115TH CONGRESS  
1ST SESSION

S._______

To improve the Magnuson-Stevens Fishery Conservation and Management Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

introduced the following bill; which was read twice and referred to the Committee on ____________

A BILL

To improve the Magnuson-Stevens Fishery Conservation and Management Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Strengthening America’s Fisheries by Improving Sust- 

tainable, Healthy Management Act” or the “Strengthening America’s FISH Management Act”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. References.
Sec. 4. Authorization of appropriations.

TITLE I—CONSERVATION AND MANAGEMENT

Sec. 101. Findings and purpose.
Sec. 102. Definitions.
Sec. 103. Council jurisdiction for overlapping fisheries.
Sec. 104. Regional fishery management councils.
Sec. 105. Recusals.
Sec. 106. Cost reduction report.
Sec. 107. Fishery management measures.
Sec. 108. Transparency and public process.
Sec. 109. Contents of fishery management plans.
Sec. 110. Fees.
Sec. 111. Rebuilding overfished or otherwise depleted fisheries.
Sec. 112. Streamlining review.
Sec. 113. Exempted fishing permits.

TITLE II—INFORMATION AND RESEARCH

Sec. 201. Modernizing fisheries data collection and storage.
Sec. 203. Recreational data collection.
Sec. 204. Improving science.
Sec. 205. Cooperative research and management program.

TITLE III—REAUTHORIZATION OF OTHER FISHERIES STATUTES

Sec. 301. [Placeholder].

TITLE IV—STRENGTHENING FISHING COMMUNITIES

Sec. 401. Young fisherman development grants.
Sec. 402. North Pacific fishery management clarification.
Sec. 403. Refinancing of Pacific Coast groundfish fishing capacity reduction loan.
Sec. 404. Arctic community development quota.
Sec. 405. Estimation of cost of recovery from fishery resource disaster.
Sec. 406. Deadline for action on request by Governor for determination regarding fishery resource disaster.
Sec. 407. Capital construction.
Sec. 408. Limited access privilege programs.

TITLE V—MISCELLANEOUS

Sec. 501. Enforcement.
Sec. 502. Civil penalties and permit sanctions; criminal offenses.
Sec. 503. Definition.
Sec. 504. Certain commercial fishing permit transfers.
Sec. 505. Federal Ocean Acidification Research and Monitoring Act.
Sec. 506. Capacity reduction program authority.
Sec. 507. Mandatory requirements.
Sec. 508. Reallocation of certain unused harvest allocation.
Sec. 509. Clarification.
Sec. 510. Fees.
Sec. 511. Rule of construction.
SEC. 2. definitions.

In this Act, any term used that is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802) shall have the same meaning such term has under that section.

SEC. 3. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision, the reference shall be considered to be made to a provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 4 (16 U.S.C. 1803) is amended—

(1) by striking “this Act” and all that follows through “(7)” and inserting “this Act”; and

(2) by striking “fiscal year 2013” and inserting “each of fiscal years 2019 through 2023”.

TITLE I—CONSERVATION AND MANAGEMENT

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Section 2(a) (16 U.S.C. 1801(a)) is amended—

(1) by striking paragraphs (2) and (3) and inserting the following:
“(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;

“(C) direct and indirect habitat losses which have resulted in a diminished capacity to support existing fishing levels; or

“(D) natural and other changes to the physical and chemical processes that support marine ecosystems.

“(3) Commercial fishing and recreational fishing (including charter fishing) constitute major sources of employment and contribute significantly to the economy of the Nation. Many coastal areas are dependent upon fishing, fish processing, and related activities and ensuring sustainable utilization of fishery resources is essential to the economic wellbeing of these areas.”;

(2) by striking paragraphs (4) and (5) and inserting the following:
“(4) Under this Act, the United States has become an international leader in fisheries management. Science-based management has proven successful at maintaining healthy fish stocks, ending overfishing, and rebuilding stocks, as demonstrated by the Fish Stock Sustainability Index.

“(5) Fishery resources are finite but renewable. Managing fisheries sustainably is an adaptive process that relies on sound science, innovative management approaches, effective enforcement, and robust public participation in the regional management process. Fisheries managed in such a fashion can provide optimum yields on a continuing basis for the benefit of the Nation.”;

(3) by striking paragraph (9) and inserting the following:

“(9) National fishery management policy continues to emphasize the importance of protecting against the degradation of marine, estuarine, and other aquatic habitats, which is a critical component for the conservation and management of fishery resources of the United States.”;

(4) by striking paragraphs (11) and (12) and inserting the following:
“(11) The United States continues to be a leader in promoting international fishery agreements that promote sustainable fishing, facilitate cooperative research, and coordinate enforcement on fish stocks in international waters, as well as shared stocks occurring in adjacent international management jurisdictions.

“(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, and the United States continues to assert a leadership role in promoting such cooperation.”; and

(5) by adding at the end the following:

“(13) While recreational fishing, charter fishing, and commercial fishing all provide significant cultural and economic benefits to the Nation, each are different activities. Therefore, management approaches may be adapted to the characteristics of each sector.

“(14) Subsistence fishing is an integral part of life in many communities throughout the United States, and the fish, including anadromous species of fish, of the Nation are important sources of nutri-
tion, sustenance, and the cultural heritage of those communities.

“(15) It is of critical importance to the health of the fishery resources of the Nation and the coastal communities that depend on them that the United States maintain its progress in preventing overfishing and rebuilding overfished stocks.

“(16) Fishery Management Councils are demonstrating significant progress in integrating ecosystem considerations in fisheries management using the existing authorities provided under this Act.”.

(b) PURPOSES.—Section 2(b)(3) (163 U.S.C. 1801(b)(3)) is amended by striking “and recreational” and inserting “recreational, and subsistence”.

SEC. 102. DEFINITIONS.

Section 3 (16 U.S.C. 1802) is amended—

(1) by redesignating the second paragraph (33) as paragraph (54);

(2) by striking paragraph (40);

(3) by redesignating—

(A) paragraphs (44) through (50) as paragraphs (47) through (53), respectively;

(B) paragraphs (41) through (43) as paragraphs (43) through (45), respectively;
(C) paragraphs (30) through (39) as paragraphs (33) through (42), respectively;
(D) paragraphs (23) through (29) as paragraphs (25) through (31), respectively; and
(E) paragraphs (9) through (22) as paragraphs (10) through (23), respectively;
(4) in paragraph (2), by striking “management program”;
(5) by inserting after paragraph (8) the following:
“(9) The term ‘depleted’ means, with respect to a stock of fish in a fishery, that the stock is of a size that jeopardizes the capacity of the fishery to produce the maximum sustainable yield on a continuing basis.”;
(6) in paragraph (11), as so redesignated, by adding after the period the following: “, except that such term shall not include an area covered by a project undertaken by a State or local government with the purpose of coastal restoration projects or community resiliency, if such area previously was covered by land or a freshwater environment in a State where the average annual land loss of such State during the 20 years prior to the date of enactment of the Strengthening America’s Fisheries by
Improving Sustainable, Healthy Management Act exceeds 10 square miles per year.”;

(7) by inserting after paragraph (23), as so redesignated the following:

“(24) The term ‘Indian tribe’ has the meaning given such term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130), and the term ‘tribal’ means of or pertaining to such an Indian tribe.”;

(8) by inserting after paragraph (31), as so redesignated, the following:

“(32) The term ‘mixed-use fishery’ means a Federal fishery in which 2 or more of the following occur:

“(A) Recreational Fishing.

“(B) Charter Fishing.

“(C) Commercial Fishing.”;

(9) in paragraph (39), as so redesignated, by inserting “tribal,” after “State,”;

(10) by inserting after paragraph (45), as so redesignated, the following:

“(46)(A) The term ‘subsistence fishing’ means fishing in which the fish harvested are intended for customary and traditional uses, including—
“(i) for direct personal or family consumption as food or clothing;

“(ii) for the making or selling of handicraft articles out of nonedible byproducts taken for personal or family consumption, for barter, or sharing for personal or family consumption; and

“(iii) 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—

“(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.”;

and

(11) in paragraph (42), as so redesignated, by striking “his designee” and inserting “the designee of such Secretary”.
SEC. 103. COUNCIL JURISDICTION FOR OVERLAPPING FISHERIES.

Section 302(a)(1) (16 U.S.C. 1852(a)(1)) is amended—

(1) in subparagraph (A), in the second sentence—

(A) by striking “18” and inserting “19”; and

(B) by inserting before the period at the end “a liaison who is a member of the Mid-Atlantic Fishery Management Council to represent the interests of fisheries under the jurisdiction of such Council”;

(2) in subparagraph (B), in the second sentence—

(A) by striking “21” and inserting “22”; and

(B) by inserting before the period at the end “, a liaison who is a member of the New England Fishery Management Council to represent the interests of fisheries under the jurisdiction of such Council”.

SEC. 104. REGIONAL FISHERY MANAGEMENT COUNCILS.

Section 302(b)(2) (16 U.S.C. 1852(b)(2)) is amended—
(1) in subparagraph (A), by striking “or recreational” and inserting “recreational, or subsistence fishing”;

(2) in subparagraph (C), in the second sentence, by inserting “and, in the case of the Governor of Alaska, with the subsistence fishing interests of the State,” after “interests of the State”; and

(3) in subparagraph (D)—

(A) in clause (i), in the matter preceding subclause (I)—

(i) by striking “Fisheries” and inserting “Fishery”; and

(ii) by inserting “or the South Atlantic Fishery Management Council” after “Management Council”; and

(B) by striking clause (iv).

SEC. 105. RECUSALS.

Section 302(j)(7) (16 U.S.C. 1852(j)(7)) is amended by adding at the end the following:

“(G) A financial interest held by an entity described in section 305(i)(1)(D) shall be attributed to an affected individual only to the extent of the proportional ownership of such entity.”.
SEC. 106. COST REDUCTION REPORT.

By not later than 1 year after the date of enactment of this Act, the Secretary of Commerce, in consultation with the regional fishery management councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852), shall submit a report to Congress that, with respect to each fishery governed by a fishery management plan in effect under such Act—

(1) identifies the goals of the applicable programs governing monitoring and enforcement of fishing activity that is subject to such plan;

(2) identifies methods to accomplish those goals, including human observers, electronic monitoring, and vessel monitoring systems;

(3) certifies which such methods allow for the most efficient fishing practices that are subject to such plan and minimizes the burden on such fishing activities; and

(4) explains, if applicable, why any most cost-effective method certified under paragraph (3) is not required under such plan.

SEC. 107. FISHERY MANAGEMENT MEASURES.

(a) In General.—Section 302 (16 U.S.C. 1852) is amended—

(1) in subsection (h)—
14

(A) in paragraph (7)(C), by striking “;
and” and inserting a semicolon;

(B) by redesignating paragraph (8) as
paragraph (9); and

(C) by inserting after paragraph (7) the
following:

“(8) have the authority to use fishery manage-
ment measures such as extraction rates, fishing mor-
tality targets, and harvest control rules, particularly
in any recreational fisheries (or recreational compo-
nents of mixed-use fisheries) in developing a fishery
management plan, plan amendment, or proposed
regulations in such a fishery or fishery component;
and”; and

(2) by adding at the end the following:

“(m) DEVELOPING ANNUAL CATCH LIMITS.—

“(1) LIMITATIONS TO ANNUAL CATCH LIMIT
REQUIREMENT FOR SPECIAL FISHERIES.—Notwith-
standing subsection (h)(6), a Council is not required
to develop an annual catch limit for—

“(A) an ecosystem component species; or
“(B) a fishery for a species that—

“(i) has a natural mean life cycle of
12 months or less; and
“(ii) the Secretary, in consultation with the scientific and statistical committees of the Councils involved, has determined—

“(I) is not subject to overfishing, is not approaching an overfished or otherwise depleted condition, and is not overfished or otherwise depleted; and

“(II) is not likely to become subject to overfishing or depleted, based on the best scientific information available, in the absence of conservation and management measures.

“(2) AUTHORIZATION FOR MULTIYEAR ANNUAL CATCH LIMITS.—For purposes of subsection (h)(6), a Council may establish—

“(A) an annual catch limit for a stock complex; or

“(B) annual catch limits for each year in any continuous period that is not more than 3 years in duration.

“(3) ECOSYSTEM COMPONENT SPECIES DEFINED.—In this subsection, the term ‘ecosystem component species’ means a stock of fish that is a
non-target, incidentally harvested stock of fish that
a Council or the Secretary has determined—
“(A) does not require conservation and
management; and
“(B) should be listed in a fishery manage-
ment plan in order to achieve ecosystem man-
agement objectives.
“(4) CONSIDERATION OF ECOSYSTEM AND ECO-
NOMIC IMPACTS.—In establishing annual catch lim-
its pursuant to subsection (h)(6), Councils shall ac-
count for relevant economic, social, and ecological
factors, in accordance with section 3(36)”.
(b) REPORT.—Not later than 1 year after the date
of enactment of this Act, the Secretary of Commerce shall
submit to the appropriate committees of Congress a report
that describes any actions pursuant to paragraph (8) of
section 302(h) of the Magnuson-Stevens Fishery Con-
servation and Management Act (16 U.S.C. 1852(h)), as
added by subsection (a)(1).
(c) OTHER FISHERIES.—Nothing in paragraph (8) of
section 302 (h) of the Magnuson-Stevens Fishery Con-
servation and Management Act (16 U.S.C. 1852(h)), as
added by paragraph (1) shall be construed to affect man-
agement of any fishery not described in such paragraph
(8).
SEC. 108. TRANSPARENCY AND PUBLIC PROCESS.

(a) Advice.—Section 302(g)(1) (16 U.S.C. 1852(g)(1)) is amended—

(1) in subparagraph (A), by inserting “ecological,” after “biological,”; and

(2) in subparagraph (B)—

(A) by striking “shall provide” and inserting the following: “shall—

“(i) provide”;

(B) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(ii) carry out the requirements of this subparagraph in a transparent manner, allowing for public involvement in the process, where practicable, consistent with the principles of scientific peer review.”.

(b) Reported Votes.—Section 302(e) (16 U.S.C. 1852) is amended by striking paragraph (5) and inserting the following:

“(5) Each council shall hold a roll call vote on all nonprocedural matters 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.”.

(c) MEETINGS.—Section 302(i)(2) (16 U.S.C. 1852(i)(2)) is amended—

(1) by adding at the end the following:

“(G) Unless a meeting, or portion thereof, is
closed in accordance with paragraph (3), each Coun-
cil shall make available on the Internet website of
the Council a video or audio webcast of each meeting
of the Council—

“(i) not later than 30 days after the date
of conclusion of such meeting; and

“(ii) in real time, to the maximum extent
practicable.”; and

(2) by moving subparagraph (E) 2 ems to the
left.

SEC. 109. CONTENTS OF FISHERY MANAGEMENT PLANS.

Section 303 (16 U.S.C. 1853) is amended—

(1) in paragraph (a)(1)(A), by inserting “or
otherwise depleted” after “overfished”; and

(2) by adding at the end the following:

“(d) CONSIDERATION OF INTERNATIONAL FISHERY

Efforts in Developing Catch Limits.—

“(1) In general.—In order to end and pre-
vent overfishing, each annual catch limit developed
under section 302(h)(6) and each mechanism established under subsection (a)(15)—

“(A) may take into account management measures under international agreements in which the United States participates; and

“(B) in the case of an annual catch limit developed by a Council for a species, shall take into account fishing for the species outside the exclusive economic zone and the life-history characteristics of the species that are not subject to the jurisdiction of the Council.

“(2) EXCEPTION TO ANNUAL CATCH LIMIT REQUIREMENT.—If fishery management activities by another country with respect to fishing outside the exclusive economic zone may hinder conservation efforts by United States fishermen for a fish species for which any of the recruitment, distribution, life history, or fishing activities are transboundary, and for which there is no informal transboundary agreement with that country in effect—

“(A) no annual catch limit consistent with section 302(h)(6) is required to be developed for the species by a Council, but a Council may specify an alternative catch level consistent with
available data including long term average catch or long term positive yield; and

“(B) if an annual catch limit is developed by a Council for the species, the catch limit shall take into account fishing for the species outside the exclusive economic zone that is not subject to the jurisdiction of the Council.”.

SEC. 110. FEES.

Section 304(d) (16 U.S.C. 1854(d)) is amended—

(1) by striking subparagraph (A) of paragraph (2) and inserting the following: “(A) Notwithstanding paragraph (1), the Secretary is authorized and shall collect a fee to recover the actual incremental costs directly related to the management, data collection, and enforcement of any—”; and

(2) by adding at the end the following:

“(3) The Secretary may not collect any fee under this section or section 313(a) before the Council has prepared an analysis that identifies the costs that will be recovered by the fee and the costs that will not be recovered by the fee. The analysis shall be included in the applicable fishery management plan.

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

“(A) Congress; and

“(B) each Council from whose fisheries the fee under this subsection were collected.”.

SEC. 111. REBUILDING OVERFISHED OR OTHERWISE DEPLETED FISHERIES.

Section 304(e) (16 U.S.C. 1854(e)) is amended—

(1) by amending the heading to read as follows:

“(e) REBUILDING OVERFISHED AND OTHERWISE DEPLETED FISHERIES.—”;

(2) by amending paragraph (1) to read as follows:

“(1) STATUS REPORTS.—

“(A) IN GENERAL.—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 otherwise depleted or are approaching a condition of being overfished or otherwise depleted. For those fisheries managed under a fishery management plan or international agreement, the status shall be determined using the criteria for overfishing (or depletion, where applicable)
specified in such plan or agreement. A fishery shall be classified as approaching a condition of being overfished or otherwise depleted if, based on trends in fishing effort, fishery resource size, and other appropriate factors, the Secretary estimates that the fishery will become overfished or otherwise depleted within 2 years.

“(B) CONTENTS OF REPORT.—Each report under this paragraph shall—

“(i) distinguish between fisheries that are overfished, otherwise depleted, or approaching an overfished or otherwise depleted status;

“(ii) state whether the status identified under clause (i) is a result of—

“(I) fishing; or

“(II) factors other than fishing that are beyond the control of the Council; and

“(iii) describe any limiting factors described in clause (ii)(II).”;

(3) in paragraph (4)—

(A) by amending subparagraph (A) to read as follows:
“(A) specify a time period for rebuilding
the fishery that shall—

“(i) take into account the status and
biology of any overfished stock of fish, the
needs of fishing communities, rec-
ommendations by international organiza-
tions in which the United States partici-
pates, and the interaction of the overfished
stock of fish within the marine ecosystem;
and

“(ii) not exceed the shortest time pos-
sible within which the stock of fish would
be rebuilt without fishing occurring plus
one mean generation, unless management
measures under international agreements
in which the United States participates
dictate otherwise;”;

(B) in subparagraph (B), by striking
“and” after the semicolon;

(C) in subparagraph (C), by striking the
period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(D) specify a schedule for reviewing the
rebuilding targets, evaluating environmental im-
pacts on rebuilding progress, and evaluating
progress being made toward reaching rebuilding

targets.”; and

(4) by adding at the end the following:

“(8) A Council may terminate the application of
paragraph (3) to a fishery if the Council’s scientific
and statistical committee determines and the Sec-
retary concurs that the stock was not overfished in
the year that the overfished determination was based
on and has never been overfished in any subsequent
year including the current year.”.

SEC. 112. STREAMLINING REVIEW.

Not later than 180 days after the date of enactment
of this Act, the Secretary of Commerce shall issue a notice
of proposed rulemaking to revise and update agency proce-
dures under section 304(i) of the Magnuson-Stevens Fish-
ery Conservation and Management Reauthorization Act
(16 U.S.C. 1854(i)).

SEC. 113. EXEMPTED FISHING PERMITS.

(a) OBJECTIONS.—If the Fishery Management Coun-
cil, the Interstate Marine Fisheries Commission, or the
fish and wildlife agency of an affected State objects to the
approval and issuance of an exempted fishing permit
under section 600.745 of title 50, Code of Federal Regula-
tions, or any successor regulation, the Regional Adminis-
trator of the National Marine Fisheries Service who issued
such exempted fishing permit shall respond to such entity
in writing detailing why such exempted fishing permit was
issued.

(b) SAVINGS PROVISION.—Nothing in this section
shall be construed to affect an exempted fishing permit
approved under section 600.745 of title 50, Code of Fed-
eral Regulations, before the date of enactment of this Act.

TITLE II—INFORMATION AND
RESEARCH

SEC. 201. MODERNIZING FISHERIES DATA COLLECTION
AND STORAGE.

(a) IMPROVED DATA MANAGEMENT.—The Secretary
of Commerce (referred to in this section as the “Sec-
retary”) shall—

(1) within 90 days of the date of the enactment
of this Act, seek to enter into an agreement with the
United States Digital Service (referred to in this
section as the “Digital Service”), under which—

(A) the Digital Service shall make rec-
ommendations to modernize and streamline the
fishery data collection, processing, analysis, and
storage systems of the National Marine Fish-
eries Service;

(B) the Digital Service shall provide, at a
minimum, recommendations that promote user-
centered data and include open, secure architecture and clear data performance specifications; and

(C) the Secretary shall provide, subject to section 402(b) of the Magnuson-Stevens Fishery Conversation and Management Act (16 U.S.C. 1881a(b)), the Digital Service with access to all data collection, processing, analysis, and storage systems of the National Marine Fisheries Service and any other information necessary to enable the development of recommendations that will ensure the optimization and modernization of such systems, which the Digital Service shall, as the Secretary determines appropriate, treat as confidential information and shall not disclose;

(2) in consultation with the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conversation and Management Act (16 U.S.C. 1852) and fishery stakeholders, consider and implement any recommendations made by the Digital Service, as appropriate; and

(3) within 1 year of the date of enactment of this Act, and every 2 years thereafter, report to
Congress on the status of the agreement entered into pursuant to paragraph (1) and progress made in modernizing fisheries data systems.

SEC. 202. ELECTRONIC TECHNOLOGIES.

(a) Sense of Congress.—It is the sense of Congress that the use of electronic technologies such as digital video cameras and monitors, digital recording systems, and other forms of electronic technology as a complement to, and in some cases a replacement for, observers may maintain, increase, or improve the amount and accuracy of observer and fishery dependent information collected from fisheries while reducing costs and logistical difficulties.

(b) Electronic Monitoring.—

(1) Issuance of Regulations.—

(A) Requirement.—The Secretary of Commerce (referred to in this section as the “Secretary”) shall issue final regulations governing the use of electronic monitoring for the purposes of monitoring fisheries that are subject to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(B) Content.—The regulations shall—
(i) distinguish between monitoring for data collection and research purposes and monitoring for compliance and enforcement purposes; and

(ii) include minimum criteria, objectives, or performance standards for electronic monitoring.

(C) PROCESS.—In issuing the regulations the Secretary shall—

(i) consult with the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852) and Marine Fisheries Commissions;

(ii) publish the proposed regulations; and

(iii) provide an opportunity for the submission by the public of comments on the proposed regulations.

(2) IMPLEMENTATION OF MONITORING.—After the issuance of the final regulations under paragraph (1), a Regional Fishery Management Council, or, for fisheries referred to in section 302(a)(3) of the Magnuson-Stevens Fishery Conservation and
Management Act (16 U.S.C. 1852(a)(3)), the Secretary, may, in accordance with such regulations, on a fishery-by-fishery basis and consistent with the existing objectives and management goals of a fishery management plan and such Act for a fishery issued by such Council or the Secretary, as applicable, amend such plan—

(A) to incorporate electronic monitoring as an alternative tool for data collection and monitoring purposes or for compliance and enforcement purposes (or both);

(B) to allow for the replacement of a percentage of on-board observers with electronic monitoring;

(C) to ensure the electronic monitoring requirements are compatible with the operational and size requirements of the target fleet; or

(D) to ensure the electronic monitoring requirements are sufficient to meet data quality and monitoring objectives of the fishery.

(3) PILOT PROJECTS.—Before the issuance of final regulations, a Regional Fishery Management Council, or, for fisheries referred to in section 302(a)(3) of the Magnuson-Stevens Fishery Conservation and Management Act, the Secretary, may,
subject to the requirements of such Act, on a fishery-by-fishery basis, and consistent with the existing objectives and management goals of a fishery management plan for a fishery issued by the Council or the Secretary, as applicable, conduct a pilot project for the use of electronic monitoring for the fishery.

(4) DEADLINE.—The Secretary shall issue final regulations under this subsection by not later than 1 year after the date of enactment of this Act.

(c) STORAGE REQUIREMENTS; CONFIDENTIALITY OF INFORMATION.—With respect to any information, observer report, video, or any other data obtained through human observers or electronic monitoring pursuant to this Act—

(1) notwithstanding any other law, the Secretary is prohibited from storing or maintaining such information, report, video, or other data for a period of more than 18 months from date of collection; and

(2) such information, reports, videos, or other data shall be subject to section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b)).
SEC. 203. RECREATIONAL DATA COLLECTION.

(a) FEDERAL-STATE PARTNERSHIPS.—Section 401(g) (16 U.S.C. 1881(g)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

“(4) FEDERAL-STATE PARTNERSHIPS.—

“(A) ESTABLISHMENT.—The Secretary, in consultation with the Councils, may establish a partnership with a State to develop best practices for implementing the State program established under paragraph (2).

“(B) GUIDANCE.—The Secretary, in consultation with the Councils, 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 appropriate committees of Congress and publish biennial reports that include—

“(i) the estimated accuracy of—

“(I) the information provided under subparagraphs (A) and (B) of
paragraph (1) for each registry program established under that paragraph; and

“(II) the information from each State program that is used to assist in completing surveys or evaluating effects of conservation and management measures 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.

“(D) STATES GRANT PROGRAM.—The Secretary may make grants to States to improve implementation of State programs consistent with this subsection, and assist such programs in complying with requirements related to changes in recreational data collection under paragraph (3). Any funds awarded through such grants shall be used to support data collection, quality assurance, and outreach to entities submitting such data. The Secretary shall prioritize such grants based on the ability of the
grant to improve the quality and accuracy of such programs.”.

(b) ACTION BY SECRETARY.—The Secretary of Commerce shall—

(1) not later than 90 days after the date of the enactment of this Act, enter into an agreement with the National Academy of Sciences to evaluate, in the form of a report—

(A) how the design of the Marine Recreational Information Program, for the purposes of stock assessment and the determination of stock management reference points, can be improved to better meet the needs of in-season management of annual catch limits under section 303(a)(15) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853(a)(15)); and

(B) what actions the Secretary of Commerce, Councils, and States could take to improve the accuracy and timeliness of data collection and analysis to improve the Marine Recreational Information Program and facilitate in-season management.
SEC. 204. IMPROVING SCIENCE.

(a) IMPROVING DATA COLLECTION AND ANALYSIS.—

Section 404 (16 U.S.C. 1881e) is amended by adding at the end the following:

“(e) IMPROVING DATA COLLECTION AND ANALYSIS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Strengthening America’s Fisheries by Improving Sustainable, Healthy Management Act, the Secretary shall develop, in consultation with the science and statistical committees of the Councils established under section 302(g) and the interstate 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 into fisheries management decisions of data, analysis, stock assessments, and surveys from State agencies and nongovernmental sources, consistent with section 301(a)(2).

“(2) CONTENT.—In developing the report under paragraph (1), the Secretary shall—

“(A) identify types of data and analysis that can be used for purposes of this Act as the basis for establishing conservation and manage-
ment measures under section 303(a)(1), including suggesting standards for the collection and use of 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, including fishermen, fishing communities, institutions of higher education, and research institutions; 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).

“(f) STOCK ASSESSMENT PLAN.—

“(1) IN GENERAL.—The Secretary, in consultation with the Councils, not later than 2 years after the date of enactment of the Strengthening America’s Fisheries by Improving Sustainable, Healthy Management Act, and thereafter on the same schedule as required for the strategic plan required under
subsection (b), shall develop and publish in the Federal Register 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.—Each plan required under paragraph (1) 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 3 years, except that 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 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 within 3 years after 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 such data and analysis could be provided by fishermen, fishing communities, institutions of higher education, and research institutions.”.

(b) INFORMATION COLLECTION; CONTRACTING AUTHORITY.—Section 402(b)(1)(H) (16 U.S.C. 1881a(b)(1)(H)) is amended by striking “including” and
all that follows through the end and inserting “including the Coast Guard’s statutory missions listed in paragraphs (1) and (2) of section 888(a) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)).”.

(c) NAS REPORT RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary of Commerce shall take into consideration and, to the extent feasible, implement the recommendations of the National Academy of Sciences in the report entitled “Review of the Marine Recreational Information Program (2017)”, and shall submit, every 2 years following the date of enactment of this Act, a report to the appropriate committees of Congress detailing progress made implementing those recommendations.

(2) RECOMMENDATIONS.—In carrying out paragraph (1), the Secretary shall consider making recommendations on—

(A) prioritizing the evaluation of electronic data collection, including smartphone applications, electronic diaries for prospective data collection, and an Internet website option for panel members or for the public;

(B) evaluating whether the design of the Marine Recreational Information Program for
the purposes of stock assessment and the determination of stock management reference points is compatible with the needs of in-season management of annual catch limits; and

(C) if the Marine Recreational Information Program is incompatible with the needs of in-season management of annual catch limits, determining an alternative method for in-season management.

SEC. 205. COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM.

Section 318 (16 U.S.C. 1867) is amended—

(1) in subsection (a)—

(A) by striking “The Secretary” and inserting the following:

“(1) COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM.—The Secretary”;

(2) by adding at the end the following:

“(2) PLAN FOR IMPLEMENTING AND CONDUCTING PROGRAM.—Within one year after the date of enactment of the Strengthening America’s Fisheries by Improving Sustainable, Healthy Management Act, and after consultation with the Councils, the Secretary shall publish a plan for implementing and conducting the program established in para-
Such plan shall identify and describe critical regional fishery management and research needs, possible projects that may address those needs, and estimated costs for such projects. The plan shall be revised and updated every 5 years, and updated plans shall include a brief description of projects that were funded in the prior 5-year period and the research and management needs that were addressed by those projects.”; and

(3) in subsection (c)—

(A) in the heading, by striking “FUNDING” and inserting “PRIORITIES”; and

(B) in paragraph (1), by striking “including the use of fishing vessels or acoustic or other marine technology.” and inserting “including—

“(A) the use of fishing vessels or acoustic or other marine technology;

“(B) expanding the use of electronic catch reporting programs and technology; and

“(C) improving monitoring and observer coverage through the expanded use of electronic monitoring devices.”.
TITLE III—REAUTHORIZATION
OF OTHER FISHERIES STATUTES

SEC. 301. [PLACEHOLDER].

[Placeholder].

TITLE IV—STRENGTHENING
FISHING COMMUNITIES

SEC. 401. YOUNG FISHERMAN DEVELOPMENT GRANTS.

(a) DEFINITIONS.—In this section:

(1) SEA GRANT INSTITUTION.—The term “Sea Grant Institution” means a sea grant college or sea grant institute, as those terms are defined in section 203 of the National Sea Grant College Program Act (33 U.S.C. 1122).

(2) YOUNG FISHERMAN.—The term “young fisherman” means an individual who—

(A) desires to participate in the commercial fisheries of the United States, including the Great Lakes fisheries;

(B) has worked as a captain, crew member, or deckhand on a commercial fishing vessel for not more than 10 years of cumulative service; or

(C) is a beginning commercial fisherman.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary of Commerce, acting through the National Sea Grant Of-
Office, shall establish a program to provide training, education, outreach, and technical assistance initiatives for young fishermen, to be known as the “Young Fishermen’s Development Grant Program” (referred to in this section as the “Program”).

(c) Grants.—

(1) In general.—In carrying out the Program, the Secretary shall make competitive grants to support new and established local and regional training, education, outreach, and technical assistance initiatives for young fishermen, including programs, workshops, and services relating to—

(A) seamanship, navigation, electronics, and safety;
(B) vessel and engine care, maintenance, and repair;
(C) innovative conservation fishing gear engineering and technology;
(D) sustainable fishing practices;
(E) entrepreneurship and good business practices;
(F) direct marketing, supply chain, and traceability;
(G) financial and risk management, including vessel, permit, and quota purchasing;
(H) State and Federal legal requirements for specific fisheries, including reporting, monitoring, licenses, and regulations;

(I) State and Federal fisheries policy and management;

(J) mentoring, apprenticeships, or internships; and

(K) any other activities, opportunities, or programs, as the Secretary determines appropriate.

(2) ELIGIBILITY.—

(A) APPLICANTS.—To be eligible to receive a grant under the Program, a recipient shall be a collaborative State, tribal, local, or regionally based network or partnership of public or private entities, which may include—

(i) a Sea Grant Institution;

(ii) a Federal, State, or tribal agency;

(iii) a community-based nongovernmental organization;

(iv) fishermen’s cooperatives or associations, including permit banks and trusts;

(v) Alaska Native corporations;
(vi) an institution of higher education (including an institution awarding an associate’s degree), or a foundation maintained by an institution of higher education; or

(vii) any other appropriate entity, as the Secretary determines appropriate.

(B) PARTICIPANTS.—All young fishermen seeking to participate in the commercial fisheries of the United States and the Great Lakes are eligible to participate in the activities funded through grants provided for in this section, except that participants in such activities shall be selected by each grant recipient.

(3) MAXIMUM TERM AND AMOUNT OF GRANT.—

(A) IN GENERAL.—A grant under this section shall—

(i) have a term of no more than 3 fiscal years; and

(ii) be in an amount that is not more than $200,000 for each fiscal year.

(B) CONSECUTIVE GRANTS.—An eligible recipient may receive consecutive grants under this section.

(4) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section, a recipient
shall provide a match in the form of cash or in-kind contributions from the recipient in the amount equal to or greater than 25 percent of the funds provided by the grant.

(5) **REGIONAL BALANCE**.—In making grants under this section, the Secretary shall, to the maximum extent practicable, ensure geographic diversity.

(6) **COOPERATION AND EVALUATION CRITERIA**.—In carrying out this section and in developing criteria for evaluating grant applications, the Secretary shall cooperate, to the maximum extent practicable, with—

(A) Sea Grant Institutions and extension agents of such institutions;

(B) community-based nongovernmental fishing organizations;

(C) Federal and State agencies, including Regional Fishery Management Councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.);

(D) institutions of higher education with fisheries expertise and programs; and
(E) other appropriate partners, as the Secretary determines.

(7) PROHIBITION.—A grant under this section may not be used to purchase any fishing license, permit, quota, or other harvesting right.

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $2,000,000 for each of fiscal years 2019 through 2023.

SEC. 402. NORTH PACIFIC FISHERY MANAGEMENT CLARIFICATION.

Section 306(a)(3)(C) (16 U.S.C. 1856(a)(3)(C)) is amended—

(1) by striking “was no” and inserting “is no”;

and

(2) by striking “on August 1, 1996”.

SEC. 403. REFINANCING OF PACIFIC COAST GROUNDFISH FISHING CAPACITY REDUCTION LOAN.

Not later than 90 days after the date of the enactment of this Act, the Secretary shall implement section 3095 of Public Law 113–291, regardless of whether amounts are appropriated for that purpose.

SEC. 404. ARCTIC COMMUNITY DEVELOPMENT QUOTA.

Section 313 (16 U.S.C. 1862) is amended by adding at the end the following:
“(k) ARCTIC COMMUNITY DEVELOPMENT QUOTA.—

If the North Pacific Fishery Management Council issues,

after the date of enactment of the Strengthening Amer-

ica’s Fisheries by Improving Sustainable, Healthy Man-

agement Act, 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 issued by such Council, that
makes available to commercial fishing, and establishes a
sustainable harvest level, for any part of such zone, the
Council shall set aside 10 percent of the total allowable
catch therein as a community development quota for
coastal villages located within 50 nautical miles from the
baseline from which the breadth of the territorial sea is
measured north and east of the Bering Strait”.

SEC. 405. ESTIMATION OF COST OF RECOVERY FROM FISH-

ERY RESOURCE DISASTER.

Section 312(a)(1) (16 U.S.C. 1861a(a)(1)) is amend-
ed—

(1) by redesignating subparagraphs (A) through
(C) as clauses (i) through (iii), respectively;

(2) by striking “(1) At” and inserting “(1)(A) At”; and

(3) by adding at the end the following:
“(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.”

SEC. 406. DEADLINE FOR ACTION ON REQUEST BY GOVERNOR FOR DETERMINATION REGARDING FISHERY RESOURCE DISASTER.

Section 312(a) (16 U.S.C. 1861a(a)), as amended by section 405, is further amended—

(1) in paragraph (1)(A), in the matter preceding clause (i), by inserting “, a tribe,” after “affected State”;

(2) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively;

(3) by inserting after paragraph (1) the following:

“(2) The Secretary shall make a decision regarding a request under paragraph (1) not later than 90 days after the date the Secretary receives a complete estimate of the economic impact of the fishery resource disaster from the affected State, tribal government, or fishing community.”; and

(4) in paragraph (3), as redesignated—

(A) by inserting “tribe,” after “by the affected State,”;
(B) by inserting “, tribe,” after “with the affected State”; and

(C) by striking “to assist a fishing community” and inserting “to assist a State, tribe, or fishing community”.

SEC. 407. CAPITAL CONSTRUCTION.

(a) DEFINITIONS; ELIGIBLE AND QUALIFIED FISHERY FACILITIES.—Section 53501 of title 46, United States Code, is amended—

(1) by redesignating the second paragraph (7) (relating to United States foreign trade) and paragraph (8) as paragraphs (11) and (12), respectively;

(2) by redesignating paragraphs (5) and (6), and the first paragraph (7) (relating to short sea transportation trade) as paragraphs (8), (9), and (10), respectively;

(3) by redesignating paragraphs (2), (3), and (4) as paragraphs (4), (5), and (6), respectively;

(4) by redesignating paragraph (1) as paragraph (2);

(5) by inserting before paragraph (2), as so redesignated, the following:

“(1) AGREEMENT FISHERY FACILITY.—The term ‘agreement fishery facility’ means an eligible
fishery facility or a qualified fishery facility that is subject to an agreement under this chapter.”;

(6) by inserting after paragraph (2), as so redesignated, the following:

“(3) ELIGIBLE FISHERY FACILITY.—The term ‘eligible fishery facility’ means—

“(A) for operations on land—

“(i) a structure or an appurtenance thereto designed for unloading and receiving from a vessel, processing, holding pending processing, distribution after processing, or holding pending distribution, of fish from a fishery;

“(ii) the land necessary for the structure or appurtenance described in paragraph (1); and

“(iii) equipment that is for use with the structure or appurtenance that is necessary to perform a function described in clause (i);

“(B) for operations not on land, a vessel eligible for a fishery endorsement under section 12113 and used for, equipped to be used for, or of a type normally used for, processing fish; or
“(C) for aquaculture, including operations on land or elsewhere—

“(i) a structure or an appurtenance thereto designed for aquaculture;

“(ii) the land necessary for the structure or appurtenance;

“(iii) equipment that is for use with the structure or appurtenance and that is necessary to perform a function described in clause (i); and

“(iv) a vessel built in the United States and used for, equipped to be used for, or of a type normally used for, aquaculture.”; and

(7) by inserting after paragraph (6), as so redesignated, the following:

“(7) QUALIFIED FISHERY FACILITY.—The term ‘qualified fishery facility’ means—

“(A) for operations on land—

“(i) a structure or an appurtenance thereto designed for unloading and receiving from a vessel, processing, holding pending processing, distribution after processing, or holding pending distribution, of fish from a fishery;
“(ii) the land necessary for the structure or appurtenance; and

“(iii) equipment that is for use with the structure or appurtenance and necessary to perform a function described in clause (i);

“(B) for operations not on land, a vessel eligible for a fishery endorsement under section 12113 and used for, equipped to be used for, or of a type normally used for, processing fish; or

“(C) for aquaculture, including operations on land or elsewhere—

“(i) a structure or an appurtenance thereto designed for aquaculture;

“(ii) the land necessary for the structure or appurtenance;

“(iii) equipment that is for use with the structure or appurtenance and necessary for performing a function described in clause (i); and

“(iv) a vessel built in the United States.”.

(b) ELIGIBLE FISHERY FACILITIES.—

(1) DEFINITION OF SECRETARY.—Paragraph (9)(A) of section 53501 of title 46, United States
Code, as redesignated by subsection (a) of this section, is amended to read as follows:

“(A) the Secretary of Commerce with respect to—

“(i) an eligible vessel or a qualified vessel operated or to be operated in the fisheries of the United States; or

“(ii) an eligible fishery facility or a qualified fishery facility; and”.

(2) Establishing a Capital Construction Fund.—Section 53503 of title 46, United States Code, is amended—

(A) in subsection (a)—

(i) by inserting “or eligible fishery facility” after “eligible vessel”; and

(ii) by striking the period at the end and inserting “or fishery facility.”; and

(B) by amending subsection (b) to read as follows:

“(b) Allowable Purpose.—The purpose of the agreement shall be—

“(1) to provide replacement vessels, additional vessels, or reconstructed vessels, built in the United States and documented under the laws of the United States, for operation in the United States foreign,
Great Lakes, noncontiguous domestic, or short sea transportation trade or in the fisheries of the United States; or

“(2) to provide for the acquisition, construction, or reconstruction of an agreement fishery facility.”.

(c) AGREEMENT FISHERY FACILITIES.—

(1) DEPOSITS AND WITHDRAWALS.—Section 53504(b) of title 46, United States Code, is amended by striking the period at the end and inserting “or an agreement fishery facility.”.

(2) CEILING ON DEPOSITS.—Section 53505 of title 46, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting “or agreement fishery facilities” after “agreement vessels”;

(ii) in paragraph (2), by striking the semicolon at the end and inserting “or agreement fishery facilities;” and

(iii) in paragraph (3) by inserting “or agreement fishery facility” after “agreement vessel” both places that term appears; and

(B) in subsection (b)—
(i) by inserting “or agreement fishery facility” after “an agreement vessel”; and
(ii) by inserting “or fishery facility” after “the vessel”.

(d) TECHNICAL AMENDMENT.—Paragraph (8)(A)(iii) of section 53501 of title 46, United States Code, as redesignated by subsection (a) of this section, is amended by striking “trade trade” and inserting “trade”.

SEC. 408. LIMITED ACCESS PRIVILEGE PROGRAMS.

(a) IN GENERAL.—Section 303A(c) (16 U.S.C. 1853a(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (F), by inserting “, including assessing the impacts on fishery- dependent communities located within the management area of the relevant Council” before the semicolon;

(B) in subparagraph (J), by striking “; and” and inserting a semicolon;

(C) in subparagraph (K), by striking the period and inserting “; and”;

(D) by adding at the end the following:
“(L) consider how to ensure access to, and sustained participation in, the fishery to which the program applies.”;

(2) in paragraph (3)(A), by amending clause (ii) to read as follows:

“(ii) FAILURE TO COMPLY WITH PLAN.—The Secretary—

“(I) may deny, suspend, or revoke limited access privileges granted under this section for any person who fails to comply with the requirements of the community sustainability plan;

“(II) shall reallocate in accordance with the requirements otherwise applicable under this Act any limited access privileges denied or revoked under this clause, to other eligible members of fishing community participating in the limited access privilege program under which the privileges were granted; and

“(III) shall, in consultation with the Councils, develop a set of criteria to determine suspension times and a process for reallocation of privileges.
for any person found to have failed to comply with the plan.”; and

(3) by amending paragraph (4)(B) to read as follows:

“(B) FAILURE TO COMPLY WITH PLAN.—

The Secretary—

“(i) may deny, suspend, or revoke limited access privileges granted under this section for any person who fails to comply with the requirements of the regional fishery association plan;

“(ii) shall reallocate in accordance with the requirements otherwise applicable under this Act any limited access privileges denied or revoked under this clause, to other eligible members of the regional fishery association; and

“(iii) shall, in consultation with the Councils, develop a set of criteria to determine suspension of limited access privilege for, and a process for reallocation of revoked limited access privileges of, any person found to have failed to comply with the applicable community sustainability plan.”.
(b) Cost Recovery.—Section 303A(e)(2) (16 U.S.C. 1853a(e)(2)) is amended to read as follows:

“(2) provide, under section 304(d)(2), for a program of fees paid by limited access privilege holders that will cover the incremental costs attributable to management, data collection and analysis, and enforcement activities.”.

**TITLE V—MISCELLANEOUS**

**SEC. 501. ENFORCEMENT.**

(a) Payment of Storage, Care, and Other Costs.—Section 311(e) (16 U.S.C. 1861(e)) is amended—

(1) in paragraph (1)—

(A) by striking “Notwithstanding any other provision of law” and inserting “Except as otherwise required under section 204(e)(8)”;

(B) in subparagraph (E)—

(i) by striking “; and” and inserting a semicolon; and

(ii) by moving the margin 2 ems to the left;

(C) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(D) by adding after subparagraph (F), the following:
“(G) the costs of stock assessments, surveys, and data collection in fisheries managed under this Act, giving priority to fisheries in the regions in which such fines, penalties, and forfeitures were imposed.”;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by moving paragraph (3), as so redesignated, 2 ems to the left; and

(4) by inserting after paragraph (1) the following:

“(2) There is established in the Treasury a non-interest bearing fund to be known as the Fisheries Enforcement Fund, into which all sums received as described in paragraph (1) shall be deposited, which shall remain available to the Secretary until expended as authorized in paragraph (1), without appropriation or fiscal year limitation.”.

SEC. 502. CIVIL PENALTIES AND PERMIT SANCTIONS; CRIMINAL OFFENSES.

(a) Civil Penalties and Permit Sanctions.—

Section 308 (16 U.S.C. 1858) is amended—

(1) in subsection (a) by adding at the end the following: “The Secretary shall adjust the maximum penalty amount within 30 days of the date of enact-
ment of the Strengthening America’s Fisheries by Improving Sustainable, Healthy Management Act, and not less than every 5 years thereafter, to reflect the percentage by which the consumer price index for urban consumers, published by the Department of Labor for the month of October preceding the date of adjustment, exceeds the current penalty.”;

and

(2) in subsection (f) by adding “or investigation of a violation of this Act” following “hearing under this section”.

(b) CRIMINAL OFFENSES.—Section 309(b) (16 U.S.C. 1859(b)) is amended by adding at the end the following: “The Secretary shall adjust the penalty within 30 days of the date of enactment of the Strengthening America’s Fisheries by Improving Sustainable, Healthy Management Act, and not less than every 5 years thereafter, to reflect the percentage by which the consumer price index for urban consumers, published by the Department of Labor for the month of October preceding the date of adjustment, exceeds the current penalty.”.

SEC. 503. DEFINITION.

Section 3(k)(1) of the Small Business Act (15 U.S.C. 632(k)(1)) is amended by inserting “or section 312(a) of the Magnuson-Stevens Fishery Conservation and Manage-
ment Act” after “as determined by the Secretary of Com-
merce under section 308(b) of the Interjurisdictional Fish-
eries Act of 1986.”.

**SEC. 504. CERTAIN COMMERCIAL FISHING PERMIT TRANS-
FERS.**

Section 123(a) of the Department of the Interior and
Related Agencies Appropriation Act, 1999 (section 101(e)
4 note.), is amended—

(1) in paragraph (1) by inserting “State” be-
fore “management plan for the regulation of com-
mercial fisheries”;

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A)
through (C) as clauses (i) through (iii), respec-
tively, and moving the margins accordingly;

(B) by striking “of non-transferable life-
time access permits, solely to individuals who—
” and inserting “of—

“(A) non-transferable lifetime access per-
mits, solely to individuals who—”; and

(C) by inserting after subparagraph
(A)(iii), as so redesignated the following:

“(B) lifetime access permits, transferable
at any time to an immediate family member of
a valid permit holder, solely to individuals who—

“(i) satisfy each of the conditions of clauses (i) and (iii) of subparagraph (A); and

“(ii) hold a valid individual fishing quota, limited entry permit, or the equivalent, for the species targeted.”.

SEC. 505. FEDERAL OCEAN ACIDIFICATION RESEARCH AND MONITORING ACT.

Section 12409 of the Federal Ocean Acidification Research and Monitoring Act of 2009 (33 U.S.C. 3708) is amended—

(1) in subsection (a), by striking “this subtitle” and all that follows through “2012” and inserting “this subtitle, $20,000,000 for each of fiscal years 2019 through 2023”; and

(2) in subsection (b), by striking “this subtitle” and all that follows through “2012” and inserting “this subtitle, $15,000,000 for each of fiscal years 2019 through 2023”.

SEC. 506. CAPACITY REDUCTION PROGRAM AUTHORITY.

To be supplied.]
SEC. 507. MANDATORY REQUIREMENTS.

(a) NORTH PACIFIC BERING SEA FISHERIES ADVISORY BODY.—Section 5(e)(1) of the Act entitled “An Act to approve the governing international fishery agreement between the United States and the Union of Soviet Socialist Republics, and for other purposes”, approved November 7, 1988 (Public Law 100–629; 16 U.S.C. 1823 note), is amended by striking “may pay” and inserting “shall pay”.

(b) NORTH PACIFIC ANADROMOUS FISH COMMISSION.—

(1) UNITED STATES COMMISSIONERS.—Section 804(e)(1) of the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5003(e)(1)) is amended by striking “may pay” and inserting “shall pay”.

(2) ADVISORY PANEL.—Section 805(f)(1) of the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5004(f)(1)) is amended by striking “may pay” and inserting “shall pay”.

SEC. 508. REALLOCATION OF CERTAIN UNUSED HARVEST ALLOCATION.

(a) REALLOCATION.—Notwithstanding any other provision of law, each year upon receipt by the Secretary of Commerce (referred to in this section as the “Secretary”) of written notice from the allocation holder named in section 803 of division B of the Consolidated
Appropriations Act, 2004 (Public Law 108–199, 16 U.S.C. 1851 note) that such holder will not harvest all or a part of the allocation authorized pursuant to that Act, the Secretary shall reallocate for that year the unused portion of such allocation to the Bering Sea subarea of the BSAI (as defined in section 679.2 of title 50, Code of Federal Regulations) and shall assign the reallocated unused portion of the allocation only to eligible vessels as described in subsection (b)(1) for harvest in the Bering Sea subarea of the BSAI, consistent with any agreements as described in subsection (c).

(b) Eligibility to Receive Reallocation.—

(1) In general.—Only vessels defined in subsection (a), (b), (c), or (e) of section 208 of the American Fisheries Act (16 U.S.C. 1851 note), or any vessels authorized to replace such vessels, may receive a reallocation described in subsection (a).

(2) Limitation on reallocations.—The Secretary shall reallocate that portion of the allocation described in subsection (a) in any year unless such portion of the reallocation exceeds the annual catch limit for pollock in the Bering Sea subarea of the BSAI.

(3) Calculations.—Any amount of the reallocation described in subsection (a) shall not be
used in the calculation of harvesting or processing
excessive shares as described in section 210(e) of the
(c) AGREEMENTS.—

(1) IN GENERAL.—Each year, the allocation
holder named in section 803(a) of division B of the
Consolidated Appropriations Act, 2004 may estab-
lish one or more agreements with the owners of
some or all of the eligible vessels as defined in sub-
section (b)(1).

(2) REQUIREMENTS.—Each agreement de-
scribed in paragraph (1)—

(A) shall specify those eligible vessels that
may receive a reallocation and the amount of
reallocation that such vessels may receive in ac-
cordance with subsection (b)(2); and

(B) may contain other requirements or
compensation agreed to by the allocation holder
named in section 803 of division B of the Con-
solidated Appropriations Act, 2004 and the
owners of such eligible vessels, provided such
requirements or compensation are otherwise
consistent with the American Fisheries Act (16
U.S.C. 1851 note), the Magnuson-Stevens Fish-
ery Conservation and Management Act (16
U.S.C. 1801 et seq.), and any other applicable law.

(d) **EXISTING AUTHORITY.**—Except for the measures required by this section, nothing in this section shall be construed to limit the authority of the North Pacific Fisheries Management Council or the Secretary under the American Fisheries Act (16 U.S.C. 1851 note), the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), or other applicable law.

(e) **ENFORCEMENT.**—Taking or processing any part of the allocation made by section 803 of division B of the Consolidated Appropriations Act, 2004, and reallocated under this section in a manner that is not consistent with the reallocation authorized by the Secretary shall be considered in violation of section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) and subject to the penalties and sanctions under section 308 of such Act (16 U.S.C. 1858), and subject to the forfeiture of any fish harvested or processed.

(f) **CLARIFICATIONS.**—

(1) **AMENDMENT.**—Section 803 of division B of the Consolidated Appropriations Act, 2004 (Public Law 108–199, 16 U.S.C. 1851 note) is amended—

(A) by striking subsection (b);
67

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(C) in subsection (b), as so redesignated—

(i) by striking “subsections (a) and (b)” and inserting “subsection (a)”;

(ii) by striking “during the years 2004 through 2008”.

(2) Purpose of Reallocation.—Consistent with subsection (e) of section 803 of division B of the Consolidated Appropriations Act, 2004, the reallocation of the unused portion of the allocation provided to the allocation holder named in subsection (a) of such section for harvest in the Bering Sea subarea of the BSAI is for the purposes of economic development in Adak, Alaska pursuant to the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 509. CLARIFICATION.

(a) In General.—Prior to March 15, 2019, and prior to March 15 of each year thereafter, catcher vessels using trawl gear shall be prohibited from engaging in directed fishing for Pacific cod not allocated to the Western Alaska community development quota program established under section 305(i) of the Magnuson-Stevens Fishery
1 Conservation and Management Act (16 U.S.C. 1855(i)(1))
2 in the Aleutian Islands subarea, except that—

3 (1) catcher vessels using trawl gear delivering
4 to an Aleutian Islands shoreplant may engage in
5 such directed fishing, provided that the City of
6 Adak, Alaska or the City of Atka, Alaska submits a
7 timely and complete notification for that year in ac-
8 cordance with part 679.20(a)(7)(viii)(D) of title 50,
9 Code of Federal Regulations (or any successor regu-
10 lations); and

11 (2) catcher vessels using trawl gear may resume
12 directed fishing for Pacific cod in accordance with
13 regulations described in part 679 of title 50, Code
14 of Federal Regulations, if—

15 (A) the minimum Aleutian Islands
16 shoreplant landing requirement described in
17 part 679.20(a)(7)(viii)(E)(4) of title 50, Code
18 of Federal Regulations (or any successor regu-
19 lations), for the applicable year is not met, or

20 (B) the Aleutian Islands catcher vessel
21 harvest set-aside described in part
22 679.20(a)(7)(viii)(B) of title 50, Code of Fed-
23 eral Regulations (or any successor regulations),
24 is fully harvested prior to March 15 of the ap-
25 plicable year.
(b) DEFINITIONS.—As used in this section all references to title 50, Code of Federal Regulations, and the terms, “Aleutian Islands subarea”, “Aleutian Islands shoreplant”, “catcher vessel”, “directed fishing”, and “trawl gear” have the same meaning as the meanings given in title 50, Code of Federal Regulations, as in effect on May 1, 2018.

(c) SUNSET PROVISION.—The prohibition under subsection (a) shall have no force or effect upon such time as the North Pacific Fishery Management Council recommends, and the Secretary of Commerce implements, regulations to modify Amendment 113 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area to further limit the use of trawl catcher vessels to deliver Pacific cod other than to Aleutian Islands shoreplants.

SEC. 510. FEES.

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

(b) USE OF FEES.—Any fees collected under this section shall be available, without appropriation or fiscal year limitation, for the purposes of financing administrative costs of the Recreational Quota Entity program; the purchase of halibut quota shares in International Pacific Halibut Commission regulatory areas 2C and 3A by the recreational quota entity authorized in part 679 of title 50, Code of Federal Regulations (or any successor regulations); halibut conservation and research; promotion of the halibut resource by the recreational quota entity authorized in part 679 of title 50, Code of Federal Regulations (or any successor regulations).

SEC. 511. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as modifying the requirements of section 301(a), 302(h)(6), or 303(a)(15) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a); 1852(h)(6); 1853(a)(15)).