consultation with the Secretary of the department in which the Coast Guard is operating, shall adopt such regulations as may be necessary to provide for procedures and methods of enforcement pursuant to article IX of the Convention.

(c) (1) (A) Upon favorable action by the Secretary of State under section 5(a) of this Act on any recommendation of the Commission made pursuant to article VIII of the Convention, the Secretary shall promulgate, pursuant to this subsection, such regulations as may be necessary and appropriate to carry out such recommendation.

(B) Not later than June 30, 1991, the Secretary shall promulgate any additional regulations necessary to ensure that the United States is in full compliance with all recommendations made by the Commission that have been accepted by the United States and with other agreements under the Convention between the United States and any nation which is a party to the Convention.

(C) Regulations promulgated under this paragraph shall, to the extent practicable, be consistent with fishery management plans prepared and implemented under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(2) (A) To promulgate regulations referred to in paragraph (1) of this subsection, the Secretary shall publish in the Federal Register a general notice of proposed rulemaking and shall afford interested persons an opportunity to participate in the rulemaking through (i) submission of written data, views, or arguments, and (ii) oral presentation at a public hearing. Such regulations shall be published in the Federal Register and shall be accompanied by a statement of the considerations involved in the issuance of the regulations, and by a statement, based on inquiries and investigations, assessing the nature and effectiveness of the measures for the implementation of the Commission's recommendations which are being or will be carried out by countries whose vessels engage in fishing the species subject to such recommendations within the waters to which the Convention applies. After publication in the Federal Register, such regulations shall be applicable to all vessels and persons subject to the jurisdiction of the United States on such date as the Secretary shall prescribe. The Secretary shall suspend at any time the application of any such regulation when, after consultation with the Secretary of State and the United States Commissioners, he determines that fishing operations in the Convention area of a contracting party for whom the regulations are effective are such as to constitute a serious threat to the achievement of the Commission's recommendations.

(B) Notwithstanding the requirements of subparagraph (A) and subsections (b) and (c) of section 553 of title 5, United States Code, the Secretary may issue final regulations to implement Commission recommendations referred to in paragraph (1) concerning trade restrictive measures against nations or fishing entities.

(3) The regulations required to be promulgated under paragraph (1) of this subsection may—

(A) select for regulation one or more of the species covered by the Convention;

(B) divide the Convention waters into areas;

(C) establish one or more open or closed seasons as to each such area;

(D) limit the size of the fish and quantity of the catch which may be taken from each area within any season during which fishing is allowed;

(E) limit or prohibit the incidental catch of a regulated species which may be retained, taken, possessed, or landed by vessels or persons fishing for other species of fish;

(F) require records of operations to be kept by any master or other person in charge of any fishing vessel;

(G) require such clearance certificates for vessels as may be necessary to carry out the purposes of the Convention and this Act;

(H) require proof satisfactory to the Secretary that any fish subject to regulation pursuant to a recommendation of the Commission offered for entry into the United States has not been taken or retained contrary to the recommendations of the Commission made pursuant to article VIII of the Convention which have been adopted as regulations pursuant to this section;

(I) require any commercial or recreational fisherman to obtain a permit from the Secretary and report the quantity of the catch of a regulated species;

(J) require that observers be carried aboard fishing vessels for the purpose of providing statistically reliable scientific data; and

(K) impose such other requirements and provide for such other measures as the Secretary may determine necessary to implement any recommendation of the Convention or to obtain scientific data necessary to accomplish the purpose of the Convention;

except that no regulation promulgated under this section may have the effect of increasing ~~or decreasing~~ any allocation or quota of fish or fishing mortality level to the United States agreed to pursuant to a recommendation of the Commission.

(4) Upon the promulgation of regulations provided for in paragraph (3) of this subsection, the Secretary shall promulgate, with the concurrence of the Secretary of State and pursuant to the procedures prescribed in paragraph (2) of this subsection, additional regulations which shall become effective simultaneously with the application of the regulations provided for in paragraph (3) of this subsection, which prohibit—

(A) the entry into the United States of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the Convention area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission; and

(B) the entry into the United States, from any country when the vessels of such country are being used in the conduct of fishing operations in the Convention area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the Convention area.

(5) In the case of repeated and flagrant fishing operations in the Convention area by the vessels of any country which seriously threaten the achievement of the objectives of the Commission's recommendations, the Secretary with the concurrence of the Secretary of State, may by regulations promulgated pursuant to paragraph (2) of this subsection prohibit the entry in any form from such country of other species covered by the Convention as may be under investigation by the Commission and which were taken in the Convention area. Any such prohibition shall continue until the Secretary is satisfied that the condition warranting the prohibition no longer exists, except that all fish in any

form of the species under regulation which were previously prohibited from entry shall continue to be prohibited from entry.

(6)¹ Identification and notification.—

(A) Not later than July 1, 1996, and annually thereafter, the Secretary, in consultation with the Secretary of State, the Commissioners, and the advisory committee, shall—

(i) identify those nations whose fishing vessels are fishing, or have fished during the preceding calendar year, within the convention area in a manner or under circumstances that diminish the effectiveness of a conservation recommendation;

(ii) notify the President and the nation so identified, including an explanation of the reasons therefor; and

(iii) publish a list of those Nations identified under clause (i).

(B) In identifying those Nations, the Secretary shall consider, based on the best available information, whether those Nations have measures in place for reporting, monitoring, and enforcement, and whether those measures diminish the effectiveness of any conservation recommendation.

(7)¹ Consultation.— Not later than 30 days after a Nation is notified under paragraph (6), the President may enter into consultations with the Government of that Nation for the purpose of obtaining an agreement that will—

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Margin so in law.

(A) effect the immediate termination and prevent the resumption of any fishing operation by vessels of that Nation within the Convention area which is conducted in a manner or under circumstances that diminish the effectiveness of the conservation recommendation;

(B) when practicable, require actions by that Nation, or vessels of that Nation, to mitigate the negative impacts of fishing operations on the effectiveness of the conservation recommendation involved, including but not limited to, the imposition of subsequent-year deductions for quota overages; and

(C) result in the establishment, if necessary, by such Nation of reporting, monitoring, and enforcement measures that are adequate to ensure the effectiveness of conservation recommendations.

(d) (1) It is the sense of the Congress that the Secretary, in consultation with the Secretary of State, should seek support for a recommendation by the Commission to ban large-scale driftnet fishing (as that term is defined in section 3(16) of the Magnuson-Stevens Fishery Conservation and Management Act) in the Convention area.

(2) The Secretary, in consultation with the Secretary of State, shall request the Commission to adopt recommendations necessary for the conservation and management of Atlantic swordfish. In making the request, the Secretary shall seek the establishment of an international minimum harvest size and a reduction in harvest levels to the extent necessary to conserve the stock. Until the Commission adopts all the conservation and management measures requested by the Secretary, the Secretary, within 3 months after each annual meeting of the Commission, shall notify Congress as to the nature and results of his request. These notifications shall identify those nations not acting to conserve and manage Atlantic swordfish, and recommend measures which could be taken to achieve effective international conservation and management of the stock.

9. Tuna Conventions Act of 1950

[As Amended Through P.L. 117–286, Enacted December 27, 2022]

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Sec. 3. COMMISSIONERS.

~~(a) **Commissioners.**— The United States shall be represented on the Commission by four United States Commissioners. The President shall appoint individuals to serve on the Commission. The United States Commissioners shall be subject to supervision and removal by the Secretary of State, in consultation with the Secretary. In making the appointments, the President shall select United States Commissioners from among individuals who are knowledgeable or experienced concerning highly migratory fish stocks in the eastern tropical Pacific Ocean, one of whom shall be an officer or employee of the Department of Commerce. Not more than two United States Commissioners may be appointed who reside in a State other than a State whose vessels maintain a substantial fishery in the area of the Convention.~~

(a) COMMISSIONERS.—

(1) APPOINTMENT.— The President shall appoint 4 individuals to represent the United States on the Commission.

(2) REMOVAL.— The Commissioners appointed under paragraph (1) shall be subject to supervision and removal by the Secretary of State, in consultation with the Secretary.

(3) QUALIFICATIONS.— In making an appointment under paragraph (1), the President shall select Commissioners from among individuals who are knowledgeable or experienced concerning highly migratory fish stocks in the eastern tropical Pacific Ocean—

(A) 1 of whom shall be an officer or employee of the Department of Commerce; and

(B) 1 of whom shall be an individual with knowledge and experience in marine conservation, and who shall represent the public interest in marine conservation and nonconsumptive uses of the eastern tropical Pacific Ocean.

(4) LIMITATION ON APPOINTMENTS.— The President may not appoint more than 2 Commissioners under paragraph (1) who reside in a State other than a State the vessels of which maintain a substantial fishery in the area of the Convention.

(b) **Alternate Commissioners.**— The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time deemed appropriate Alternate United States Commissioners to the Commission. Any Alternate United States Commissioner may exercise, at any meeting of the Commission or of the General Advisory Committee or Scientific Advisory Subcommittee established pursuant to section 4(b), all powers and duties of a United States Commissioner in the absence of any United States Commissioner appointed pursuant to subsection (a) of this section for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of United States Commissioners appointed pursuant to subsection (a) of this section who will not be present at such meeting.

(c) **Administrative Matters.**—

(1) **Employment status.**— Individuals serving as United States Commissioners, other than officers or employees of the United States Government, shall not be considered Federal employees except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(2) **Compensation.**— The United States Commissioners or Alternate Commissioners, although officers of the United States while so serving, shall receive no compensation for their services as United States Commissioners or Alternate Commissioners.

(3) **Travel expenses.**—

(A) The Secretary of State shall pay the necessary travel expenses of United States Commissioners and Alternate United States Commissioners to meetings of the Inter-American Tropical Tuna Commission and other meetings the Secretary of State deems necessary to fulfill their duties, in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(B) The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.

[Section 5 was repealed by section 203(b) of Public Law 92–471, 86 Stat. 787.]

Summary

- (1) 222 amendments.
- (2) [30 automated notifications.](#)

30 Automated Notifications

Automated notifications with target identifiers: 3, of which 3 are from Compilation, 0 from USC, and 0 from Public Law targets.

Automated notifications without target identifiers: 27.

Automated Notification: The citation language could not be processed programmatically.

Details:

- Amendment number 2
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

SEC. 5. GENDER NEUTRAL LANGUAGE.

(b) Each of the following provisions is amended by striking “he” each place such term appears and inserting “the Secretary”:

Automated Notification: The citation language could not be processed programmatically.

Details:

- Amendment number 3
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

SEC. 5. GENDER NEUTRAL LANGUAGE.

(c) Each of the following provisions is amended by striking “his” each place such term appears and inserting “the Secretary’s”:

Automated Notification: This amendment could not be executed.

Details:

- Amendment number 27
- Amendment target identifier: /us/named/
magnuson_fishery_conservation_and_management_act/tIII/s303/a/1/A,/us/named/
magnuson_stevens_fishery_conservation_and_management_act/tIII/s303/a/1/A
- Amendment target category: Compilation
- Strike at 4 locations when expecting 1.

- Law amended: /us/named/magnuson_fishery_conservation_and_management_act/tIII/s303/a/1/A,/us/named/magnuson_stevens_fishery_conservation_and_management_act/tIII/s303/a/1/A which has no content.

AMENDMENT:

TITLE TITLE I—CLIMATE-READY FISHERIES

SEC. 102. PROMOTING CLIMATE RESILIENCE IN FISHERIES MANAGEMENT.

(a) IN GENERAL.— Section 303(a) (16 U.S.C. 1853(a)) is amended—

(1) in paragraph (1)(A)—

(A) by striking “and” before “to protect”; and

Automated Notification: This amendment could not be executed.

Details:

- Amendment number 38
- Amendment target identifier: /us/named/magnuson_fishery_conservation_and_management_act/tIII/s302/k/1,/us/named/magnuson_stevens_fishery_conservation_and_management_act/tIII/s302/k/1
- Amendment target category: Compilation
- Number mismatch in renaming 2 elements to 1 elements.
- Amendment may have failed due to previous amendments. Prior amendments affecting this provision: 37
- Law amended: /us/named/magnuson_fishery_conservation_and_management_act/tIII/s302/k/1,/us/named/magnuson_stevens_fishery_conservation_and_management_act/tIII/s302/k/1 which has no content.

AMENDMENT:

TITLE TITLE I—CLIMATE-READY FISHERIES

SEC. 103. INCORPORATING CLIMATE SCIENCE.

(a) COUNCIL TRAINING PROGRAM.— Section 302(k)(1) (16 U.S.C. 1852(k)(1)) is amended—

(2) by redesignating subparagraph (I) as subparagraph (K);

Automated Notification: The instruction language could not be processed programmatically.

Details:

- Amendment number 51
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE II—SUPPORTING FISHING COMMUNITIES

SEC. 202. WORKING WATERFRONTS GRANT PROGRAM.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by inserting after section 306A of that Act (16 U.S.C. 1455a) the following:

“SEC. 306B. WORKING WATERFRONTS.

“(a) TASK FORCE.—

“(1) IN GENERAL.— The Secretary shall establish a task force to work directly with covered entities, users of working waterfronts, and coastal stakeholders to identify and address critical needs with respect to working waterfronts.

“(2) MEMBERSHIP.— The Secretary shall appoint members of the Task Force, and shall include—

“(A) experts in the unique economic, social, cultural, ecological, geographic, and resource concerns of working waterfronts; and

“(B) representatives from—

“(i) the Office of Coastal Management of the National Oceanic and Atmospheric Administration;

“(ii) the United States Fish and Wildlife Service;

“(iii) the Department of Agriculture;

“(iv) the Environmental Protection Agency;

“(v) the United States Geological Survey;

“(vi) the Department of the Navy;

“(vii) the National Marine Fisheries Service;

“(viii) the Economic Development Administration;

“(ix) such other Federal agencies as the Secretary determines appropriate;

“(x) Indian Tribes; and

“(xi) Native Hawaiian organizations.

“(3) FUNCTIONS.— The Task Force shall—

“(A) identify and prioritize critical needs with respect to working waterfronts in coastal states that have a management program approved under section 306, in the areas of—

“(i) economic and cultural importance of such working waterfronts to communities;

“(ii) changing circumstances and threats such working waterfronts face from trade barriers and environmental changes, including sea level rise, extreme weather events, ocean acidification, and harmful algal blooms; and

“(iii) identifying such working waterfronts and highlighting them within communities;

“(B) outline options, in consultation with coastal states and coastal stakeholders, to address each critical need identified under subparagraph (A), including adaptation and mitigation options where applicable;

“(C) identify which Federal agency is responsible for addressing each critical need identified under subparagraph (A); and

“(D) recommend which Federal agency is best suited to address each critical need identified under subparagraph (A) for which no responsible Federal agency is identified under subparagraph (C).

“(4) REPORT.— Not later than 18 months after the date of the enactment of this section, the Task Force shall submit to Congress a report regarding the findings of the Task Force under this subsection.

“(5) IMPLEMENTATION.— Not later than 30 months after the date of the enactment of this section, the head of each Federal agency identified under paragraph (3)(C) shall, to the extent practicable and subject to the availability of appropriations, implement the options outlined under paragraph (3)(B).

“(b) WORKING WATERFRONTS PLAN.—

“(1) IN GENERAL.— A covered entity may submit to the Secretary a working waterfronts plan for approval under this subsection, which, as applicable and with respect to the covered entity—

“(A) shall—

“(i) provide for the preservation and expansion of access to coastal waters by coastal users;

“(ii) be complementary to and incorporate the policies, objectives, and regulations of regional and local working waterfronts plans or strategies in effect before the date of the enactment of this section;

“(iii) be developed through a process that—

“(I) ensures the involvement of coastal stakeholders; and

“(II) is consistent with other coastal management programs, regulations, and activities of the covered entity;

“(iv) designate each qualified holder of the covered entity, if any;

“(v) if the covered entity designates a qualified holder under clause (iv)—

“(I) ensure that such qualified holder complies with the duty of a qualified holder to enforce each working waterfront covenant to which the qualified holder is a party; and

“(II) certify that the covered entity retains the responsibility to ensure that each affected working waterfront is managed in a manner that is consistent with the working waterfronts plan of the covered entity; and

“(vi) include—

“(I) an assessment of the economic, social, cultural, and historical value of working waterfronts;

“(II) a description of any relevant non-Federal laws and regulations that affect working waterfronts in the geographic areas identified under subclauses (III) and (IV);

“(III) an identification of geographic areas where working waterfronts are, as of the date of the enactment of this subsection, under threat of conversion to uses incompatible with commercial and recreational fishing, recreational fishing and boating businesses, aquaculture, boatbuilding, or other water-dependent, coastal-related business, and the level of that threat;

“(IV) an identification of geographic areas with a historical connection to working waterfronts where working waterfronts are not, as of the date of the enactment of this section, available, and, where appropriate, an assessment of the environmental impacts of any expansion or new development of working waterfronts on the coastal ecosystems of such geographic areas;

“(V) an identification of additional working waterfronts needs, including improvements to existing working waterfronts;

“(VI) a strategic and prioritized plan for the preservation, expansion, and improvement of each relevant working waterfront;

“(VII) for geographic areas identified under subclauses (III) and (IV), an identification of the current availability and potential for expansion of public access to coastal waters in such geographic areas;

“(VIII) a description of the degree of community support for the plan included under subclause (VI); and

“(IX) a contingency plan for any property that reverts to the covered entity pursuant to a determination made by the covered entity under subsection (c)(11)(B); and

“(B) may—

“(i) be developed using existing information contained in relevant surveys, plans, or other documents to fulfill the information requirements under this paragraph;

“(ii) include a vulnerability assessment, hazards resilience plan, or identification of waterfront properties exposed to sea level rise or inundation; and

“(iii) be part of a management program approved under section 306.

“(2) DURATION OF APPROVAL.—

“(A) IN GENERAL.— A working waterfronts plan approved by the Secretary under this subsection shall be effective during the 5-year period beginning on the date of such approval.

“(B) MAINTENANCE OF APPROVAL.— An eligible covered entity that participates in the grant program on the basis of an approved working waterfronts plan of that eligible covered entity shall resubmit such working waterfronts plan for approval by the Secretary before the end of each 5-year period described in subparagraph (A).

“(c) WORKING WATERFRONTS GRANT PROGRAM.—

“(1) IN GENERAL.— The Secretary shall, in consultation with covered entities, Federal agencies the Secretary determines appropriate, and interested coastal stakeholders with expertise in working waterfronts planning, establish a regionally equitable and competitive grant program, to be known as the ‘Working Waterfronts Grant Program’.

“(2) USES.— The Secretary may award grants under this subsection to eligible covered entities—

“(A) to implement or revise an approved working waterfronts plan of such eligible covered entity, including—

“(i) acquiring a working waterfront or an interest in a working waterfront;

“(ii) making improvements to a working waterfront, including constructing or repairing wharfs, boat ramps, or related facilities; or

“(iii) carrying out necessary climate adaptation mitigation activities for a working waterfront; or

“(B) to develop a working waterfronts plan of such eligible covered entity under subsection (b).

“(3) APPLICATION.—

“(A) IN GENERAL.— To be eligible for a grant under this subsection, an eligible covered entity shall submit an application to the Secretary—

“(i) that, if applicable, is consistent with the management program of the eligible covered entity approved under section 306; and

“(ii) in such form, at such time, and containing such information as the Secretary determines appropriate.

“(B) DEADLINE.— Not later than 60 days after the date on which the Secretary receives an application for a grant under this paragraph, the Secretary shall approve or reject such application.

“(4) GUIDELINES.— The Secretary shall, in consultation with the entities described in paragraph (1), issue guidelines regarding the implementation of the grant program.

“(5) CRITERIA.— In awarding a grant to an eligible covered entity, the Secretary shall take into account the following criteria:

“(A) The economic, cultural, and historical significance of working waterfronts to the eligible covered entity.

“(B) The demonstrated working waterfronts needs of the eligible covered entity, as described in the approved working waterfronts plan of the eligible covered entity, if any.

“(C) The ability of the eligible covered entity to meet the matching requirement under paragraph (10).

“(D) The potential for rapid turnover in the ownership of relevant working waterfronts, and, if applicable, the need for the eligible covered entity to respond quickly when property in an existing or potential working waterfront area or public access area, as identified in the approved working waterfronts plan of the eligible covered entity, if any, comes under threat of conversion to incompatible uses or becomes available for purchase.

“(E) As applicable, the impact of the approved working waterfronts plan of the eligible covered entity, if any, on the coastal ecosystem and working waterfronts of the eligible covered entity and the users of the coastal ecosystem of the eligible covered entity.

“(6) OTHER TECHNICAL AND FINANCIAL ASSISTANCE.—

“(A) IN GENERAL.— Upon the request of an eligible covered entity that is awarded a grant under this subsection, the Secretary shall provide to such eligible covered entity technical assistance—

“(i) to identify and obtain sources of Federal technical or financial assistance other than that provided under this subsection to develop a working waterfronts plan for approval under subsection (b) or to implement or revise an approved working waterfronts plan;

“(ii) to develop a working waterfronts plan for approval under subsection (b);

“(iii) to implement or revise an approved working waterfronts plan;

“(iv) to integrate resilience planning into working waterfronts preservation efforts of such eligible covered entity;

“(v) to develop additional tools to protect working waterfronts;

“(vi) regarding guidance for best storm water management practices with regard to working waterfronts; or

“(vii) to collect and disseminate best practices regarding working waterfronts and resilience planning.

“(B) LIMITATION.— The Secretary may use not more than 5 percent of the amounts made available under this subsection in each fiscal year to provide technical assistance under this paragraph.

“(7) PUBLIC ACCESS REQUIREMENT.— A project carried out with a grant awarded under this subsection, other than a project that involves commercial fishing or other industrial access points to which the eligible covered entity determines public access would be unsafe, shall provide for the expansion, improvement, or preservation of reasonable and appropriate public access to coastal waters at or in the vicinity of working waterfronts.

“(8) LIMITATION ON ACQUISITION.— An eligible covered entity that is awarded a grant under this subsection, or any entity to which such eligible covered entity allocates a portion of such grant under paragraph (9), may use such grant award to acquire title to or an interest in a working waterfront, including an easement, only—

“(A) for fair market value from a willing seller; or

“(B) for less than fair market value from a seller that certifies to the Secretary that the seller is willing and is not subject to coercion.

“(9) ALLOCATION.—

“(A) IN GENERAL.— An eligible covered entity that is awarded a grant under this subsection may allocate a portion of such grant award to a unit of State or local government, a nonprofit organization, a fishing cooperative, or any other appropriate entity for the purpose of carrying out this subsection if such eligible covered entity ensures that any such allocated grant award is used consistently with this subsection.

“(B) IDENTIFIED WORKING WATERFRONTS.— The Secretary shall encourage each eligible covered entity that is awarded a grant under this subsection to equitably allocate such grant award among working waterfronts identified in the approved working waterfronts plan of each such eligible covered entity, if any.

“(10) MATCHING REQUIREMENT.—

“(A) IN GENERAL.— Except as provided in subparagraph (B), the Federal share of a project carried out with a grant awarded under this subsection may not exceed 75 percent.

“(B) WAIVER OF MATCHING REQUIREMENT.— The Secretary may waive the application of subparagraph (A)—

“(i) with respect to an eligible covered entity that is awarded a grant under this subsection that has designated a qualified holder that is located within—

“(I) a disadvantaged community; or

“(II) a community that has an inability to draw on other sources of funding because of the small population or low income of the community; or

“(ii) for any other reason the Secretary determines appropriate.

“(C) NON-FEDERAL SHARE.— An eligible covered entity that is awarded a grant under this subsection may satisfy the non-Federal share of a project carried out with a grant awarded under this subsection through in-kind contributions and other noncash support, including the following:

“(i) The value, as determined by an appraisal performed at such time before the award of the grant as the Secretary determines appropriate, of a working waterfront or an interest in a working waterfront, including conservation and other easements, that is held in perpetuity by a qualified holder, if the working waterfront or interest in a working waterfront—

“(I) is identified in the grant application; and

“(II) is acquired by the qualified holder not later than 3 years after—

“(aa) the grant award date; or

“(bb) the date of the submission of such application and before the end of the initial 5-year period for which the approved working waterfronts plan associated with the grant application, if any, is effective.

“(ii) The costs, including cash or in-kind contributions, associated with the acquisition, restoration, or enhancement of, or making other improvements to, a working waterfront or an interest in a working waterfront, if—

“(I) such costs are identified in the grant application; and

“(II) the costs are incurred—

“(aa) before the end of the initial 5-year period for which the approved working waterfronts plan associated with the grant application, if any, is effective; or

“(bb) for working waterfronts described in clause (i), within the time limits described in that clause.

“(11) WORKING WATERFRONT COVENANTS.—

“(A) IN GENERAL.— An eligible covered entity that is awarded a grant under this subsection may use such grant award with respect to a working waterfront only for which each person other than the eligible covered entity that holds title to or an interest in such working waterfront enters into a working waterfront covenant.

“(B) VIOLATION.—

“(i) IN GENERAL.— An eligible covered entity may determine, on the record after an opportunity for a hearing, that a working waterfront covenant of the eligible covered entity has been violated.

“(ii) REVERSION; CONVEYANCE; RIGHT OF IMMEDIATE ENTRY.— If an eligible covered entity makes a determination under clause (i) that a violation described under that clause has occurred—

“(I) all right, title, and interest in and to the working waterfront covered by the violated working waterfront covenant shall revert to the eligible covered entity;

“(II) the eligible covered entity may convey the working waterfront or interest in the working waterfront to a qualified holder; and

“(III) the eligible covered entity shall have the right of immediate entry onto the working waterfront covered by the violated working waterfront covenant.

“(12) TERMS AND CONDITIONS.— The Secretary shall subject each grant awarded under this subsection to such terms and conditions as the Secretary determines appropriate to ensure that each such grant is used for purposes consistent with this section.

“(13) REPORT.—

“(A) IN GENERAL.— The Secretary shall biennially submit to Congress a report regarding the implementation of this subsection, which shall include—

“(i) an evaluation, based on performance measures developed by the Secretary, of the effectiveness of the grant program in accomplishing the purposes of this subsection;

“(ii) an account of all expenditures under this subsection; and

“(iii) descriptions of each project carried out using a grant awarded under this section.

“(B) ALTERNATIVE MANNER OF SUBMISSION.— The Secretary may submit each report required under subparagraph (A) by including the information required under that subparagraph in each report required under section 316.

“(14) ADMINISTRATIVE EXPENSES.— The Secretary may use not more than 5 percent of the amounts made available under this subsection in each fiscal year to pay the administrative expenses necessary to carry out this subsection.

“(15) AUTHORIZATION OF APPROPRIATIONS.— There is authorized to be appropriated to the Secretary to carry out this subsection \$50,000,000 for each of fiscal years 2025 through 2029.

“(d) DEFINITIONS.— In this section:

“(1) APPROVED WORKING WATERFRONTS PLAN.— The term ““approved working waterfronts plan”” means a working waterfronts plan that is approved by the Secretary under subsection (b).

“(2) COASTAL INDIAN TRIBE.— The term ““coastal Indian Tribe”” means an Indian Tribe with respect to which land owned by the Indian Tribe, held in trust by the United States for the Indian Tribe, or held by the Indian Tribe and subject to restrictions on alienation imposed by the United States or the reservation of the Indian Tribe is located within a coastal state.

“(3) COASTAL USERS.— The term ““coastal users”” means—

“(A) persons that engage in commercial or recreational fishing;

“(B) recreational fishing and boating businesses; and

“(C) boatbuilding, aquaculture, and other water-dependent, coastal-related businesses.

“(4) COVERED ENTITY.— The term ““covered entity”” means—

“(A) a coastal state;

“(B) a coastal Indian Tribe; or

“(C) a Native Hawaiian organization.

“(5) ELIGIBLE COVERED ENTITY.— The term ““eligible covered entity”” means a covered entity that

“(A) has an approved working waterfronts plan;

“(B) is in the process of developing a working waterfronts plan for approval under subsection (b); or

“(C) has a coastal land use plan that the Secretary determines is sufficient for the purposes of this section.

“(6) GRANT PROGRAM.— The term “grant program” means the grant program established under subsection (c).

“(7) INDIAN TRIBE.— The term “Indian Tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(8) NATIVE HAWAIIAN ORGANIZATION.— The term “Native Hawaiian organization” means a nonprofit organization—

“(A) that serves the interests of Native Hawaiians;

“(B) in which Native Hawaiians serve in substantive and policymaking positions;

“(C) that is recognized for having expertise in Native Hawaiian culture and heritage, including tourism; and

“(D) is located within a coastal state.

“(9) QUALIFIED HOLDER.— The term “qualified holder” means—

“(A) a unit of local government of a covered entity, if the covered entity is a coastal state; or

“(B) a nonprofit organization;

that is designated by a covered entity in the approved working waterfronts plan of the covered entity to carry out some or all of the functions of the covered entity under the grant program if the covered entity applies for and is awarded a grant under the grant program, including holding title to or an interest in a working waterfront acquired with a grant awarded under the grant program.

“(10) TASK FORCE.— The term “Task Force” means the task force established under subsection (a)(1).

“(11) DISADVANTAGED COMMUNITY.— The term “disadvantaged community” means a community the Secretary determines, based on appropriate data, indices, and screening tools, is economically, socially, or environmentally disadvantaged.

“(12) WORKING WATERFRONT.— The term “working waterfront” means real property (including support structures over water and other facilities) that—

“(A) provides access to coastal waters by coastal users; and

“(B) is used for, or supports, commercial and recreational fishing, recreational fishing and boating businesses, and boatbuilding, aquaculture, and other water-dependent, coastal-related business.

“(13) WORKING WATERFRONT COVENANT.— The term “working waterfront covenant” means an agreement in recordable form entered into between a person that holds title to or an interest in a working waterfront and a covered entity that is awarded a grant under the grant program or a qualified holder of such covered entity that provides such assurances as the Secretary determines necessary to ensure the following:

“(A) Except as provided in subparagraph (C), the title to or interest in the working waterfront will be held by an entity that is subject to such agreement in perpetuity.

“(B) The working waterfront will be managed in a manner that is consistent with the purposes of this section, and the working waterfront will not be converted to any use that is inconsistent with this section.

“(C) If the title to or interest in the working waterfront is subsequently sold or otherwise exchanged—

“(i) each party involved in such sale or exchange shall accede to such agreement; and

“(ii) funds equal to the fair market value of the title to or interest in the working waterfront shall be paid to the Secretary by the parties to the sale or exchange, and such funds shall be, at the discretion of the Secretary, paid to the relevant covered entity or a qualified holder of such covered entity for use in the implementation of the approved working waterfronts plan of the covered entity.

“(D) Such agreement shall be subject to enforcement and oversight by the covered entity or by another person as the Secretary determines appropriate.

“SEC. 306C. WORKING WATERFRONTS PRESERVATION LOAN FUND.

“(a) GENERAL AUTHORITY.—

“(1) GRANTS TO ELIGIBLE COASTAL STATES TO ESTABLISH WORKING WATERFRONTS PRESERVATION LOAN FUNDS.—

“(A) IN GENERAL.— The Secretary may enter into an agreement with an eligible coastal state to issue a capitalization grant, including a letter of credit, to such eligible coastal state to implement the approved working waterfronts plan of such eligible coastal state.

“(B) ESTABLISHMENT OF WORKING WATERFRONTS PRESERVATION LOAN FUNDS.—

“(i) IN GENERAL.— To be eligible to receive a capitalization grant under this subsection, an eligible coastal state shall establish a working waterfronts preservation loan fund.

“(ii) DEPOSIT.— Each capitalization grant made to an eligible coastal state under this paragraph shall be deposited in the working waterfronts preservation loan fund of such eligible coastal state.

“(C) EXTENDED PERIOD.— A capitalization grant made to an eligible coastal state under this section shall be available to the eligible coastal state for obligation for a period of 2 fiscal years.

“(2) USE OF FUNDS.—

“(A) IN GENERAL.— An eligible coastal state shall use amounts deposited in the working waterfronts preservation loan fund of such eligible coastal state, including loan repayments and interest earned on such amounts, to provide financial assistance described in subsection (f) to a covered entity to implement the approved working waterfronts plan of such eligible coastal state through preservation, improvement, restoration, rehabilitation, and acquisition of working waterfronts pursuant to criteria established by the Secretary.

“(B) SALE OF BONDS.— A covered entity may use amounts received under this section as a source of revenue (restricted solely to interest earnings of the applicable working waterfronts preservation loan fund) or security for payment of the principal and interest on a revenue or general obligation bond issued by the eligible coastal state to provide matching funds under subsection (e) if the proceeds of the sale of the bond will be deposited in the working waterfronts preservation loan fund of such eligible coastal state.

“(C) NO INCREASED BONDING AUTHORITY.— Amounts deposited in the working waterfronts preservation loan fund of an eligible coastal state may not be used as a source of payment of, or security for (directly or indirectly), in whole or in part, any obligation the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986.

“(3) LIMITATION.— An eligible coastal state may not provide financial assistance described in subsection (f) to a covered entity that does not have the technical, managerial, and financial capability to ensure compliance with the requirements of this section.

“(4) PREVAILING WAGES.— The Secretary shall ensure compliance with the provisions of the Act of March 3, 1931 (40 U.S.C. 3141 et seq.; commonly known as the ‘Davis-Bacon Act’) with respect to any construction project carried out in whole or in part with financial assistance made available from a working waterfronts preservation loan fund.

“(5) RESERVATION.— Each eligible coastal state that enters into a capitalization agreement under paragraph (1) shall, each fiscal year, reserve 0.2 percent of the amount in the working waterfronts preservation loan fund of the eligible coastal state to provide financial assistance described in subsection (f) to an Indian Tribe or a Native Hawaiian organization.

“(b) INTENDED USE PLANS.—

“(1) IN GENERAL.— Each eligible coastal state that enters into a capitalization agreement under subsection (a)(1) shall annually prepare an intended use plan, subject to notice and an opportunity for public comment, that identifies the intended uses of the amounts available to the working waterfronts preservation loan fund of the eligible coastal state.

“(2) CONTENTS.— Each intended use plan prepared by an eligible coastal state under paragraph (1) shall include, with respect to the eligible coastal state—

“(A) a list of each project to be assisted with amounts from the working waterfronts preservation loan fund in the first fiscal year that begins after the date such intended use plan is finalized, including, with respect to each such project—

“(i) a description of the project;

“(ii) the expected terms of financial assistance; and

“(iii) the size of the community served;

“(B) the criteria and methods established to distribute amounts from the working waterfronts preservation loan fund; and

“(C) a description of the financial status of the working waterfronts preservation loan fund and the short- and long-term goals of such working waterfronts preservation loan fund.

“(c) WORKING WATERFRONTS PRESERVATION LOAN FUND MANAGEMENT.—

“(1) IN GENERAL.— Each working waterfronts preservation loan fund under this section shall be established, maintained, and credited with repayments and interest and the fund corpus shall be available in perpetuity to provide financial assistance described in subsection (f) to covered entities under this section.

“(2) EXTRA AMOUNTS.— To the extent amounts in a working waterfronts preservation loan fund are not required for obligation or expenditure, such amounts shall be invested in interest-bearing obligations.

“(d) ASSISTANCE FOR DISADVANTAGED COMMUNITIES.—

“(1) LOAN SUBSIDY.—

“(A) IN GENERAL.— Notwithstanding any other provision of this section, if an eligible coastal state makes a loan to a disadvantaged community pursuant to subsection (a)(2), the eligible coastal state may provide additional subsidization to such disadvantaged community, including—

“(i) forgiveness of principal;

- “(ii) grants;
- “(iii) negative interest loans;
- “(iv) other loan forgiveness; and
- “(v) through buying, refinancing, or restructuring debt.

“(B) EXCLUSION.— A loan from a working waterfronts preservation loan fund with an interest rate equal to or greater than 0 percent shall not be considered additional subsidization for the purposes of this subsection.

“(2) TOTAL AMOUNT OF SUBSIDIES.— Of the amount of a capitalization grant received by an eligible coastal state for any fiscal year, the total amount of loan subsidies made by such eligible coastal state pursuant to paragraph (1)—

“(A) may not exceed 35 percent; and

“(B) to the extent that there are, as determined by the Secretary, sufficient applications from disadvantaged communities for loans, may not be less than 12 percent.

“(e) ELIGIBLE COASTAL STATE CONTRIBUTION.— Each capitalization agreement entered into under subsection (a)(1) shall require that the eligible coastal state subject to such agreement deposit in the working waterfronts preservation loan fund of the eligible coastal state an amount equal to not less than 20 percent of the total amount of the capitalization grant to be made to the eligible coastal state on or before the date on which the capitalization grant payment is made to the eligible coastal state.

“(f) TYPES OF ASSISTANCE.— The amounts deposited into a working waterfronts preservation loan fund of an eligible coastal state under this section may be used by the eligible coastal state—

“(1) to make a loan to a covered entity, on the condition that—

“(A) the interest rate for the loan does not exceed the market rate;

“(B) principal and interest payments on the loan will commence not later than 18 months after completion of the project for which the loan was made;

“(C) the loan will be fully amortized not later than 30 years after the completion of the project, except that in the case of a disadvantaged community an eligible coastal state may provide an extended term for the loan, if the extended term—

“(i) terminates not later than the date that is 40 years after the completion of the project; and

“(ii) does not exceed the expected design life of the project;

“(D) the recipient of the loan will establish a dedicated source of revenue (or, in the case of a privately owned working waterfront property, demonstrate that there is adequate security) for the repayment of the loan; and

“(E) the working waterfronts preservation loan fund of the eligible coastal state will be credited with all payments of principal and interest on the loan;

“(2) to buy or refinance the debt obligation of a municipality or an intermunicipal or interstate agency within the eligible coastal state at an interest rate that is less than or equal to the market interest rate;

“(3) to guarantee, or purchase insurance for, a local obligation (all of the proceeds of which finance a project eligible for financial assistance under this section) if the guarantee or purchase would improve credit market access or reduce the interest rate applicable to the obligation;

“(4) as a source of revenue or security for the payment of principal and interest on a revenue or general obligation bond issued by the eligible coastal state if the proceeds of the sale of the bond will be deposited into the working waterfronts preservation loan fund of the eligible coastal state; or

“(5) to earn interest on the amounts deposited into the working waterfronts preservation loan fund of the eligible coastal state.

“(g) ADMINISTRATION OF WORKING WATERFRONTS PRESERVATION LOAN FUNDS.—

“(1) COMBINED FINANCIAL ADMINISTRATION.— Notwithstanding subsection (c), an eligible coastal state may combine the financial administration of a working waterfronts preservation loan fund of the eligible coastal state with the financial administration of any other revolving fund established by the eligible coastal state if the Secretary determines that the capitalization grants made under this section, together with loan repayments and interest, will be separately accounted for and used solely for the purposes specified in subsection (a).

“(2) COST OF ADMINISTERING WORKING WATERFRONTS PRESERVATION LOAN FUND.—

“(A) IN GENERAL.— For each fiscal year, an eligible coastal state may use the amount described in subparagraph (B)—

“(i) to cover the reasonable costs of administration of the programs under this section, including the recovery of reasonable costs expended to establish a working waterfronts preservation loan fund that are incurred after the date of the enactment of this section; and

“(ii) to provide technical assistance to working waterfronts projects carried out within the eligible coastal state.

“(B) DESCRIPTION OF AMOUNT.— The amount referred to in subparagraph (A) is an amount equal to the sum of—

“(i) the amount of any fees collected by the eligible coastal state for use in accordance with subparagraph (A)(i), regardless of the source; and

“(ii) the greater of—

“(I) \$400,000;

“(II) 0.2 percent of the current valuation of the working waterfronts preservation loan fund of the eligible coastal state; or

“(III) an amount equal to 4 percent of all grant awards made to the working waterfronts preservation loan fund of the eligible coastal state under this section for the fiscal year.

“(h) AUTHORIZATION OF APPROPRIATIONS.— There is authorized to be appropriated to the Secretary to carry out this section \$50,000,000 for each of fiscal years 2025 through 2029.

“(i) DEFINITIONS.— In this section:

“(1) APPROVED WORKING WATERFRONTS PLAN.— The term “‘approved working waterfronts plan’” has the meaning given the term in section 306B.

“(2) COVERED ENTITY.— The term “‘covered entity’” means—

“(A) a State agency;

“(B) an Indian Tribe;

“(C) a Native Hawaiian organization;

“(D) a local government; or

“(E) a nonprofit organization.

“(3) DISADVANTAGED COMMUNITY.— The term “disadvantaged community” has the meaning given the term in section 306B.

“(4) ELIGIBLE COASTAL STATE.— The term “eligible coastal state” means a coastal state that has an approved working waterfronts plan.

“(5) WORKING WATERFRONT.— The term “working waterfront” has the meaning given the term in section 306B.

“(6) WORKING WATERFRONTS PRESERVATION LOAN FUND.— The term “working waterfronts preservation loan fund” means a revolving loan fund established under this section for the preservation of working waterfronts.”

Automated Notification: The instruction language could not be processed programmatically.

Details:

- Amendment number 114
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE III—STRENGTHENING PUBLIC PROCESS AND TRANSPARENCY

SEC. 308. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SEXUAL HARASSMENT AND ASSAULT PREVENTION.

(c) INVESTIGATION AND CRIMINAL REFERRAL REQUIREMENTS.—

(2) IN GENERAL.— Subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is amended by inserting after section 3547 of that Act (33 U.S.C. 894d–2) the following:

“SEC. 3548. EXCEPTIONS REGARDING ANONYMITY OF SURVIVORS IN CERTAIN CASES.

“(a) IN GENERAL.— In any case in which an employee, member of the commissioned officer corps of the Administration, or covered personnel elects restricted or unrestricted reporting under section 3541(b)(3)(B) or 3542(b)(5)(B), disclosure of the personally identifying information of such individual is authorized to the following persons or organizations when disclosure would be for the following reasons:

“(1) To Administration staff or law enforcement personnel, if authorized by the survivor in writing.

“(2) To Administration staff or law enforcement personnel to prevent or lessen a serious or imminent threat to the health or safety of the survivor or another person.

“(3) To a survivor advocate or healthcare provider, if required for the provision of survivor services.

“(4) To a State or Federal court, if pursuant to a court order or if disclosure is required by Federal or State statute.

“(b) NOTICE OF DISCLOSURE AND PRIVACY PROTECTION.— In any case in which information is disclosed under subsection (a), the Secretary shall—

“(1) make reasonable attempts to provide notice to the individual whose personally identifying information is disclosed; and

“(2) take such action as is necessary to protect the privacy and safety of the individual.

“SEC. 3549. RESTRICTED REPORTING.

“(a) IN GENERAL.— Not later than 3 years after the date of the enactment of the National Oceanic and Atmospheric Administration Sexual Harassment and Assault Prevention Improvements Act of 2023, the Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall develop a mechanism to provide a system of restricted reporting.

“(b) RESTRICTED REPORTING DEFINED.— In this section the term “restricted reporting” means a system of reporting that allows employees of the Administration, members of the commissioned officer corps of the Administration, and covered personnel who allege that they have been sexually harassed or sexually assaulted to confidentially disclose the details of such sexual harassment or sexual assault to specified individuals and receive the services outlined in this subtitle—

“(1) without the dissemination of the personally identifying information of such individual except as necessary for the provision of such services and as provided by section 3548(a); and

“(2) without automatically triggering an investigative process.

“SEC. 3550. MARINER REFERRAL.

The Under Secretary of Commerce for Oceans and Atmosphere, acting through the Director of the Office of Marine and Aviation Operations and in consultation with the Commandant of the Coast Guard, shall, not later than 180 days after the date of the enactment of the National Oceanic and Atmospheric Administration Sexual Harassment and Assault Prevention Improvements Act of 2023, develop and implement a policy to report to the Commandant of the Coast Guard, in accordance with section 10104 of title 46, United States Code, the names of personnel of the Administration who—

“(1) are the subject of a claim of an act or offense detrimental to good discipline and safety at sea, such as sexual harassment or sexual assault that is substantiated by an investigation under section 3546, or any other substantiated claim of an act or offense for which suspension or revocation of a credential is either mandatory or sought pursuant to part 5 of title 46, Code of Federal Regulations; and

“(2) are—

“(A) employees or contractors of the Administration required to hold a valid merchant mariner credential as a condition of employment; or

“(B) crew of a vessel that, at the time of such act or offense, was operating under a contract with the Administration.”

Automated Notification: The provision of the act could not be found.

Details:

- Amendment number 115
- Amendment target identifier: /us/named/national_defense_authorization_act_for_fiscal_year_2017/s3552
- Amendment target category: Compilation
- Identifiers not found in dictionary: /us/named/national_defense_authorization_act_for_fiscal_year_2017/s3552.
- A parent identifier: /us/named/national_defense_authorization_act_for_fiscal_year_2017 is in the database.
- Law amended: /us/named/national_defense_authorization_act_for_fiscal_year_2017/s3552 which has no content.

AMENDMENT:

TITLE TITLE III—STRENGTHENING PUBLIC PROCESS AND TRANSPARENCY

SEC. 308. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SEXUAL HARASSMENT AND ASSAULT PREVENTION.

(d) DEFINITIONS.— Section 3552 of the National Defense Authorization Act for Fiscal Year 2017, as so redesignated by subsection (c) of this section, is amended to read as follows:

“SEC. 3552. DEFINITIONS.

In this subtitle:

“(1) ADMINISTRATION.— The term “Administration” means the National Oceanic and Atmospheric Administration.

“(2) COVERED PERSONNEL.— The term “covered personnel” means an individual who works with or conducts business on behalf of the Administration and includes—

“(A) observers, at-sea monitors, and catch monitors required by the National Marine Fisheries Service to operate on or in commercial fishing vessels, other privately owned vessels, barges, or platforms, and shoreside processing facilities for—

“(i) commercial fisheries observation required by the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

“(ii) protected species or endangered species observation required by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) or the Endangered Species Act of 1973 (16 U.S.C. 1351 et seq.); or

“(iii) platform removal observation; and

“(B) voting members and executive and administrative staff of each Regional Fishery Management Council established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852).

“(3) SEXUAL ASSAULT.— The term “sexual assault” has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).”

Automated Notification: The instruction language could not be processed programmatically.

Details:

- Amendment number 117
- Amendment target identifier:
- Amendment target category:
- Lex failed: token <except> not found..
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE III—STRENGTHENING PUBLIC PROCESS AND TRANSPARENCY

SEC. 308. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SEXUAL HARASSMENT AND ASSAULT PREVENTION.

(e) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.— Subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is amended—

(B) by striking “National Oceanic and Atmospheric” each place it appears, except—

Automated Notification: The instruction language could not be processed programmatically.

Details:

- Amendment number 118
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE III—STRENGTHENING PUBLIC PROCESS AND TRANSPARENCY

SEC. 308. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SEXUAL HARASSMENT AND ASSAULT PREVENTION.

(e) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.— Subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is amended—

(C) by striking the term ““victims”” each place it appears and inserting “survivors”;

Automated Notification: The instruction language could not be processed programmatically.

Details:

- Amendment number 119
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE III—STRENGTHENING PUBLIC PROCESS AND TRANSPARENCY

SEC. 308. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SEXUAL HARASSMENT AND ASSAULT PREVENTION.

(e) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.— Subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is amended—

(D) in section 3541(b)(2)(B) of that Act (33 U.S.C. 894), by striking “victim” and inserting “target of sexual harassment”;

Automated Notification: The instruction language could not be processed programmatically.

Details:

- Amendment number 120
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE III—STRENGTHENING PUBLIC PROCESS AND TRANSPARENCY

SEC. 308. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SEXUAL HARASSMENT AND ASSAULT PREVENTION.

(e) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.— Subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is amended—

(E) in section 3542 of that Act (33 U.S.C. 894a)—

- (i) in subsection (b)(9)—
- (I) by striking “Victim” and inserting “Survivor”; and

Automated Notification: The instruction language could not be processed programmatically.

Details:

- Amendment number 121
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE III—STRENGTHENING PUBLIC PROCESS AND TRANSPARENCY

SEC. 308. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SEXUAL HARASSMENT AND ASSAULT PREVENTION.

(e) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.— Subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is amended—

(E) in section 3542 of that Act (33 U.S.C. 894a)—

- (i) in subsection (b)(9)—
- (II) by striking “victim” and inserting “survivor”; and

Automated Notification: The instruction language could not be processed programmatically.

Details:

- Amendment number 122
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE III—STRENGTHENING PUBLIC PROCESS AND TRANSPARENCY

SEC. 308. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SEXUAL HARASSMENT AND ASSAULT PREVENTION.

(e) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.— Subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is amended—

(E) in section 3542 of that Act (33 U.S.C. 894a)—

(ii) in subsection (c)—

(I) in the heading, by striking “ VICTIM ” and inserting “ SURVIVOR ”;

Automated Notification: The instruction language could not be processed programmatically.

Details:

- Amendment number 123
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE III—STRENGTHENING PUBLIC PROCESS AND TRANSPARENCY

SEC. 308. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SEXUAL HARASSMENT AND ASSAULT PREVENTION.

(e) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.— Subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is amended—

(E) in section 3542 of that Act (33 U.S.C. 894a)—

(ii) in subsection (c)—

(II) in paragraph (2), in the heading, by striking “ VICTIM ” and inserting “ SURVIVOR ”; and

Automated Notification: The instruction language could not be processed programmatically.

Details:

- Amendment number 124
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE III—STRENGTHENING PUBLIC PROCESS AND TRANSPARENCY

SEC. 308. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SEXUAL HARASSMENT AND ASSAULT PREVENTION.

(e) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.— Subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is amended—

(E) in section 3542 of that Act (33 U.S.C. 894a)—

(ii) in subsection (c)—

(III) by striking the term ““victim”” each place it appears and inserting “survivor”;

Automated Notification: The instruction language could not be processed programmatically.

Details:

- Amendment number 125
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE III—STRENGTHENING PUBLIC PROCESS AND TRANSPARENCY

SEC. 308. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SEXUAL HARASSMENT AND ASSAULT PREVENTION.

(e) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.— Subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is amended—

(F) in section 3543 of that Act (33 U.S.C. 894b)—

(i) in the heading, by striking “ VICTIM ” and inserting “ SURVIVOR ”; and

Automated Notification: The instruction language could not be processed programmatically.

Details:

- Amendment number 126
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE III—STRENGTHENING PUBLIC PROCESS AND TRANSPARENCY

SEC. 308. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SEXUAL HARASSMENT AND ASSAULT PREVENTION.

(e) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.— Subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is amended—

(F) in section 3543 of that Act (33 U.S.C. 894b)—

(ii) by striking “victim” and inserting “survivor”; and

Automated Notification: The instruction language could not be processed programmatically.

Details:

- Amendment number 127
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE III—STRENGTHENING PUBLIC PROCESS AND TRANSPARENCY

SEC. 308. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SEXUAL HARASSMENT AND ASSAULT PREVENTION.

(e) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.— Subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is amended—

(G) in section 3544 of that Act (33 U.S.C. 894c)—

(i) in subsection (a)—

(I) by striking “ VICTIMS ” and inserting “ SURVIVORS ”; and

Automated Notification: The instruction language could not be processed programmatically.

Details:

- Amendment number 128
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE III—STRENGTHENING PUBLIC PROCESS AND TRANSPARENCY

SEC. 308. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SEXUAL HARASSMENT AND ASSAULT PREVENTION.

(e) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.— Subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is amended—

(G) in section 3544 of that Act (33 U.S.C. 894c)—

(i) in subsection (a)—

(II) in paragraph (1), by striking “was” each place it appears and inserting “is”;
and

Automated Notification: The instruction language could not be processed programmatically.

Details:

- Amendment number 129
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE III—STRENGTHENING PUBLIC PROCESS AND TRANSPARENCY

SEC. 308. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SEXUAL HARASSMENT AND ASSAULT PREVENTION.

(e) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.— Subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is amended—

(G) in section 3544 of that Act (33 U.S.C. 894c)—

(ii) by striking “victim” each place it appears and inserting “survivor”.

Automated Notification: The instruction language could not be processed programmatically.

Details:

- Amendment number 130
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE III—STRENGTHENING PUBLIC PROCESS AND TRANSPARENCY

SEC. 308. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SEXUAL HARASSMENT AND ASSAULT PREVENTION.

(e) CONFORMING AND CLERICAL AMENDMENTS.—

(2) CLERICAL AMENDMENT.— The table of contents in section 2(b) of the National Defense Authorization Act for Fiscal Year 2017 and the table of contents preceding subtitle A of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 are both amended—

(A) by striking the item relating to section 3543 of that Act and inserting the following:

“Sec. 3543.Rights of the survivor of a sexual assault.”

; and

Automated Notification: The act being amended could not be found.

Details:

- Amendment number 130
- Amendment target identifier:
- Amendment target category:
- No target identifier, or no dictionary.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE III—STRENGTHENING PUBLIC PROCESS AND TRANSPARENCY

SEC. 308. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SEXUAL HARASSMENT AND ASSAULT PREVENTION.

(e) CONFORMING AND CLERICAL AMENDMENTS.—

(2) CLERICAL AMENDMENT.— The table of contents in section 2(b) of the National Defense Authorization Act for Fiscal Year 2017 and the table of contents preceding subtitle A of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 are both amended—

(A) by striking the item relating to section 3543 of that Act and inserting the following:

“Sec. 3543.Rights of the survivor of a sexual assault.”

; and

Automated Notification: The instruction language could not be processed programmatically.

Details:

- Amendment number 131
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE III—STRENGTHENING PUBLIC PROCESS AND TRANSPARENCY

SEC. 308. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SEXUAL HARASSMENT AND ASSAULT PREVENTION.

(e) CONFORMING AND CLERICAL AMENDMENTS.—

(2) CLERICAL AMENDMENT.— The table of contents in section 2(b) of the National Defense Authorization Act for Fiscal Year 2017 and the table of contents preceding subtitle A of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 are both amended—

(B) by striking the items relating to sections 3548 and 3549 of that Act and inserting the following:

“Sec. 3548.Exceptions regarding anonymity of survivors in certain cases.

“Sec. 3549.Restricted reporting.

“Sec. 3550.Mariner referral.

“Sec. 3551. Annual report on sexual assaults, sexual harassment, and equal employment in the National Oceanic and Atmospheric Administration.

“Sec. 3552.Definitions.”

Automated Notification: The act being amended could not be found.

Details:

- Amendment number 131
- Amendment target identifier:
- Amendment target category:
- No target identifier, or no dictionary.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE III—STRENGTHENING PUBLIC PROCESS AND TRANSPARENCY

SEC. 308. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SEXUAL HARASSMENT AND ASSAULT PREVENTION.

(e) CONFORMING AND CLERICAL AMENDMENTS.—

(2) CLERICAL AMENDMENT.— The table of contents in section 2(b) of the National Defense Authorization Act for Fiscal Year 2017 and the table of contents preceding subtitle A of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 are both amended—

(B) by striking the items relating to sections 3548 and 3549 of that Act and inserting the following:

“Sec. 3548.Exceptions regarding anonymity of survivors in certain cases.

“Sec. 3549.Restricted reporting.

“Sec. 3550.Mariner referral.

“Sec. 3551. Annual report on sexual assaults, sexual harassment, and equal employment in the National Oceanic and Atmospheric Administration.

“Sec. 3552.Definitions.”

Automated Notification: The instruction language could not be processed programmatically.

Details:

- Amendment number 202
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE V—SUSTAINING FISHERIES THROUGH HEALTHY ECOSYSTEMS AND IMPROVED MANAGEMENT

SEC. 508. FORAGE FISH CONSERVATION.

(b) DEFINITIONS.—

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

(E) by inserting after paragraph (28), as so redesignated by paragraph (3) of this section, the following:

“(29) The term “**low trophic level**” means a position in the marine food web in which the fish generally consume plankton.”

; and

Automated Notification: The instruction language could not be processed programmatically.

Details:

- Amendment number 203
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE V—SUSTAINING FISHERIES THROUGH HEALTHY ECOSYSTEMS AND IMPROVED MANAGEMENT

SEC. 508. FORAGE FISH CONSERVATION.

(b) DEFINITIONS.—

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

(F) in paragraph (35), as so redesignated by paragraph (2) of this subsection—

(i) in subparagraph (B), by striking “and” at the end;

Automated Notification: The instruction language could not be processed programmatically.

Details:

- Amendment number 204
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE V—SUSTAINING FISHERIES THROUGH HEALTHY ECOSYSTEMS AND IMPROVED MANAGEMENT

SEC. 508. FORAGE FISH CONSERVATION.

(b) DEFINITIONS.—

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

(F) in paragraph (35), as so redesignated by paragraph (2) of this subsection—

(ii) in subparagraph (C), by striking the period at the end and inserting “; and”; and

Automated Notification: The instruction language could not be processed programmatically.

Details:

- Amendment number 205
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE V—SUSTAINING FISHERIES THROUGH HEALTHY ECOSYSTEMS AND IMPROVED MANAGEMENT

SEC. 508. FORAGE FISH CONSERVATION.

(b) DEFINITIONS.—

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

(F) in paragraph (35), as so redesignated by paragraph (2) of this subsection—

(iii) by adding at the end the following:

“(D) in the case of a forage fish, is reduced, pursuant to subparagraph (B), to provide for the diet needs of fish species and other marine wildlife, including marine mammals and birds, for which forage fish is a significant dietary component.”

Automated Notification: The instruction language could not be processed programmatically.

Details:

- Amendment number 208
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE V—SUSTAINING FISHERIES THROUGH HEALTHY ECOSYSTEMS AND IMPROVED MANAGEMENT

SEC. 508. FORAGE FISH CONSERVATION.

(d) COUNCIL FUNCTIONS.—

(2) UNMANAGED FORAGE FISH.— Section 302(h) (16 U.S.C. 1852(h)) is amended—

(A) in paragraph (11), as so redesignated by section 507 of this Act, by striking “and” at the end;

Automated Notification: The instruction language could not be processed programmatically.

Details:

- Amendment number 209
- Amendment target identifier:
- Amendment target category:
- Failed to parse query.
- The portion of law being amended could not be found.

AMENDMENT:

TITLE TITLE V—SUSTAINING FISHERIES THROUGH HEALTHY ECOSYSTEMS AND IMPROVED MANAGEMENT

SEC. 508. FORAGE FISH CONSERVATION.

(d) COUNCIL FUNCTIONS.—

(2) UNMANAGED FORAGE FISH.— Section 302(h) (16 U.S.C. 1852(h)) is amended—

(B) by redesignating paragraph (12), as so redesignated by section 507 of this Act, as paragraph (13); and

About this report

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XML Database version: 0.6.30

CSS version: 2.0.2

Version of the system: Bill to Law Report Generator 2.0.3; AMPL 2.0.12

