

HR 4749

Magnuson-Stevens Act Amendments of 2002

Congress: 107 (2001–2003, Ended)

Chamber: House

Policy Area: Public Lands and Natural Resources

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Sponsor

Name: Rep. Gilchrest, Wayne T. [R-MD-1]

Party: Republican • State: MD • Chamber: House

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Cooksey, John [R-LA-5]	R · LA		Jun 21, 2002

Committee Activity

Committee	Chamber	Activity	Date
Natural Resources Committee	House	Reported by	May 23, 2002

Subjects & Policy Tags

Policy Area:

Public Lands and Natural Resources

Related Bills

No related bills are listed.

Magnuson-Stevens Act Amendments of 2002 - (Sec. 3) Directs the Secretary of Commerce to report to Congress on the 20 U.S. fisheries with the most severe examples of excess harvesting capacity and to make harvesting reduction recommendations.

(Sec. 4) Amends the Magnuson-Stevens Fishery Conservation and Management Act to repeal the condition on the authority of the Secretary of Commerce to conduct a fishery reduction program for a given fishery which allows such a program only at the request of the appropriate Regional Fishery Management Council (Council) or the Governor of a State. (Continues the right of such a Council or a Governor to request such a program.)

Modifies provisions regarding payments to owners of scrapped fishing vessels. Conditions such payments on the scrapping of the vessels and the surrender of all fishing permits held by the vessel owner. (Currently, payments can be made for either vessel scrapping or permit surrender.)

Prohibits any such payments unless the Secretary certifies that the vessel will not be used for any fishing, including fishing in the waters of a foreign nation and fishing on the high seas.

(Sec. 5) Requires the Secretary to develop and implement a program for the sharing of recreational catch data for all federally managed fisheries through the use of information gathered from State-licensed recreational fisherman.

(Sec. 6) Requires the Secretary, in conjunction with the Councils, to: (1) define and establish criteria for the development of ecosystem-based management plans by each regional management council; (2) identify specific marine ecosystems within each region; and (3) develop and implement regional research plans to meet informational deficits.

Requires the Secretary to establish and implement a pilot program for the management of ecosystem-based fisheries on the east and west coasts.

(Sec. 7) Requires the Secretary to report to Congress on the need for a national observer program, including recommendations on electronic data collection technologies, on-board observers, and other options.

(Sec. 8) Distinguishes between the meanings of "overfishing" and "overfished," and requires these distinctions to be observed in annual Status of Stocks reports to Congress.

Directs the Secretary to contract with the National Academy of Sciences to develop a definition of "overfished."

(Sec. 9) Repeals standardized bycatch reporting methodology requirements, and requires the Secretary to develop new methodologies in cooperation with the Councils. (Currently such methodologies are required to be developed by either the Councils or the Secretary.)

Permits fishery management plans (FMPs) to allow retention and donation for charitable purposes of all dead bycatch that cannot otherwise be avoided, as long as such retention and donation are in accordance with Federal conservation and management measures.

Directs the Secretary to: (1) identify fisheries with significant bycatch or seabird interaction problems, especially those with the most urgent problems; and (2) make grants for the development of new fishing gear, or modifications to existing gear, to minimize bycatch and seabird interactions, as well as adverse fishing gear impacts on habitats of particular concern. Authorizes appropriations for FY 2003 through 2007.

Requires the Secretary to report to Congress on: (1) the extent of the problem of seabird interaction with U.S. as well as non-U.S. fisheries; and (2) efforts by the fishing industry and Councils to address it.

Directs the Secretary to take appropriate action at international fisheries management bodies to reduce seabird interactions in fisheries.

(Sec. 10) Requires the Secretary to give priority to research that identifies essential fish habitat (EFH) for fisheries that are overfished or approaching an overfished condition.

Requires FMPs to minimize to the extent practicable adverse effects on the EFH caused by fishing for those fisheries identified by a Council as having available information on the growth, reproduction, or survival rates within habitats or production rates by habitat, or for those fisheries whose specific fishing activity effects on the EFH jeopardize the ability of the fishery to produce maximum sustained yield on a continuing basis.

(Sec. 11) Requires the Secretary, through the National Oceanic and Atmospheric Administration Chesapeake Bay Office, to develop a program for the design, construction, and placement of oyster sanctuaries or reserves consistent with the Chesapeake 2000 Agreement.

(Sec. 12) Authorizes an FMP for a fishery managed under a limited access system to establish an individual quota system (IQS).

Defines an IQS as a system that limits access to a fishery in order to achieve optimum yields, through the allocation and issuance of individual quotas. Defines individual fishing quota (IFQ) as a grant of permission to harvest a quantity of fish in a fishery or process such fish which are under the jurisdiction of the North Pacific Management Council, during each fishing season for which the permission is granted, equal to a stated percentage of the total allowable catch for the fishery.

Requires any FMP establishing an IQS to: (1) provide for its administration by the Secretary; (2) establish procedures and requirements for each Council having authority over the fishery; (3) include requirements that prevent any person from acquiring an excessive share of individual quotas; and (4) include measurable conservation goals.

Permits transfer of IFQs in accordance with regulations prescribed by the Secretary. Authorizes any FMP establishing an IQS to authorize individual quotas to be held by or issued under the system to individuals who are U.S. citizens, fishing vessel owners, fishermen, crew members, fishing communities, other persons as specified by the Council and U.S. fish processors under the jurisdiction of the North Pacific Fishery Management Council.

Prohibits any fishing community (except one eligible for the western Alaska or western Pacific community development programs) from holding IFQs that authorize harvest of more than the lesser of: (1) one percent of the total authorized harvest in the fishery; or (2) a percentage of such total authorized harvest established by the Council with jurisdiction.

Provides for allocation of IFQs.

Requires a Council or the Secretary to review every five years the effectiveness of an IQS in achieving an FMP's conservation goals.

Requires a first referendum, with approval by 60 percent of eligible participants, before an IFQ plan or plan amendment is developed, and a second referendum, again with 60 percent approval, before it may be forwarded for the Secretary's approval.

Requires a Council to review and take affirmative action to continue an IFQ plan every ten years.

Sets a three percent cap on the annual fee paid by an IFQ holder. Adds another one percent fee on the initial allocation of any IFQ, and a one percent fee on any transfer.

Prohibits the Secretary's approval of any IQS plan before the Secretary issues regulations establishing IQS requirements.

Declares that nothing in this Act or its amendments shall be construed to require a reallocation of IFQs under any IFQ program approved by the Secretary before May 1, 2002.

(Sec. 13) Permits an FMP to include provisions to create a cooperative research component including the use of commercial or charter vessels for the gathering of data on stock abundance, composition, distribution, or other relevant information important for the implementation of the plan.

Directs the Secretary to develop and implement a cooperative stock assessment program, using vessels from the commercial black sea bass fishing industry if appropriate and available.

(Sec. 14) Requires the Secretary to report annually on any nation that is fishing for Atlantic highly migratory species and not in compliance with the fishery conservation and management provisions.

Directs the Secretary to arrange with the National Academy of Sciences to review and report to Congress on the adequacy of existing measures (including closures) to protect Atlantic white marlin, in particular the effects of fishing in the Mid-Atlantic Bight.

(Sec. 15) Prohibits selling or purchasing any fish caught in recreational fishing.

(Sec. 16) Amends membership of the New England Regional Fishery Management Council to include the state of New York.

Adds to each Council a member appointed by the Secretary who shall not be directly employed by, or receive a majority of his or her livelihood from, the commercial, charter, or recreational fishing community.

(Sec. 18) Establishes as U.S. policy that allocation of fishing rights to foreign nations shall depend, in addition to other factors, on their compliance with international fishing agreements and treaties.

(Sec. 19) Declares that it is the policy of Congress that the United States should comply with any further action or resolution adopted by the United Nations on large-scale driftnet fishing to which the United States is a signatory.

(Sec. 20) Requires the Secretary's fishery research program to acquire knowledge and data using both fishery-dependent and fishery-independent data sources.

(Sec. 21) Authorizes the Councils or the Secretary to impose certain restrictions in FMPs to limit impact on habitat, bycatch impacts of gear, or impact on spawning congregations in specific geographical areas.

(Sec. 22) Authorizes the Secretary to enter into cooperative agreements with universities and institutions of higher learning to conduct research to support conservation and management of living marine resources.

(Sec. 23) Requires the fishery impact statement in an FMP to assess the cumulative impacts on such participants and communities of conservation and management measures for that fishery under other fishery management plans and

regulations.

(Sec. 24) Requires the Secretary to conduct periodic regional assessments of fish stocks, subject to independent review.

(Sec. 25) Directs the Secretary to contract with the National Academy of Sciences to develop: (1) guidance and standards for determining what should be considered the best scientific information available for fisheries management; (2) a definition of maximum sustainable yield that considers environmental variability; and (3) examine the use of alternatives for calculating sustainable harvest levels in cases in which maximum sustainable yield cannot be calculated or is not appropriate.

(Sec. 27) Requires that payments under a Pacific Insular Area Fishery Agreement go directly to the area concerned.

(Sec. 28) Establishes within the National Marine Fisheries Service a pelagic longline highly migratory species bycatch and mortality reduction research program, to be developed by a design team appointed by the Secretary according to specified criteria.

Amends the Magnuson-Stevens Fishery Conservation and Management Act to establish lower and upper mid-Atlantic Conservation Zones. Prohibits pelagic longline fishing: (1) in the lower mid-Atlantic Conservation Zone between August 15 and October 1 each year; or (2) in the upper mid-Atlantic Conservation Zone between July 15 and September 1 each year.

Authorizes appropriations for the research program for FY 2003 through 2007.

(Sec. 29) Amends such Act to authorize appropriations for FY 2003 through 2007.

Actions Timeline

- **Nov 6, 2002:** Executive Comment Received from Commerce.
- **Oct 11, 2002:** Reported (Amended) by the Committee on Resources. H. Rept. 107-746.
- **Oct 11, 2002:** Reported (Amended) by the Committee on Resources. H. Rept. 107-746.
- **Oct 11, 2002:** Placed on the Union Calendar, Calendar No. 466.
- **Jul 10, 2002:** Committee Consideration and Mark-up Session Held.
- **Jul 10, 2002:** Ordered to be Reported (Amended) by the Yeas and Nays: 23 - 17.
- **Jun 26, 2002:** Committee Consideration and Mark-up Session Held.
- **May 23, 2002:** Subcommittee Consideration and Mark-up Session Held.
- **May 23, 2002:** Forwarded by Subcommittee to Full Committee by Voice Vote.
- **May 20, 2002:** Referred to the Subcommittee on Fisheries Conservation, Wildlife and Oceans.
- **May 16, 2002:** Introduced in House
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