



## H.R. 1335—Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Rep. Young, R-AK)

**CONTACT:** NICHOLAS RODMAN, NICHOLAS.RODMAN@MAIL.HOUSE.GOV, 6-8576

**FLOOR SCHEDULE:** SCHEDULED FOR CONSIDERATION ON MAY 21, 2015 UNDER A [STRUCTURED RULE](#)

**TOPLINE SUMMARY:** [H.R. 1335](#) would amend and reauthorize the [Magnuson-Stevens Fishery Conservation and Management Act](#) (MSA), authorize the appropriation of \$1.6 billion through Fiscal Year (FY) 2019, and would require the Secretary of Commerce through the National Academy of Sciences to conduct a study of certain mixed-use fisheries.

**CONSERVATIVE CONCERNS:** There are no major conservative concerns.

- **Expand the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

**DETAILED SUMMARY AND ANALYSIS:** Section 4 of the bill would change the fish stock requirements by basing fish stock rebuilding timeframes on the biology of the stock of fish, other environmental conditions, or management measures. The section would repeal language requiring a 10-year time frame for rebuilding overfished and depleted fisheries, and would set conditions stipulating that the rebuilding timeframe be the time it would take for the fishery to rebuild without any fishing occurring plus one mean generation time. The section would also allow Regional Fishery Management Councils to terminate the application of certain specified requirements, if the council's scientific and statistical committee determines and the secretary concurs that the original determination that the fishery was depleted was erroneous. The bill would allow a fishery management plan, plan amendment, or proposed regulations to use alternative rebuilding strategies, including harvest control rules and fishing mortality-rate targets.

Section 5 would permit Regional Fishery Management Councils to consider changes in an ecosystem and the economic needs of the fishing communities. The section stipulated that a would not require the council to develop an annual catch limit for an ecosystem component species, a fishery for a species that has a life cycle of approximately 1 year, or a stock for which more than half of a single-year class will complete their life cycle in less than 18 months. Each annual catch limit is allowed to take into account (1) management measures under international agreements in which the United States participates; (2) informal transboundary agreements under which fishery management activities by another country outside the exclusive economic zone may hinder

**COST:** The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 1335 would cost \$1.5 billion over the 2016-2020 period and \$72 million after 2020, assuming appropriation of the authorized and necessary amounts. This bill would not affect direct spending or revenues, and pay-as-you-go procedures do not apply.

conservation efforts by United States fishermen; and (3) in instances in which no transboundary agreement exists, activities by another country outside the exclusive economic zone that may hinder conservation efforts by United States fisherman. A council is allowed to establish an annual catch limit for a stock complex, or annual catch limits for each year in any continuous period that is not more than three years in duration.

Section 7 would require the Scientific and Statistical Committees (SSCs) to develop scientific advice provided to the councils in a transparent manner and to allow for public involvement in the process. Any fishery management plan prepared by any council or by the Secretary of Commerce would be mandated to include a fishery impact statement that assesses, specifies and analyzes the likely effects and impact of the proposed action on the quality of the human environment.

Section 8 would prohibit the New England, Mid-Atlantic, South Atlantic, and Gulf of Mexico Councils from submitting a fishery management plan or amendment that creates a catch share program for a fishery unless the final program has been approved, in a referendum by a majority of the permit holders eligible to participate in the fishery. For multispecies permits in the Gulf of Mexico, any permit holder with landings from within the sector of the fishery being considered for the catch share program within the five-year period preceding the date of the referendum and still active in fishing in the fishery would be eligible to participate in such a referendum.

If a catch share program is not approved by the requisite number of permit holders, it may be revised and submitted for approval in a subsequent referendum. Prior to any such referendum vote, the Secretary of Commerce would be required to provide all eligible permit holders with a copy of the proposed program, an estimate of the costs of the program (including the costs to participants), and an estimate of the amount of fish or percentage of the quota each permit holder would be allocated.

Section 9 would require the Secretary of Commerce to report annually to Congress on the amount collected from each fishery and detail how the funds were spent in the prior year on a fishery-by-fishery basis.

Section 10 would require the Secretary of Commerce to issue regulations governing the use of electronic monitoring for fisheries to distinguish between monitoring for data collection and research purposes and monitoring for compliance and enforcement purposes, and to include minimum criteria, objectives, or performance standards for electronic monitoring. The secretary may enter into a memorandum of understanding with the heads of other federal agencies for the sharing of confidential information to ensure safety of life at sea or for fisheries enforcement purposes, including information obtained through a vessel monitoring system or other electronic enforcement and monitoring systems. The section would allow the Secretary of Commerce to obligate up to 80 percent of the fishery fines and penalties collected during the preceding fiscal year under any marine resource law enforced by the secretary to be used by states to survey or assess data-poor fisheries for which a fishery management plan is in place, or for cooperative research activities to improve or enhance fishery independent data used in stock assessments.

Section 11 would direct the Secretary of Commerce to publish a plan for implementing and conducting the cooperative research and management program in order to identify and describe critical regional fishery management and research needs, possible projects that may address those needs, and estimated costs for such projects.

Section 13 would mandate that the Secretary of Commerce with the Gulf States, the Gulf of Mexico Council, and the charter and recreational fishing sectors, develop and implement: (1) a real-time reporting and data collection program for the Gulf of Mexico red snapper fishery using available technology; and (2) 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. The secretary is also mandated to develop a schedule of stock surveys and stock assessments for the Gulf of Mexico Region and the South Atlantic Region for the five-year period.

Section 17 would require the Secretary of Commerce to establish partnerships with states to develop best practices for implementing state recreational fisheries programs and to develop guidance that detail best practices for administering state programs. The secretary is allowed to make grants to states to improve implementation of state programs. The secretary would prioritize such grants based on the ability of the grant to improve the quality and accuracy of the programs.

Section 18 would require the Gulf States, acting through the Gulf States Marine Fisheries Commission, to act as the entity responsible for providing the stock assessment information for the Gulf of Mexico Fishery Management Council for fisheries managed under the Reef Fish Plan. According to the House Committee on Natural Resources, currently, the Gulf of Mexico Fishery Management Council has the responsibility of stock assessments and management of reef fish in the Gulf of Mexico. This section would require that the stock assessments incorporate fisheries survey information collected by university researchers and, to the extent practicable, use state, university, and private assets to conduct fisheries surveys.

Section 21 would prohibit the Secretary of Commerce from counting Red Snapper mortality as a result of the removal of offshore oil rigs against the total allowable catch of that fish and from counting those fish toward the quota for U.S. fishermen for the purposes of closing the fishery when the quota has been reached.

Section 22 would prohibit the secretary from counting any fish seized from a foreign vessel engaging in illegal fishing in the U.S. Exclusive Economic Zone against the total allowable catch for U.S. fishermen.

Section 24 would stipulate that 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.

Section 25 would mandate that if the North Pacific Fishery Management Council issues a fishery management plan for the exclusive economic zone in the Arctic Ocean, or an amendment to the Fishery Management Plan for Fish Resources of the Arctic Management Area that makes available to commercial fishing, and establishes a sustainable harvest level, for any part of such zone, the council shall set aside not less than 10 percent of the total allowable catch therein as a community development quota for coastal villages located north and east of the Bering Strait.

Section 26 would require the Secretary of Commerce, that in the hiring of individuals to collect information regarding marine recreational fishing, to give preference to individuals who are students studying water resource issues at an institution of higher education.

Section 27 would require the Secretary of Commerce to enter into an arrangement with the National Academy of Sciences to conduct a study of the South Atlantic and Gulf of Mexico mixed-use fisheries.

The House Report (H. Rept. 114-116) accompanying H.R. 1335 can be found [here](#). The House Committee on Natural Resources Markup memo can be found [here](#). A flow chart on the Magnuson-Stevens Reauthorization from the committee can be found [here](#).

#### **OUTSIDE ORGANISATIONS IN SUPPORT:**

- The National Restaurant Association
- [The Center for Coastal Conservation](#)
- [The Congressional Sportsmen's Foundation](#)
- [The National Marine Manufacturers Association](#)
- [The American Sportfishing Association](#)

## AMENDMENTS MADE IN ORDER:

- [Dingell #9](#): would strike the requirement to fast-track analyses under the [National Environmental Policy Act of 1969](#) (42 U.S.C. 4321 et seq.).
- [Farr #4](#): would allow the Secretary of Commerce to provide vessel information from a fishery that is collected for monitoring and enforcement purposes to any person with regards to coastal and marine spatial planning under [Executive Order 13547](#), if the secretary determines that providing such information is important for maintaining, enhancing national security, restoring fishery habitat, or for ensuring fishermen continued access to fishing grounds.
- [Garret Graves #10](#): would amend the Magnuson-Stevens Fishery Conservation and Management Act to include a provision on Gulf States Red Snapper management authorities that would review and approve red snapper fishery management plans. The intent of the amendment is to confer management of snapper fisheries to Gulf of Mexico states similar to the management of Atlantic Striped Bass to Atlantic states. The Secretary of Commerce is mandated to establish a Gulf States Red Snapper Management Authority that consists of the principal fisheries manager of each of the Gulf coastal States.
- [Huffman #5](#) offered as a substitute, would reauthorize the Magnuson-Stevens Fishery Conservation and Management Act and add additional provisions related to fishery data collection. The amendment would include artisanal fishing sectors in fishery management plans.
- [Keating # 14](#) would require the Secretary of Commerce to obligate for data collection purposes a portion of amounts received by the United States as fisheries enforcement penalties, including for fishery research and independent stock assessments, conservation gear engineering, at-sea and shoreside monitoring, fishery impact statements, and other priorities established by the Council as necessary to rebuild or maintain sustainable fisheries, ensure healthy ecosystems, and maintain fishing communities.
- [Lowenthal #8](#) would require the National Ocean Council, operating under [Executive Order 13547](#), to convene a meeting of representatives of the National Oceanic and Atmospheric Administration, the Bureau of Safety and Environmental Enforcement, the States represented on the Gulf of Mexico Fishery Management Council, and stakeholders, to develop a process for decommissioning oil and gas platforms and drilling rigs that eliminates harm to the Gulf of Mexico red snapper stock of fish and enhances conservation of habitat of such stock.
- [Wittman #13](#) would give the National Oceanic and Atmospheric Administration (NOAA) 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 targets, and harvest control rules, in developing a fishery management plan, plan amendment, or proposed regulations.
- [Young #12](#) would en bloc a series of provisions including allowing the Secretary of Commerce to give preference to students studying fisheries conservation and management, water resource issues, or other relevant subjects at an institution of higher education in the United States; and would require the secretary to conduct stock assessments for all stocks of fish for which a fishery management plan is in effect under the legislation.

**COMMITTEE ACTION:** This bill was introduced on March 4, 2015 and was referred to the House Committee on Natural Resources which ordered it to be reported (amended) by the yeas and nays: [21-14](#) on April 30, 2015.

**ADMINISTRATION POSITION:** The statement of administration policy can be found [here](#). According to the statement, if the President were presented with H.R. 1335, his senior advisors would recommend that he veto the bill.

**CONSTITUTIONAL AUTHORITY:** Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3.

---

**NOTE:** *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*

###