

HR 1335

Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act

Congress: 114 (2015–2017, Ended)

Chamber: House

Policy Area: Public Lands and Natural Resources

Introduced: Mar 4, 2015

Current Status: Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transp

Latest Action: Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation. (Jun 2, 2015)

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Sponsor

Name: Rep. Young, Don [R-AK-At Large]

Party: Republican • **State:** AK • **Chamber:** House

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Del. Radewagen, Aumua Amata Coleman [R-AS-At Large]	R · AS		Mar 4, 2015
Rep. Bishop, Rob [R-UT-1]	R · UT		Mar 4, 2015
Rep. Byrne, Bradley [R-AL-1]	R · AL		Mar 4, 2015

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Referred To	Jun 2, 2015
Natural Resources Committee	House	Discharged from	Apr 30, 2015

Subjects & Policy Tags

Policy Area:

Public Lands and Natural Resources

Related Bills

Bill	Relationship	Last Action
114 HRES 274	Procedurally related	May 21, 2015: Motion to reconsider laid on the table Agreed to without objection.

Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act

This bill revises and reauthorizes through FY2019 the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

(Sec. 4) To distinguish between fish that are depleted due to fishing and those that are depleted for other reasons, the term "depleted" replaces the term "overfished" throughout the MSA. A depleted stock has a biomass that has declined below a level that jeopardizes the capacity of the stock or stock complex (multiple fish stocks) to produce a maximum sustainable yield on a continuing basis.

Fishery plans for depleted fisheries must specify a time period for rebuilding the fishery that is as short as practicable rather than as short as possible. The bill removes a requirement that plans for rebuilding depleted fisheries not exceed a 10-year time frame and replaces it with a requirement that the rebuilding time frame not exceed the time the stock would be rebuilt without fishing occurring plus one mean generation. Exceptions to this requirement are provided for cases in which:

- the biology of the stock of fish, other environmental conditions, or management measures under an international agreement in which the United States participates dictate otherwise;
- the cause of the stock being depleted is outside the jurisdiction of a Regional Fishery Management Council or the rebuilding program cannot be effective only by limiting fishing activities;
- one or more components of a mixed-stock fishery is depleted but cannot be rebuilt within that time frame without significant economic harm to the fishery, or cannot be rebuilt without causing another component of the mixed-stock fishery to approach a depleted status;
- recruitment, distribution, or life history of, or fishing activities for, the stock are affected by informal transboundary agreements under which management activities outside the exclusive economic zone (EEZ) by another country may hinder conservation and management efforts by U.S. fishermen; and
- the stock has been affected by unusual events that make rebuilding within the specified time period improbable without significant economic harm to fishing communities.

Plans for depleted fisheries must take into account environmental conditions including predator and prey relationships. Those plans also have to specify a schedule for reviewing the rebuilding targets, evaluating environmental impacts on rebuilding progress, and evaluating progress being made toward reaching rebuilding targets. Plans may use alternative rebuilding strategies, including harvest control rules and fishing mortality-rate targets.

A Council may terminate a rebuilding plan for a fishery that was initially determined to be depleted, but then found to not be depleted, within two years of the plan's effective date or within 90 days after the completion of the next stock assessment.

An emergency regulation or interim measure for fisheries which changes a rebuilding plan must remain in effect for a year instead of 180 days and may be extended for up to a year.

(Sec. 5) Councils may consider changes in an ecosystem and the economic needs of the fishing communities when setting annual catch limits (ACLs).

Councils do not have to develop an annual catch limit (ACLs) for an ecosystem component species. Those species are

fish that are: (1) not targeted and are caught incidentally; (2) not subject to overfishing, approaching a depleted condition or depleted; and (3) not likely to become subject to overfishing or depleted in the absence of conservation and management measures. The Councils do not have to develop ACLs for fisheries with certain short-lived fish.

Councils may establish: (1) an ACL for a stock complex, or (2) ACLs for each year in any continuous period that is no more than three years in duration.

(Sec. 6) When issuing an annual report on the status of fisheries, the National Oceanic and Atmospheric Administration (NOAA) must distinguish between fisheries that are depleted as a result of fishing and fisheries that depleted as a result of factors other than fishing. The report must also state whether each depleted fishery is a target of directed fishing.

(Sec. 7) Each Council's scientific and statistical committee must develop advice provided to the Council in a transparent manner and allow for public involvement in the process.

Fishery impact statements must analyze the impacts of proposed actions in fishery management plans on the quality of the human environment. In addition to existing requirements, those impact statements must include the proposed action's purpose, the environmental impact of the proposed action, adverse environmental effects which cannot be avoided, a reasonable range of alternatives, and the relationship between short-term use of the fishery resources and the enhancement of long-term productivity. A process is established for evaluating the adequacy of the statements in considering the environmental impacts of implementing the fishery management plan.

Actions taken in accordance with the fishery impact statements are deemed to fulfill the requirements of the National Environmental Policy Act of 1969.

(Sec. 8) The New England, Mid-Atlantic, South Atlantic, and Gulf of Mexico Councils may not implement a new catch share program unless it has been approved by a majority of the permit holders eligible to participate in the fishery. A catch share is a fishery management program that allocates a specific percentage of the total allowable catch for a fishery, or a specific fishing area, to an individual, cooperative, community, processor, representative of a commercial sector, or regional fishery association.

(Sec. 9) NOAA must report annually on the amount collected from each of the fisheries managed under a limited access privilege program and community development quota program and detail how the funds were spent on a fishery-by-fishery basis. NOAA must submit the report to Congress and each of the Councils from whose fisheries the fees were collected.

(Sec. 10) NOAA must issue regulations governing the use of electronic monitoring of fisheries. The regulations must distinguish between monitoring for data collection and research purposes and monitoring for compliance and enforcement purposes. They must include minimum criteria, objectives, or performance standards for electronic monitoring.

After the regulations are issued, Councils may incorporate electronic monitoring if it will yield data collection and compliance results that are comparable to results from on-board observers.

Councils may conduct pilot projects for the use of electronic monitoring for fisheries on a fishery-by-fishery basis.

NOAA must work with the Councils and nongovernmental entities to develop and implement the use of video survey technologies and expanded use of acoustic survey technologies.

The bill revises data confidentiality provisions, including by requiring information submitted to NOAA, a state fisheries management agency, or a Marine Fisheries Commission to be used only for the purposes of fisheries management, monitoring, and enforcement under the MSA. NOAA may not provide vessel-specific or aggregate vessel information from a fishery that is collected for monitoring and enforcement purposes to any person for the purposes of coastal and marine spatial planning under Executive Order No. 13547, unless the information is important for maintaining or enhancing national security or for ensuring fishermen continued access to fishing grounds.

NOAA may obligate amounts received as fisheries enforcement penalties for collecting information on data-poor fisheries. Each Council must identify data-poor fisheries in its region, prioritize those fisheries based on the need of each fishery for up-to-date information, and provide those priorities to NOAA.

(Sec. 11) NOAA must publish a plan for implementing the Cooperative Research and Management Program within a year. The plan must identify and describe critical regional fishery management and research needs, possible projects that may address those needs, and estimated project costs. The plan must be revised and updated every five years.

(Sec. 12) The New England Fishery Management Council and the Mid-Atlantic Fishery Management Council must each provide a voting seat on their Council for the other Council.

(Sec. 13) In conjunction with the states, the Gulf of Mexico Fishery Management Council, and the recreational fishing sectors, NOAA must develop and implement a real-time reporting and data collection program for the Gulf of Mexico red snapper fishery using available technology. NOAA must make the program a priority for funds received through the Saltonstall-Kennedy Act for that region.

In conjunction with the states, the Gulf States Marine Fisheries Commission and the Atlantic States Marine Fisheries Commission, the Gulf of Mexico and South Atlantic Fishery Management Councils, and the commercial, charter, and recreational fishing sectors, NOAA must develop and implement a cooperative research program for the fisheries of the Gulf of Mexico and South Atlantic regions, giving priority to those fisheries that are considered data-poor. NOAA may use funds from the Saltonstall-Kennedy Act for that research program.

The Southeast Regional Office of the National Marine Fisheries Service must develop a schedule of stock surveys and stock assessments for the Gulf of Mexico Region and the South Atlantic Region for the next five-year period and for every five-year period thereafter, giving priority to those stocks that are commercially or recreationally important.

The Southeast Science Center must ensure that fisheries information made available through fisheries programs funded under P.L. 112-141 be incorporated as soon as possible into fisheries stock assessments.

The offshore jurisdictions of Louisiana, Mississippi, and Alabama are extended from three miles to nine miles for the recreational management of red snapper.

NOAA and the Bureau of Ocean Energy Management must enter into a cooperative agreement for the funding of stock assessments that are necessitated by any action by the Bureau with respect to offshore oil rigs in the Gulf of Mexico that adversely impacts red snapper.

(Sec. 14) Alaska may regulate a fishing vessel operating in a fishery in the EEZ off Alaska in the absence of a federal fishery management plan.

(Sec. 15) The MSA is the controlling fishery management authority in the case of any conflict between it and the National Marine Sanctuaries Act or the Antiquities Act of 1906.

To ensure transparency and consistent management of fisheries throughout their range, any restriction on the management of fish in the EEZ that is necessary to implement a recovery plan under the Endangered Species Act of 1973 must be implemented using the authority under the MSA and in accordance with the processes and time schedules required under the MSA.

(Sec. 16) The North Pacific Council may change the pollock harvest cap under the American Fisheries Act as long as the cap does not exceed 24% percent of the pollock available to be harvested in the directed pollock fishery.

(Sec. 17) NOAA must establish partnerships with states to develop best practices for implementing state recreational fisheries programs and guidance that details best practices for administering state programs. NOAA must submit and publish biennial reports that include: (1) the estimated accuracy of federal standardized fishing vessel registration and information management systems, (2) priorities for improving recreational fishing data collection, and (3) an explanation of the use of information collected by state programs and NOAA.

NOAA must make grants to states to improve implementation of state recreational data collection programs, giving priority to grants for improving the quality and accuracy of the programs.

NOAA must enter an agreement with the National Research Council of the National Academy of Sciences to study the implementation of recreational data collection programs and report on the results of the study.

(Sec. 18) The Gulf States Marine Fisheries Commission must conduct all fishery stock assessments used for management purposes by the Gulf of Mexico Fishery Management Council for the fisheries managed under the Council's Reef Fish Management Plan. Those assessments must incorporate fisheries survey information collected by university researchers. Any of those fishery stock assessments conducted after the enactment of this Act must incorporate fishery surveys conducted, and other relevant fisheries information collected on and around natural and artificial reefs.

(Sec. 19) NOAA must: (1) publish the estimated cost of recovery from a fishery resource disaster within 30 days from the time the disaster determination is made, and (2) make a decision regarding a disaster decision request within 90 days of receiving that estimate.

(Sec. 21) Red snappers that are killed during the removal of any offshore oil rig in the Gulf of Mexico cannot be considered in determining whether the total allowable catch for that fish has been reached.

(Sec. 22) Fish that are seized from a foreign vessel engaged in illegal fishing activities in the EEZ cannot be considered in determining the total allowable catch for that fishery.

(Sec. 23) The term "subsistence fishing" is defined for purposes of the MSA.

The governor of Alaska must consult with interests representing subsistence fishing when submitting nominations for the North Pacific Fishery Management Council.

(Sec. 24) Any commercial catch share allocation in a fishery in the Gulf of Mexico may only be traded by sale or lease within the same commercial fishing sector.

(Sec. 25) If commercial fishing is made available through a fishery management plan for the EEZ in the Arctic Ocean, or an amendment to the Fishery Management Plan for Fish Resources of the Arctic Management Area, the North Pacific Fishery Management Council must set aside at least 10% of a total allowable catch as an Arctic community development quota for coastal villages located north and east of the Bering Strait.

(Sec. 26) In the hiring of individuals to collect information on marine recreational fishing, NOAA must give preference to students studying fisheries conservation and management, water resource issues, or other relevant subjects at an institution of higher education.

(Sec. 27) NOAA must enter into an arrangement with the National Academy of Sciences to study the South Atlantic and Gulf of Mexico mixed-use fisheries to: (1) provide guidance to the South Atlantic Fishery Management Council and the Gulf of Mexico Fishery Management Council on criteria that could be used for allocating fishing privileges in the preparation of a fishery management plan, (2) identify sources of information that could reasonably support the use of such criteria in allocation decisions, and (3) develop procedures for allocation reviews and potential adjustments in allocations.

The South Atlantic Fishery Management Council and the Gulf of Mexico Fishery Management Council must review the allocations of all mixed-use fisheries within their respective jurisdictions within two years and perform subsequent reviews every three years thereafter.

(Sec. 28) Limited access privilege programs to harvest fish must have a formal and detailed review five years after the implementation of the program.

(Sec. 29) NOAA must develop and publish a plan to conduct stock assessments for all stocks of fish for which a fishery management plan is in effect. The plan must be developed and published on the same schedule as required for the strategic plan for fisheries research. A stock assessment is an evaluation of the past, present, and future status of a stock of fish that includes a range of life history characteristics for such stock and fishing for the stock.

For each stock of fish for which a stock assessment has previously been conducted, the plan must: (1) establish a schedule for updating the stock assessment that is reasonable given the biology and characteristics of the stock; and (2) require completion of a new stock assessment, or an update of the most recent stock assessment, every five years or within another time period justified by NOAA.

For each stock of fish for which a stock assessment has not previously been conducted, the plan must: (1) establish a schedule for conducting an initial stock assessment that is reasonable given the biology and characteristics of the stock, and (2) require completion a new or updated stock of the initial stock assessment within three years after the plan is published unless another time period is justified by NOAA in the plan. The plan must identify data and analysis that would reduce uncertainty in and improve the accuracy of future stock assessments and whether the data and analysis could be provided by fishermen, fishing communities, universities, and research institutions.

A stock assessment is not required for a stock of fish in the plan if NOAA determines that the stock assessment is not necessary and justifies the determination in the Federal Register.

NOAA must issue the first stock assessment plan within two years.

NOAA must develop and publish within a year guidelines that will facilitate greater incorporation of data, analysis, and stock assessments from nongovernmental sources into fisheries management decisions.

NOAA and the Councils must use all data and analyses that meet those guidelines as the best scientific information available in fisheries management decisions, unless otherwise determined by the science and statistical committee of the Councils.

NOAA must report on the cost-effectiveness of methods to accomplish the goals of applicable programs governing

monitoring and enforcement of fishing that is subject to a fishery management plan.

(Sec. 31) Each Council is given the authority to use alternative fishery management measures in a recreational fishery (or the recreational component of a mixed-use fishery).

Actions Timeline

- **Jun 2, 2015:** Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation.
- **Jun 1, 2015:** Considered under the provisions of rule H. Res. 274. (consideration: CR H3591-3592, H3592-3617; text of amendment in the nature of substitute: CR H3599-3603)
- **Jun 1, 2015:** Rule provides for consideration of H.R. 1335 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order.
- **Jun 1, 2015:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 274 and Rule XVIII.
- **Jun 1, 2015:** The Speaker designated the Honorable Chris Collins to act as Chairman of the Committee.
- **Jun 1, 2015:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 1335.
- **Jun 1, 2015:** DEBATE - Pursuant to the provisions of H. Res. 274, the Committee of the Whole proceeded with 10 minutes of debate on the Dingell amendment No. 1.
- **Jun 1, 2015:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Dingell amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Ms. Dingell demanded a recorded vote, and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jun 1, 2015:** DEBATE - Pursuant to the provisions of H. Res. 274, the Committee of the Whole proceeded with 10 minutes of debate on the Keating amendment No. 3.
- **Jun 1, 2015:** DEBATE - Pursuant to the provisions of H. Res. 274, the Committee of the Whole proceeded with 10 minutes of debate on the Lowenthal amendment No. 4.
- **Jun 1, 2015:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Lowenthal amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Lowenthal demanded a recorded vote, and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jun 1, 2015:** DEBATE - Pursuant to the provisions of H. Res. 274, the Committee of the Whole proceeded with 10 minutes of debate on the Young (AK) amendment No. 5.
- **Jun 1, 2015:** DEBATE - Pursuant to the provisions of H. Res. 274, the Committee of the Whole proceeded with 10 minutes of debate on the Graves (LA) amendment No. 6.
- **Jun 1, 2015:** DEBATE - Pursuant to the provisions of H. Res. 274, the Committee of the Whole proceeded with 10 minutes of debate on the Wittman amendment No. 7.
- **Jun 1, 2015:** DEBATE - Pursuant to the provisions of H. Res. 274, the Committee of the Whole proceeded with 20 minutes of debate on the Huffman substitute amendment No. 8.
- **Jun 1, 2015:** Mr. Bishop (UT) moved that the Committee rise.
- **Jun 1, 2015:** On motion that the Committee rise Agreed to by voice vote.
- **Jun 1, 2015:** Committee of the Whole House on the state of the Union rises leaving H.R. 1335 as unfinished business.
- **Jun 1, 2015:** Considered as unfinished business. (consideration: CR H3619-3620, H3621-3624)
- **Jun 1, 2015:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Jun 1, 2015:** POSTPONED PROCEEDINGS - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Jun 1, 2015:** SPEAKING OUT OF ORDER - The Chair recognized Rep. Wittman to speak out of order for one minute.
- **Jun 1, 2015:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 1335.
- **Jun 1, 2015:** The previous question was ordered pursuant to the rule. (consideration: CR H3621)
- **Jun 1, 2015:** Mr. Peters moved to recommit with instructions to the Committee on Natural Resources. (consideration: CR H3621-3623; text: CR H3621-3622)
- **Jun 1, 2015:** Floor summary: DEBATE - The House proceeded with 10 minutes of debate on the Peters motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment to protect fishing communities in the aftermath of an oil or hazardous materials spill by requiring: (1) the relevant Regional Fishery Management Council fully assess the impacts of the spill to stocks of fish, fishing communities, and the marine environment; (2) the polluter pay for any cleanup or removal of pollution impacting

- fishery; (3) the polluter pay for testing of fish and water quality, in order to protect consumers and fishermen.
- **Jun 1, 2015:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H3622)
 - **Jun 1, 2015:** On motion to recommit with instructions Failed by the Yeas and Nays: 155 - 223 (Roll no. 266).
 - **Jun 1, 2015:** Passed/agreed to in House: On passage Passed by recorded vote: 225 - 152 (Roll no. 267).
 - **Jun 1, 2015:** On passage Passed by recorded vote: 225 - 152 (Roll no. 267).
 - **Jun 1, 2015:** Motion to reconsider laid on the table Agreed to without objection.
 - **Jun 1, 2015:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 1335.
 - **May 21, 2015:** Rule H. Res. 274 passed House.
 - **May 19, 2015:** Rules Committee Resolution H. Res. 274 Reported to House. Rule provides for consideration of H.R. 1335 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order.
 - **May 15, 2015:** Reported (Amended) by the Committee on Natural Resources. H. Rept. 114-116.
 - **May 15, 2015:** Placed on the Union Calendar, Calendar No. 82.
 - **Apr 30, 2015:** Subcommittee on Water, Power and Oceans Discharged.
 - **Apr 30, 2015:** Committee Consideration and Mark-up Session Held.
 - **Apr 30, 2015:** Ordered to be Reported (Amended) by the Yeas and Nays: 21 - 14.
 - **Apr 29, 2015:** Committee Consideration and Mark-up Session Held.
 - **Mar 23, 2015:** Referred to the Subcommittee on Water, Power and Oceans.
 - **Mar 4, 2015:** Introduced in House
 - **Mar 4, 2015:** Sponsor introductory remarks on measure. (CR E306-307)
 - **Mar 4, 2015:** Referred to the House Committee on Natural Resources.