

HR 5018

American Fisheries Management and Marine Life Enhancement Act

Congress: 109 (2005–2007, Ended)

Chamber: House

Policy Area: Public Lands and Natural Resources

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Sponsor

Name: Rep. Pombo, Richard W. [R-CA-11]

Party: Republican • State: CA • Chamber: House

Cosponsors (8 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Frank, Barney [D-MA-4]	D · MA		Mar 28, 2006
Rep. Young, Don [R-AK-At Large]	R · AK		Mar 28, 2006
Rep. Brown, Henry E., Jr. [R-SC-1]	R · SC		Mar 29, 2006
Rep. Ortiz, Solomon P. [D-TX-27]	D · TX		Mar 29, 2006
Rep. McGovern, James P. [D-MA-3]	D · MA		Apr 26, 2006
Rep. Jindal, Bobby [R-LA-1]	R · LA		May 11, 2006
Rep. Tierney, John F. [D-MA-6]	D · MA		May 19, 2006
Rep. Melancon, Charlie [D-LA-3]	D · LA		Jul 12, 2006

Committee Activity

Committee	Chamber	Activity	Date
Natural Resources Committee	House	Reported By	Jul 17, 2006

Subjects & Policy Tags

Policy Area:

Public Lands and Natural Resources

Related Bills

No related bills are listed.

American Fisheries Management and Marine Life Enhancement Act - (Sec. 3) Amends the Magnuson-Stevens Fishery Conservation and Management Act (the Act) to revise contents of fishery management plans to include a mechanism for specifying the total allowable catch limit for each fishery that is based on the best scientific information available and that does not exceed acceptable biological catch levels recommended by a Regional Fishery Management Council. Requires each Council to additionally to: (1) adopt a total allowable catch limit or other annual harvest effort control limit for a fishery that, after considering the recommendation of the scientific and statistical committee of the Council, does not exceed the committee's recommendation for the acceptable biological catch; and (2) develop multi-year research priorities for fisheries, fisheries interactions, habitats, and other research areas that are necessary for fishery management. Requires the Secretary of Commerce (Secretary) to develop guidelines for the Councils to use in determining what is the best scientific information available.

Revises requirements with respect to scientific and statistical committees to require such committees to provide its Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch and for the maximum sustainable yield for fisheries, and reports on stock status and health, bycatch, habitat status, socio-economic impacts of management measures, and sustainability of fishing practices. Requires committee members to be federal employees, state employees, academicians, or independent experts with strong scientific or technical credentials.

Revises discretionary provisions with respect to fishery management plans to authorize Councils to create a cooperative research program, including the use of commercial fishing, charter fishing, or recreational fishing vessels for the gathering of data on stock abundance, composition, distribution, or other relevant information important for fishery management plan implementation.

Requires the Secretary to ensure that: (1) fishing vessels participating in cooperative research activities do not lose allocated fishing privileges (such as days at sea) based on such activities, unless such loss is part of the cooperative research plan; and (2) catch history of a vessel during such research activities at a time when it is sacrificing fishing time in an open season accrues to the vessel, unless loss of such accrual is part of the cooperative research plan.

Requires the Secretary to conduct periodic regional assessments of stocks of fish for use by Councils in managing fisheries. Requires periodic assessments to be independently reviewed. Requires the Secretary and each Council to establish a peer review process for scientific information used to advise the Secretary or Council about the conservation and management of fisheries.

(Sec. 4) Authorizes the Secretary, if requested by a Council, to require a Vessel Monitoring System (VMS) or other similar electronic monitoring technology for a fishery. Requires the cost of the VMS to be paid by a fee to participate in the fishery to the extent that the VMS is required for enforcement or data collection purposes for a limited access privilege management system.

Requires the Secretary to establish a program to improve the quality and accuracy of information generated by the National Marine Fisheries Service recreational fishing data collection programs. Prohibits imposing any new fees on recreational fishermen for the purposes of data collection. Requires the Secretary to report to Congress on progress made in developing such program and whether such program has resulted in significantly better data for management of recreational fishing.

Authorizes appropriations for FY2007-FY2011.

Sets forth requirements concerning the confidentiality and use of state recreational catch data.

Authorizes the Secretary to provide funds to Councils to carry out collection of socioeconomic data activities, including information on fishermen and fishing communities. Authorizes appropriations for each fiscal year.

Requires the Secretary to determine the need for more frequent fish stock surveys and to report to Congress on the current need for such surveys.

(Sec. 5) Revises certain Council operations and authorities to: (1) allow a Governor to submit names from academia, or other public interest areas including conservation organizations and the seafood consuming public, for appointment to a Council provided the individual is qualified; and (2) require certain Council member training.

Authorizes a Council to: (1) develop ecosystem-based fishery management plans; and (2) require a VMS or other similar electronic monitoring technology in order to enforce, monitor, or collect data from a fishery or fishery sector.

Requires the Secretary to pay the cost of observer coverage that is primarily for the enforcement of a fishery management plan or for data collection necessary for the monitoring of a fishery. Authorizes, under a limited access privilege program (established by section 7 below), such cost to be considered as a cost to be recovered.

Exempts a fishing vessel owner or operator required to have an observer onboard and the United States from liability for any sanction imposed on the observer for actions of the observer in the course of performance of duties as an observer.

Authorizes Councils: (1) to develop and implement incentives to reduce total bycatch and seabird interaction, bycatch rates, and post-release mortality in fisheries; (2) to designate closed areas; and (3) or the Secretary to develop alternative procedural mechanisms to be used in lieu of fishery management plan amendments for implementing conservation and management measures.

Sets forth additional criteria necessary for a Council to close a fishery to fishing.

(Sec. 6) Authorizes the Secretary, in cooperation with the Councils, to carry out research into the interaction of species in the marine environment and the development of ecosystem-based approaches to fishery conservation and management. Directs the Secretary to: (1) undertake a study on the state of science for advancing the concepts and integration of ecosystem consideration in regional fishery management; (2) identify specific marine ecosystems within each region and develop regional research plans to address the deficiencies identified in the study; and (3) report annually on the progress of such research plans.

Authorizes the Secretary to provide technical assistance and grants to Councils for regional pilot programs.

(Sec. 7) Authorizes a Council for a fishery that is managed under a limited access system to establish a limited access privilege program to harvest fish if certain program requirements are met. Authorizes a limited access system or limited access privilege to be revoked, limited, or modified for failure to comply with the terms of a fishery management plan or if such system jeopardizes the sustainability of the fishery stock or the safety of fishermen. Sets forth allocation criteria.

Establishes fees for program participation.

(Sec. 8) Authorizes a state to apply to the Secretary for a joint fisheries enforcement agreement with the Secretary that will authorize the deputization and funding of state officers with marine fisheries responsibilities to perform duties of the

Secretary relating to fisheries enforcement. Requires the Secretary to include in each joint fisheries enforcement agreement an allocation of funds to assist in management of the agreement.

(Sec. 9) Authorizes the Secretary to establish a funding mechanism (which may include fees) to cover the cost of an observer program to monitor any fishery managed under this Act or any other Act administered by the Secretary, including the Northern Pacific halibut fishery. Establishes the Fishery Observer Fund to cover the cost of the observer program.

(Sec. 10) Requires a Council when developing a fishery management plan to: (1) study, develop, and describe appropriate alternatives to recommended courses of action under the plan; and (2) examine the cumulative impacts of conservation, economic and social impacts of the plan.

(Sec. 11) Replaces the term "overfished" with "diminished" under the Act, but retains and redefines the term "overfishing." Requires the Secretary's annual report on the status of fisheries within each Council's geographical area to distinguish between areas that are diminished as a result of fishing and areas that are diminished as a result of factors other than fishing.

(Sec. 12) Prohibits: (1) the sale or purchase of recreationally caught fish; and (2) use of a vessel for fishing if the owner of the vessel has received a payment under the fishing capacity reduction program.

(Sec. 13) Substitutes "fishery" for "commercial fishery" under the fisheries disaster relief program. (Makes any fishery, not just a commercial fishery eligible for such program.)

(Sec. 14) Revises the length of time emergency regulations will be effective.

(Sec. 15) Makes grants for the development of fishing gear that will minimize; (1) bycatch and seabird interactions; and (2) adverse fishing gear impacts on habitat areas. Authorizes appropriations for FY2007-FY2011.

Requires reports, including concerning: (1) expenditures under this section; and (2) the extent of the problem of seabird interaction with U.S. fisheries (also non-U.S. fisheries) and efforts by the fishing industry and Councils to address such problem.

(Sec. 16) Prohibits the Secretary, under the fishing capacity reduction program, from making a payment to a vessel owner with respect to a vessel that will not be scrapped, 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.

Directs the Secretary to report to Congress on: (1) the 20 U.S. fisheries with the most severe excess harvesting capacity; (2) recommendations for reducing such excess harvesting capacity; and (3) potential sources of funding for such measures.

(Sec. 17) Expands the definition of "fishing community" to include recreational participants, marina owners and operators, for-hire vessel owners and operators, bait and tackle shop owners and operators. Defines "recreational fishing industry."

(Sec. 18) Requires a fishery management plan that requires rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery to take into consideration the economic impact of harvest restrictions or recovery benefits on each sector of fishery participants.

(Sec. 19) Authorizes the Secretary when there is a catastrophic regional fishery disaster to establish a regional economic

transition program to provide immediate disaster relief assistance to fishermen, charter fishing operators, U.S. fish processors, and owners of related fishery infrastructure affected by the disaster. Sets forth program components, including: (1) meeting immediate regional shoreside fishery infrastructure needs; (2) assistance for fishermen remaining in a fishery; (3) provisions for job training for fishermen scrapping their fishing vessels; and (4) that no matching funding will be required in specified circumstances.

(Sec. 20) Reauthorizes appropriations for the Act through FY2011.

(Sec. 21) Requires the Secretary to review the votes of all Councils that have occurred since the enactment of the Sustainable Fisheries Act and to report on whether there have been any meaningful disclosure, conflict of interest, and recusal violations.

(Sec. 22) Directs the Administrator of the National Oceanic and Atmospheric Administration (NOAA) to report on the effects of Hurricanes Katrina, Rita, and Wilma on U.S. fisheries and fish habitat.

(Sec. 23) Directs the Secretary to request the National Research Council to conduct a study of the acidification of the oceans and how it affects U.S. fisheries.

Actions Timeline

- **Jul 17, 2006:** Reported (Amended) by the Committee on Resources. H. Rept. 109-567.
- **Jul 17, 2006:** Reported (Amended) by the Committee on Resources. H. Rept. 109-567.
- **Jul 17, 2006:** Placed on the Union Calendar, Calendar No. 323.
- **May 17, 2006:** Ordered to be Reported (Amended) by the Yeas and Nays: 26 - 15.
- **May 3, 2006:** Committee Hearings Held.
- **Apr 25, 2006:** Committee Hearings Held.
- **Apr 6, 2006:** Executive Comment Requested from Commerce.
- **Mar 28, 2006:** Introduced in House
- **Mar 28, 2006:** Introduced in House
- **Mar 28, 2006:** Sponsor introductory remarks on measure. (CR E432)
- **Mar 28, 2006:** Referred to the House Committee on Resources.