

Major Provisions of Magnuson and Fisheries Related Legislation

Bills that Reauthorize the Act

H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Young, R-Alaska) – Would reauthorize the Act through FY 2019.

H.R. 1826, the Fishing Economy Improvement Act (Sablan, D-CNMI) – Would reauthorize the Act through FY 2021.

Bills that Extends State Jurisdiction in the Gulf of Mexico

H.R. 981, the Red Snapper Regulatory Reform Act (Byrne, R- Alabama) – Would extend state jurisdiction out to 9 miles in the Gulf for all fisheries.

H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Young, R-Alaska) – Would extend state jurisdiction out to 9 miles only for Gulf red snapper recreational sector.

H.R. 3094, the Gulf States Red Snapper Management Authority Act (Graves, R-Louisiana) – Would extend state jurisdiction out to 9 nautical miles for all fisheries and allow for state management of the red snapper fishery out to 200 miles.

S. 55, the Offshore Fairness Act (Vitter, R- Louisiana) -- Would amend the Submerged Lands Act to convey the submerged lands to Gulf States and the States in the South Atlantic region (as far north as Virginia) out to 9 nautical miles (which would effectively extend state management for all fisheries out to 9 nautical miles) and would allow for state management of Gulf red snapper out to 200 miles.

S. 105, the Red Snapper Management Improvement Act (Vitter, R-Louisiana) - Would extend exclusive management authority for the Gulf red snapper fishery out to 200 miles upon the approval of a fishery management plan for Gulf red snapper by the Gulf coastal states, and would waive the provisions of the Magnuson-Stevens Fishery Conservation and Management Act.

Bills that Provide for Alternative Management of Gulf of Mexico Fisheries

H.R. 3094, the Gulf States Red Snapper Management Authority Act (Graves, R-Louisiana) – Would create a new management entity (the Gulf States Red Snapper Management Authority) to review and approve fishery management plans for the Gulf red snapper fishery submitted by Gulf coastal States. Would allow for management of the red snapper fishery under these plans out to 200 miles. Would require the Secretary to transfer management once the Gulf States Red Snapper Management Authority approves a plan. Would require the Secretary to provide funds to the Gulf States Marine Fisheries Commission for stock assessments, research and management and authorize the Commission to allocate funds to the States.

S. 55, the Offshore Fairness Act (Vitter, R- Louisiana) -- Would extend exclusive management authority for the Gulf red snapper fishery out to 200 miles upon the approval of a fishery

management plan for red snapper by the Gulf coastal states and would require the Secretary to fund stock assessment and data collection activities by the States.

S. 105, the Red Snapper Management Improvement Act (Vitter, R-Louisiana) - Would extend exclusive management authority for the Gulf red snapper fishery out to 200 miles upon the approval of a fishery management plan for Gulf red snapper by the Gulf coastal states, and would waive the provisions of the Magnuson-Stevens Fishery Conservation and Management Act.

Bills that Require New Data or Stock Assessments for the Gulf or South Atlantic

H.R. 981, the Red Snapper Regulatory Reform Act (Byrne, R- Alabama) – Would transfer stock assessment authority to the Gulf States Marine Fisheries Commission and require outside sources of information.

H.R. 1207, the Healthy Fisheries Through Better Science Act (Wittman, R-Virginia) - Would require the Secretary to develop a plan to conduct stock assessments of each stock of fish for which there is a fishery management plan in place and then, subject to the availability of appropriations, conduct a new stock assessment for each of those stocks that has previously been assessed at least once every five years, would require the Secretary, for those stocks that have not been assessed previously, to establish a schedule for conducting an initial assessment and require the Secretary to conduct an initial stock assessment for each of those stocks within 3 years, would require the Secretary to issue the first stock assessment plan within one year of the enactment of this legislation. Would require the Secretary to develop guidelines that will facilitate greater incorporation of data, analysis and stock assessments from non-governmental sources, would require that the Secretary and the Councils use all of the data and analysis that meet the new guidelines in their fisheries management decisions and create a registry of non-governmental sources of data, analysis, and stock assessments. Would require that the Secretary and the Councils use all of the data and analysis that meet the new guidelines in their fisheries management decisions.

H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Young, R-Alaska) - Would transfer stock assessment authority to the Gulf States Marine Fisheries Commission and require outside sources of information (Similar language to H.R. 981). Would require the Secretary to develop a plan to conduct stock assessments of each stock of fish for which there is a fishery management plan in place and then, subject to the availability of appropriations, conduct a new stock assessment for each of those stocks that has previously been assessed at least once every five years, would require the Secretary, for those stocks that have not been assessed previously, to establish a schedule for conducting an initial assessment and require the Secretary to conduct an initial stock assessment for each of those stocks within 3 years, would require the Secretary to issue the first stock assessment plan within two years of the enactment of this legislation, would require the Secretary to develop guidelines that will facilitate greater incorporation of data, analysis and stock assessments from non-governmental sources, would require that the Secretary and the Councils use all of the data and analysis that meet the new guidelines in their fisheries management decisions. Would require the Secretary to develop a schedule of stock surveys and stock assessments for the Gulf of Mexico region and the Southeast region for the 5-year period

beginning on the date of enactment and for every 5-year period thereafter giving priority to those stocks that are commercially or recreationally important and ensuring that each important stock is surveyed at least once every five years. Would require the Secretary to develop and implement a real-time reporting and data collection program for the Gulf of Mexico red snapper fishery using available technology and would require this to be a priority for funds received by NOAA through the Saltonstall-Kennedy Act. Would require that the Science Center Director of the Southeast region ensure that the information gathered as a result of research funded through the RESTORE Act be incorporated as soon as possible into any stock assessments conducted after the date of enactment.

H.R. 1826, the Fishing Economy Improvement Act (Sablan, D-CNMI) – Would require the Secretary of Commerce - in conjunction with the Gulf States, the Gulf of Mexico Council, and the charter and recreational fishing sectors - to develop and implement a real-time reporting and data collection program for the Gulf of Mexico red snapper fishery using available technology. The Secretary is required to make this a priority for funds received by NOAA through the Saltonstall-Kennedy Act. Would require the Secretary, acting through the NMFS Regional Administrator of the Southeast Region to develop a schedule of stock surveys and stock assessments for the Gulf of Mexico region and the Southeast region for the 5-year period beginning on the date of enactment and for every 5-year period thereafter giving priority to those stocks that are commercially or recreationally important and ensuring that each important stock is surveyed at least once every five years. The Secretary is required to direct the Science Center Director of the Southeast region to implement the schedule of stock surveys and stock assessments. Would require that the Science Center Director of the Southeast region ensure that the information gathered as a result of research funded through the RESTORE Act be incorporated as soon as possible into any stock assessments conducted after the date of enactment.

H.R. 3094, the Gulf States Red Snapper Management Authority Act (Graves, R-Louisiana) – Would require the Secretary to provide funds to the Gulf States Marine Fisheries Commission for stock assessments, research, and management of the Gulf red snapper fishery.

H.R. 3521, the Gulf Red Snapper Data Improvement Act (Jolly, R-Florida) – Would create a new grant program to improve data collection for use in stock assessments for Gulf red snapper and other reef fish.

S. 55, the Offshore Fairness Act (Vitter, R- Louisiana) -- Would require the Secretary to fund stock assessment and data collection activities by the States.

S. 105, the Red Snapper Management Improvement Act (Vitter, R-Louisiana) - Would require the Secretary to fund stock assessment and data collection activities by the States.

S. 1403, the Florida Fisheries Improvement Act (Rubio, R-Florida) - Would amend section 311 to allow fines, penalties, and forfeitures of property collected for violations of the Magnuson-Stevens Act or any other marine resource law to be used to pay for the costs of stock assessments, surveys, and data collection in fisheries managed under this Act (this provision is not Gulf specific). Would require the Secretary to develop a plan to conduct stock assessments of each stock of fish for which there is a fishery management plan in place and then, subject to

the availability of appropriations, conduct a new stock assessment for each of those stocks that has previously been assessed at least once every five years, would require the Secretary, for those stocks that have not been assessed previously, to establish a schedule for conducting an initial assessment and require the Secretary to conduct an initial stock assessment for each of those stocks within 3 years, would require the Secretary to issue the first stock assessment plan within one year of the enactment of this legislation. Would require the Secretary within one year, in consultation with the scientific and statistical committees (SSC) of the Councils, develop a report to Congress on facilitating greater incorporation of data, analysis and stock assessments from non-governmental sources for the use in fisheries management decisions. It lists a number of sources of such data including fishermen, fishing communities, universities, and research institutions. The bill would require that the report: identify the types of data (especially concerning recreational fishing) that can reliably be used as for establishing conservation and management measures; set standards for the collection and use of such data; provide specific guidance for the collection of the data and for performing analyses to reduce uncertainty; consider to what extent it would be possible to establish a registry of persons providing such information; and consider to what extent the acceptance and use of the data and analysis from these sources would be practicable in fishery management decisions.

Bills that Require Allocation Reviews in the Gulf of Mexico and the South Atlantic

H.R. 1207, the Healthy Fisheries Through Better Science Act (Wittman, R-Virginia)

H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Young, R-Alaska) - Would require the Secretary to enter into an arrangement with the National Academy of Sciences to study of the South Atlantic and Gulf of Mexico mixed-use fisheries to provide guidance on criteria that could be used for allocating fishing privileges and would require the South Atlantic and Gulf of Mexico Councils, within two years of the enactment of this legislation, to review the allocations of all mixed-use fisheries within their respective jurisdictions and perform subsequent reviews every three years thereafter.

S. 1403, the Florida Fisheries Improvement Act (Rubio, R-Florida) - Would require the Secretary to enter into an arrangement with the National Academy of Sciences to study of the South Atlantic and Gulf of Mexico mixed-use fisheries to provide guidance on criteria that could be used for allocating fishing privileges and would require the Gulf of Mexico and South Atlantic Councils to review the allocations of all fisheries managed under an FMP and perform subsequent reviews at least once every five years.

Bills that Amend Section 407 of MSA

H.R. 981, the Red Snapper Regulatory Reform Act (Byrne, R- Alabama) – Would strike section 407(d).

H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Young, R-Alaska) – Would strike all of section 407.

S. 1403, the Florida Fisheries Improvement Act (Rubio, R-Florida) – Would strike all of section 407.

Bills that Make Changes to Council Membership or Appointments

H.R. 981, the Red Snapper Regulatory Reform Act (Byrne, R- Alabama) – Would change the appointment process for the Gulf Council.

H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Young, R-Alaska) – Would make changes to the nomination and appointment process for the North Pacific and would add liaison seats to the Mid-Atlantic and New England Councils.

H.R. 1826, the Fishing Economy Improvement Act (Sablan, D-CNMI) – Would add liaison seats to the Mid-Atlantic and New England Councils, would make changes to the nomination and appointment process for the North Pacific, and would add requirements dealing with the nomination and appointment process dealing with artisanal fishing.

S. 1403, the Florida Fisheries Improvement Act (Rubio, R-Florida) - Would change the appointment process for the Gulf and South Atlantic Councils.

Bills that Require Greater Council and SSC Transparency and Public Participation

H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Young, R-Alaska) - Would require greater transparency by SSCs, and require transcripts, etc. of all Council, SSC, and CCC meetings on the Council website.

H.R. 1826, the Fishing Economy Improvement Act (Sablan, D-CNMI) – Would require greater transparency by SSCs, and require transcripts, etc. of all Council, SSC, and CCC meetings on the Council website.

H.R. 3521, the Gulf Red Snapper Data Improvement Act (Jolly, R-Florida) – Would require the Secretary to improve communication and stakeholder involvement in the stock assessment process.

S. 1403, the Florida Fisheries Improvement Act (Rubio, R-Florida) - Would require that each scientific and statistical committee provide ongoing scientific advice for fishery management decisions and do so in a transparent manner and allow for public involvement in the process and would require greater transparency by SSCs, and require transcripts, etc. of all Council, SSC, and CCC meetings on the Council website.

Bills that Deal with Cooperative Research

H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Young, R-Alaska) - Would require the Secretary, within one year of the enactment of this Act and after consulting with the Councils, to publish a plan for implementing and conducting a cooperative research and management program. The bill would require that the plan identify and describe critical regional fishery management and research needs, possible projects to address the identified needs, and the estimated costs for such projects. The bill would require that the plan be updated every five years and each update must include a description of projects that were funded during the previous five years and which management and research needs were addressed by those projects. Would require the Secretary to develop

and implement a cooperative research program for fisheries in the Gulf of Mexico and the South Atlantic regions giving priority to those fisheries that are considered data poor and require this to be a priority for funds received by NOAA through the Saltonstall-Kennedy Act.

H.R. 1826, the Fishing Economy Improvement Act (Sablan, D-CNMI) – Would require the Secretary, within one year of the enactment of this Act and after consulting with the Councils, to publish a plan for implementing and conducting a cooperative research and management program. The bill would require that the plan identify and describe critical regional fishery management and research needs, possible projects to address the identified needs, and the estimated costs for such projects. The bill would require that the plan be updated every five years and each update must include a description of projects that were funded during the previous five years and which management and research needs were addressed by those projects.

H.R. 3521, the Gulf Red Snapper Data Improvement Act (Jolly, R-Florida) – Would require the Secretary on the process for using data collected through cooperative research activities.

Bills that Deal with Electronic Monitoring

H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Young, R-Alaska) - Would require the Secretary to issue regulations governing the use of electronic monitoring, require that the regulations distinguish between monitoring for data collection and research purposes and monitoring for compliance and enforcement purposes, and require that the regulations also include minimum criteria, objectives, or performance standards for electronic monitoring. Would require that in issuing the regulations, the Secretary consult with the Councils and fishery management commissions, publish the proposed regulations, and provide an opportunity for public comment on the proposed regulations. Would allow the Councils to incorporate electronic monitoring as an alternative tool for data collection and monitoring purposes or for compliance and enforcement purposes and replace a percentage of on-board observers with electronic monitoring if the Councils, and allow Councils, prior to the issuance of the final regulations, to conduct pilot projects.

H.R. 1826, the Fishing Economy Improvement Act (Sablan, D-CNMI) – Language is almost identical to that in H.R. 1335.

Bills that Deal with Recreational Fishing Data Collection Activities

H.R. 981, the Red Snapper Regulatory Reform Act (Byrne, R- Alabama) – Would require that data collection programs take into consideration state activities.

H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Young, R-Alaska) - Would require the Secretary to establish partnerships with States to develop best practices for implementing State recreational fisheries programs. Would require the Secretary to develop guidance, in cooperation with the States, that detail best practices for administering State programs and to provide the guidance to the States. Would require the Secretary to submit a biennial report to Congress the estimated accuracy of the Federal recreational registry program, priorities for improving recreational fishing data collection programs, and explain the use of information collected by State programs and by the

Secretary. Would require a grant program to States to improve implementation of State recreational data collection programs and requires the Secretary to prioritize the grants based on the ability of the grant to improve the quality and accuracy of the data collection programs. Would require the Secretary, within 60 days, to enter into an agreement with the National Research Council (NRC) of the National Academy of Sciences to study the implementation of the existing recreational data collection programs.

H.R. 1826, the Fishing Economy Improvement Act (Sablan, D-CNMI) – Language is almost identical to that in H.R. 1335.

H.R. 3094, the Gulf States Red Snapper Management Authority Act (Graves, R-Louisiana) – Would require that data collection programs take into consideration state activities.

S. 1403, the Florida Fisheries Improvement Act (Rubio, R-Florida) - Would require the Secretary to identify data and analysis especially concerning recreational fishing that would reduce uncertainty and improve stock assessment accuracy in the future. The Secretary would also be required to determine whether such data and analysis could be provided by non-governmental sources including fishermen, fishing communities, universities, or research institutions.

Bills that Authorize the Use of Alternative Management Measures

H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Young, R-Alaska).

S. 1403, the Florida Fisheries Improvement Act (Rubio, R-Florida) - Would authorize the Councils to use alternative fishery management measures in recreational fisheries (or in the recreational component of mixed-use fisheries).

Bills that Amend the Disaster Assistance Provisions

H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Young, R-Alaska) -- Would require the Secretary to publish the estimated cost of recovery from a fishery resource disaster within 30 days from the time the Secretary makes the disaster determination. Would require the Secretary of Commerce to make a decision regarding a disaster assistance request - submitted under the provisions of section 312(a) of the Magnuson-Stevens Act - within 90 days of receiving an estimate of the economic impact of the fishery resource disaster from the entity seeking the disaster declaration.

H.R. 1826, the Fishing Economy Improvement Act (Sablan, D-CNMI) – Would require that the Secretary of Commerce make a decision on any request for fisheries disaster assistance within 90 days of when the Secretary receives the request. The bill also would deem the Proclamation of State Emergency and the associated Executive Order issued by California Governor Brown to be a request for a declaration of a fishery disaster for fisheries that originate in the Central Valley Project service area and require the Secretary to make a determination on the request within 90 days of the enactment of this bill.

S. 1403, the Florida Fisheries Improvement Act (Rubio, R-Florida) - Would require that the Secretary of Commerce make a decision on any request for fisheries disaster assistance within

90 days of when the Secretary receives a complete estimate of the economic impact of the disaster from the affected State, tribal government, or fishing community.

Bills that Amend Catch Share Provisions

H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Young, R-Alaska) - Would amend the Act to require the Council and Secretarial to review the operations and impacts of limited access privilege programs 5 years after the implementation of the program, would prohibit new catch shares for four Councils and the Secretary until a referendum is conducted, and would prohibit inter-sector trading of catch shares in the Gulf of Mexico.

Bills that Provide Flexibility in Rebuilding Requirements

H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Young, R-Alaska).

Bills that Provide Flexibility in Establishing ACLs

H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Young, R-Alaska).

S. 1403, the Florida Fisheries Improvement Act (Rubio, R-Florida).

Bills that with the Relationship Between MSA and NEPA, ESA, Sanctuaries, Antiquities Act

H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Young, R-Alaska).

Bills that Provide for Changes in Use of Funds from the Saltonstall-Kennedy Act

H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Young, R-Alaska).

H.R. 1826, the Fishing Economy Improvement Act (Sablan, D-CNMI).

S. 1403, the Florida Fisheries Improvement Act (Rubio, R-Florida).

Bills that Deal with Data Confidentiality

H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Young, R-Alaska).