

Sections/Language added since the 2014 Hastings Bill or where the House and Senate bills differ

House bill 1335 deleted text is **highlighted** and new text is in **red**. Changes proposed by the Senate bill “Florida Fisheries Improvement Act” are in **blue**. The ellipses . . . indicate sections of MSA that were not proposed to be modified and thus were deleted to shortened the document

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

(c) **INTER-SECTOR TRADING OF COMMERCIAL CATCH SHARE ALLOCATIONS IN THE GULF OF MEXICO.**—Notwithstanding any other provision of this Act, any commercial fishing catch share allocation in a fishery in the Gulf of Mexico may only be traded by sale or lease within the same commercial fishing sector.

SEC. 302. REGIONAL FISHERY MANAGEMENT COUNCILS.

(h) **FUNCTIONS**

(8) have the authority to use alternative fishery management measures in a recreational fishery (or the recreational component of a mixed-use fishery), including extraction rates, fishing mortality, and harvest control rules, to the extent they are in accordance with the requirements of this Act; and

SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS.

(d) **LIMITATIONS.**—

(1) **IN GENERAL.**—The requirements under subsection (a)(15) shall not—

(A) apply to a species in a fishery that has a mean life cycle of 18 months or less, or to a species in a fishery with respect to which all spawning and recruitment occurs beyond State waters and the exclusive economic zone, unless the Secretary has determined the fishery is subject to overfishing of that species; and

(B) limit or otherwise affect the requirements of section 301(a)(1) or 304(e) of this Act.

(2) **CONSTRUCTION.**—Nothing in this subsection shall be construed to affect any effective date regarding the requirements under subsection (a)(15) otherwise provided for under an international agreement in which the United States participates.

SEC. 304. ACTION BY THE SECRETARY.

(d) **ESTABLISHMENT OF FEES.**—

(D) The Secretary shall report annually on the amount collected under this paragraph from each fishery and detail how the funds were spent in the prior year on a fishery-by-fishery basis, to—

(i) Congress; and

(ii) each Council from whose fisheries the fee under this paragraph were collected.

(e) REBUILDING OVERFISHED DEPLETED FISHERIES.—

(A) specify a time period for rebuilding the fishery that shall—

(i) be as short as possible practicable possible, taking into account the status and biology of any overfished depleted 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 depleted overfished stock of fish within the marine ecosystem; and

(A) specify a time period for rebuilding the fishery that—

...

(ii) except where management measures under an international agreement with the United States participates dictate otherwise, shall not exceed—

(I) 10 years, except in cases where the biology of the stock of fish or other environmental conditions dictate otherwise; or

(II) the sum of the time in which the affected stock of fish is expected to rebuild to its maximum sustainable yield biomass level in the absence of any fishing mortality, and the mean generation of time of the affected stock of fish, if those time values are the best scientific information available;

(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;

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

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

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

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

(IV) the Secretary determines that recruitment, distribution, or life history of, or fishing activities for, the stock are affected by informal transboundary agreements under which management activities outside the exclusive economic zone by another country may hinder conservation and management efforts by United States fishermen; and

(V) the Secretary determines that the stock has been affected by unusual events that make rebuilding within the specified time period improbable without significant economic harm to fishing communities;

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

(B) (C) allocate both overfishing restrictions and recovery benefits fairly and equitably among sectors of the fishery; and

(C) (D) for fisheries managed under an international agreement, reflect traditional participation in the fishery, relative to other nations, by fishermen of the United States; and

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

SEC. 312. TRANSITION TO SUSTAINABLE FISHERIES.

(a) **FISHERIES DISASTER RELIEF.**—

(B) The Secretary shall publish the estimated cost of recovery from a fishery resource disaster no later than 30 days after the Secretary makes the determination under subparagraph (A) with respect to such disaster.

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

SEC. 401. REGISTRATION AND INFORMATION MANAGEMENT.

(g) **RECREATIONAL FISHERIES.**—

(4) **FEDERAL-STATE PARTNERSHIPS.**—

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

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

(C) **BIENNIAL REPORT.**—The Secretary shall submit to the Congress and publish biennial reports that include—

(i) the estimated accuracy of the registry program established under paragraph (1) and of State programs that are exempted under paragraph (2);

(ii) priorities for improving recreational fishing data collection; and

(iii) an explanation of any use of information collected by such State programs and by the Secretary, including a description of any consideration given to the information by the Secretary.

(D) **STATES GRANT PROGRAM.**—The Secretary shall make grants to States to improve implementation of State programs consistent with this subsection. The Secretary shall prioritize such grants based on the ability of the grant to improve the quality and accuracy of such programs.

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(6) **STUDY ON PROGRAM IMPLEMENTATION.**—

(A) **IN GENERAL.**—Not later than 60 days after the enactment of this paragraph, the Secretary shall enter into an agreement with the National Research Council of the National Academy of Sciences to study the implementation of the programs described in this section. The study shall—

(i) provide an updated assessment of recreational survey methods established or improved since the publication of the Council's report "Review of Recreational Fisheries Survey Methods (2006)";

(ii) evaluate the extent to which the recommendations made in that report were implemented pursuant to paragraph (3)(B); and

(iii) examine any limitations of the Marine Recreational Fishery Statistics Survey

and the Marine Recreational Information Program established under paragraph (1).

(B) **REPORT.**—Not later than 1 year after entering into an agreement under subparagraph (A), the Secretary shall submit a report to Congress on the results of the study under subparagraph (A).

SEC. 402. INFORMATION COLLECTION.

(e) **RESOURCE ASSESSMENTS.**—

(4) The Secretary shall require that in the hiring of individuals to collect information regarding marine recreational fishing under this subsection, preference shall be given to individuals who are students studying water resource issues at an institution of higher education.

SEC. 404. FISHERIES RESEARCH.

(e) **USE OF THE ASSET FORFEITURE FUND FOR FISHERY INDEPENDENT DATA COLLECTION.**—

(1) **IN GENERAL.**—

(A) The Secretary, subject to appropriations, may obligate for data collection purposes in accordance with prioritizations under paragraph (3) a portion of amounts received by the United States as fisheries enforcement penalties.

(B) Amounts may be obligated under this paragraph only in the fishery management region with respect to which they are collected.

(2) **INCLUDED PURPOSES.**—The purposes referred to in paragraph (1) include—

(A) the use of State personnel and resources, including fishery survey vessels owned and maintained by States to survey or assess data-poor fisheries for which fishery management plans are in effect under this Act; and

(B) cooperative research activities authorized under section 318 to improve or enhance the fishery independent data used in fishery stock assessments.

(3) **DATA-POOR FISHERIES PRIORITY LISTS.**—Each Council shall—

(A) identify those fisheries in its region considered to be data-poor fisheries;

(B) prioritize those fisheries based on the need of each fishery for up-to-date information; and

(C) provide those priorities to the Secretary.

(4) **DEFINITIONS.**—In this subsection:

(A) The term “data-poor fishery” means a fishery—

(i) that has not been surveyed in the preceding 5-year period;

(ii) for which a fishery stock assessment has not been performed within the preceding 5-year period; or

(iii) for which limited information on the status of the fishery is available for management purposes.

(B) The term “fisheries enforcement penalties” means any fine or penalty imposed, or proceeds of any property seized, for a violation of this Act or of any other marine resource law enforced by the Secretary.

(5) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary for each fiscal year to carry out this subsection up to 80 percent of the fisheries enforcement penalties collected during the preceding fiscal year.

(e) STOCK ASSESSMENT PLAN.—

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

(2) CONTENTS.—The plan shall—

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

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

(ii) subject to the availability of appropriations, require completion of a new stock assessment, or an update of the most recent stock assessment—

(I) at least once every 5 years, except a Council may delay action for not more than 3 additional 1-year periods; or

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

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

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

(ii) subject to the availability of appropriations, require completion of the initial stock assessment not later than 3 years after the date that the plan is published in the Federal Register unless another time period is specified and justified by the Secretary in the plan; and

(C) identify data and analysis, especially concerning recreational fishing, that, if available, would reduce uncertainty in and improve the accuracy of future stock assessments, including whether that data and analysis could be provided by nongovernmental sources, including fishermen, fishing communities, universities, and research institutions.

(3) WAIVER OF STOCK ASSESSMENT REQUIREMENT.—Notwithstanding subparagraphs (A)(ii) and

(B)(ii) of paragraph (2), a stock assessment shall not be required for a stock of fish in the plan if the Secretary determines that such a stock assessment is not necessary and justifies the determination in

the Federal Register notice required by this subsection.

(b) DEADLINE.—Notwithstanding paragraph (1) of section 404(e) of the Magnuson-Stevens Fishery Conservation and Management Act, as added by this section, the Secretary of Commerce shall issue the first stock assessment plan under that section by not later than 1 year after the date of the enactment of this Act.

(f) IMPROVING DATA COLLECTION AND ANALYSIS.—

(1) IN GENERAL.—The Secretary, in consultation with the scientific and statistical committees of the Councils established under section 302(g), shall develop 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 nongovernmental sources, including fishermen, fishing communities, universities, and research institutions, into fisheries management decisions.

(2) CONTENT.—The report under paragraph

(1) shall—

(A) identify types of data and analysis, especially concerning recreational fishing, that can be reliably used for purposes of this Act and 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 the uncertainty referred to in section 404(e)(2)(C);

(C) consider the extent to which it is possible to establish a registry of persons providing such information; and

(D) consider the extent to which the acceptance and use of data and analysis identified in the report in fishery management decisions is practicable.

(b) DEADLINE.—The Secretary of Commerce shall submit the report required under the amendment made by subsection (a) not later than 1 year after the date of the enactment of this Act.

SEC. 407. GULF OF MEXICO RED SNAPPER RESEARCH.

(a) INDEPENDENT PEER REVIEW.—(1) Within 30 days of the date of enactment of the Sustainable Fisheries Act, the Secretary shall initiate an independent peer review to evaluate—

(A) the accuracy and adequacy of fishery statistics used by the Secretary for the red snapper fishery in the Gulf of Mexico to account for all commercial, recreational, and charter fishing harvests and fishing effort on the stock;

(B) the appropriateness of the scientific methods, information, and models used by the Secretary to assess the status and trends of the Gulf of Mexico red snapper stock and as the basis for the fishery management plan for the Gulf of Mexico red snapper fishery;

(C) the appropriateness and adequacy of the management measures in the fishery management plan for red snapper in the Gulf of Mexico for conserving and managing the red snapper fishery under this Act; and

(D) the costs and benefits of all reasonable alternatives to a limited access privilege program for the red snapper fishery in the Gulf of Mexico.

(2) The Secretary shall ensure that commercial, recreational, and charter fishermen in the red snapper fishery in the Gulf of Mexico are provided an opportunity to—

(A) participate in the peer review under this subsection; and

(B) provide information to the Secretary concerning the review of fishery statistics under this subsection without being subject to penalty under this Act or other applicable law for any past violation of a requirement to report such information to the Secretary.

(3) The Secretary shall submit a detailed written report on the findings of the peer review conducted under this subsection to the Gulf Council no later than one year after the date of enactment of the Sustainable Fisheries Act.

(b) PROHIBITION.—In addition to the restrictions under section 303(d)(1)(A), the Gulf Council may not, prior to October 1, 2002, undertake or continue the preparation of any fishery management plan, plan amendment or regulation under this Act for the Gulf of Mexico commercial red snapper fishery that creates an individual fishing quota program or that authorizes the consolidation of licenses,

permits, or endorsements that result in different trip limits for vessels in the same class.

(c) REFERENDUM.—

(1) On or after October 1, 2002, the Gulf Council may prepare and submit a fishery management plan, plan amendment, or regulation for the Gulf of Mexico commercial red snapper fishery that creates a limited access privilege program or that authorizes the consolidation of licenses, permits, or endorsements that result in different trip limits for vessels in the same class, only if the preparation of such plan, amendment, or regulation is approved in a referendum conducted under paragraph (2) and only if the submission to the Secretary of such plan, amendment, or regulation is approved in a subsequent referendum conducted under paragraph (2).

(2) The Secretary, at the request of the Gulf Council, shall conduct referendums under this subsection. Only a person who held an annual vessel permit with a red snapper endorsement for such permit on September 1, 1996 (or any person to whom such permit with such endorsement was transferred after such date) and vessel captains who harvested red snapper in a commercial fishery using such endorsement in each red snapper fishing season occurring between January 1, 1993, and such date may vote in a referendum under this subsection. The referendum shall be decided by a majority of the votes cast. The Secretary shall develop a formula to weigh votes based on the proportional harvest under each such permit and endorsement and by each such captain in the fishery between January 1, 1993, and September 1, 1996. Prior to each referendum, the Secretary, in consultation with the Council, shall—

(A) identify and notify all such persons holding permits with red snapper endorsements and all such vessel captains; and

(B) make available to all such persons and vessel captains information about the schedule, procedures, and eligibility requirements for the referendum and the proposed individual fishing quota program.

Section 407 is amended by only striking subsection (d) below.

(d) CATCH LIMITS.—Any fishery management plan, plan amendment, or regulation submitted by the Gulf Council for the red snapper fishery after the date of enactment of the Sustainable Fisheries Act shall contain conservation and management measures that—

(1) establish separate quotas for recreational fishing (which, for the purposes of this subsection shall include charter fishing) and commercial fishing that, when reached, result in a prohibition on the retention of fish caught during recreational fishing and commercial fishing, respectively, for the remainder of the fishing year; and

(2) ensure that such quotas reflect allocations among such sectors and do not reflect any harvests in excess of such allocations.

SEC. 409. STOCK ASSESSMENTS USED FOR FISHERIES MANAGED UNDER GULF OF MEXICO COUNCIL’S REEF FISH MANAGEMENT PLAN.

(a) **IN GENERAL.**—The Gulf States Marine Fisheries Commission shall conduct all fishery stock assessments used for management purposes by the Gulf of Mexico Fishery Management Council for the fisheries managed under the Council’s Reef Fish Management Plan.

(b) **USE OF OTHER INFORMATION AND ASSETS.**—

(1) **IN GENERAL.**—Such fishery assessments shall—

(A) incorporate fisheries survey information collected by university researchers; and

(B) to the extent practicable, use State, university, and private assets to conduct fisheries surveys.

(2) **SURVEYS AT ARTIFICIAL REEFS.**—Any such fishery stock assessment conducted after the date of the enactment of the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act shall incorporate fishery surveys conducted, and other relevant fisheries information collected, on and around natural and artificial reefs.

(c) **CONSTITUENT AND STAKEHOLDER PARTICIPATION.**—Each such fishery assessment shall—

(1) emphasize constituent and stakeholder participation in the development of the assessment;

(2) contain all of the raw data used in the assessment and a description of the methods used to collect that data; and

(3) employ an assessment process that is transparent and includes—

(A) includes a rigorous and independent scientific review of the completed fishery stock assessment; and

(B) a panel of independent experts to review the data and assessment and make recommendations on the most appropriate values of critical population and management quantities.

SEC. 313A. GULF OF MEXICO FISHERIES CONSERVATION AND MANAGEMENT.

At least once every 5 years, the Gulf of Mexico Fishery Management Council shall review, in accordance with the provisions of this Act, any allocation of fishing privileges among the commercial, recreational, and charter components of a fishery managed under a fishery management plan prepared by the Council, except that the Council may delay action for not more than 3 additional 1 year periods if necessary.

SEC. 108. STUDY OF ALLOCATIONS IN MIXED-USE FISHERIES.

(a) **STUDY REQUIREMENTS.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Commerce shall enter into an arrangement with the National Academy of Sciences to conduct a study—

(1) to provide guidance on criteria that could be used for allocating fishing privileges, including consideration of the conservation and socioeconomic benefits of the commercial, recreational, and charter components of a fishery, to a Regional Fishery Management Council established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852) in the preparation of a fishery management plan under that Act; and

(2) to identify sources of information that could reasonably support the use of such criteria in allocation decisions.

(b) REPORT.—Not later than 1 year after the date a contract is awarded under subsection (a), the National Academy of Sciences 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 study conducted under subsection (a).