



Atlantic States Marine Fisheries Commission

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Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015

MEMORANDUM

January 27, 2014

To: ASMFC Commissioners and Proxies
From: Deke Tompkins
Re: Federal Legislative Tracking Sheet: 113th Congress, 2nd Session

Please find attached an update on federal fisheries legislation impacting the Commission, as well as tables providing summary information of key federal legislation introduced in the 113th Congress.

This document will be updated quarterly or as key bills are introduced or acted on. The document is not intended to summarize all legislation that might affect oceans and coasts, nor does it list the complete contents of bills. To access the complete text of the bills as well as the Library of Congress summary, click on the links below the titles provided in the table. If there is a particular bill not included here that you would like summarized or if you would like more information on bills listed, please contact Deke Tompkins (dtompkins@asmfc.org).

Federal Legislative Update

Fiscal Year 2014 Appropriations – Commission Impacts

On January 17, 2014, President Obama signed H.R. 3547, the Consolidated Appropriations Act of 2014, into law. H.R. 3547 is an omnibus appropriations bill that funds the entire federal government at a level of \$1.012 trillion through September 30, 2014. The portion of the bill that funds the Commerce Department and NOAA reduces NMFS's 2014 budget by \$13.569 million (2.6 percent) from 2013 levels. However, the reduction in funding was not uniform across all funding lines within NMFS. In fact, federal funding for "Regional Councils and Fishery Commissions" and the "Interjurisdictional Fisheries Act" line items received increases in funding over 2013. In addition to increased funding in 2014, the Commission's cuts from sequestration will also be reduced.

	Councils/Commissions	Interjurisdictional Fisheries Act
2014 Enacted	\$32,000,000	\$2,500,000
House Proposed 2014	\$32,000,000	\$2,000,000
Senate Proposed 2014	\$32,008,000	\$2,500,000
2013 Enacted	\$31,555,000	\$2,000,000
2012 Enacted	\$31,754,000	\$0

An added benefit of the budget deal is that it clears the appropriations backlog and puts Congress back on a regular appropriations schedule. Throughout the spring and summer, Congress can work on 2015 appropriations instead of working on a series of short-term spending bills throughout the year as we've seen the past couple years.

Fisheries Disaster Assistance:

H.R. 3547 includes \$75 million in Fisheries Disaster Assistance for disasters declared by the Secretary of Commerce in New England, the Gulf of Mexico, and Alaska in 2012 and 2013. The \$75 million figure represents a compromise between the Senate's \$150 million and the House's zero funding. This funding is a one-time occurrence. H.R. 3547 states that the "funds shall be used for mitigating the effects of commercial fishery failures and fishery resource disasters as declared by the Secretary of Commerce." As for disbursement, few details are currently known beyond the fact that funding will be distributed by the Commerce Department. A number of lawmakers have unofficially indicated the states will be responsible for disbursing funds within their boundaries. The disaster declarations in the northeast are the result of the commercial fishery failure for the Northeast Multispecies Groundfish Fishery in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New York.

NMFS Northeast Regional Office (NERO):

H.R. 3547 does not include the Senate's language regarding the closure of the NMFS Northeast Regional Office. The agreement modifies the Senate language by continuing operations at NERO, but directs NOAA to change the name of the office to the Greater Atlantic Regional Fisheries Office to better reflect the geographic region that office represents, which includes New England, the Mid-Atlantic and Great Lakes areas. The agreement further recommends that NMFS improve services to the fishing industry by enhancing operations at fishery science centers and fishery statistics offices to give NMFS stronger local connections throughout the region.

Electronic Monitoring:

The agreement reiterates Senate language that NOAA shall maintain full funding for the continued installation of electronic logbooks and monitoring systems. The electronic monitoring systems shall be part of an integrated at-sea monitoring program and shall serve as an alternative to observers for vessels carrying

such electronic monitoring systems. The agreement clarifies that NMFS shall work with the small boat fixed gear fleet to implement a cooperative research program designed to test the functionality of available electronic monitoring systems. This cooperative research program shall address data quality, costs, species identification capabilities, and the reliability of hardware. NMFS shall ensure that this effort is adequately resourced for the fiscal year 2014 work program.

S. 1757 – the Fluke Fairness Act

On November 21, 2013 Senator Chuck Schumer (D-NY) introduced S. 1757 – the Fluke Fairness Act. The bill would essentially require the Commission and the Mid-Atlantic Fishery Management Council to adopt a regional management system. Specifically, it would require that the summer flounder FMP be modified within one year to reflect the best available science; consider changes in the migratory behavior of summer flounder in establishing distribution of the commercial and recreational catch quotas; prioritize regional or coastwide management measures for summer flounder that comply with the Magnuson Act’s National Standards on equity and fairness; and prohibit the allocation of commercial or recreational catch quotas for summer flounder on a state-by-state basis using historical landings data that do not reflect a state’s participation in the current summer flounder fishery. The prospects of the Fluke Fairness Act becoming law are relatively slim, but Senator Schumer has indicated that if the Commission fails to approve regional management for 2014 and fails to institute a long-term, permanent change thereafter, he will work to include the Fluke Fairness Act in the next MSA reauthorization.

Since introducing the Fluke Fairness Act, Senator Schumer [announced](#) his request for a Government Accountability Office investigation of the state-by-state summer flounder allocations on the East Coast. Days later, he sent the Commission a letter stating he is “encouraged that the Commission is considering Draft Addendum XXV after many years of pressure from my office, colleagues and constituents.” Senator Schumer further expressed his support for both of the regional management options contained in Draft Addendum XXV for the 2014 recreational fishery. On the other side of the issue, Senator Robert Menendez (D-NJ) and Rep Frank Pallone (D-NJ) sent a letter to the Commission opposing management changes contained in Draft Addendum XXV and requesting that the Commission take more time before enacting any changes to summer flounder allocations.

Federal Seafood Sustainability Certification

At the Commission’s 2013 Spring Meeting, the ISFMP Policy Board adopted a motion in support of initiatives to authorize NMFS to provide the U.S. fishing industry with a sustainability certification program and certification mark. Since then, the Senate Commerce Committee has held a hearing on third party sustainability certifications. It focused mainly on two specific issues in states represented by subcommittee Members – Alaskan abandonment of MSC certification for salmon and a requirement from U.S. General Services Administration to buy only MSC certified seafood products. However, Sam Rauch served as a witness at the hearing and the topic of a federal sustainability certification was discussed. Like the Commission’s motion in support of a federal sustainability certification, many Senators expressed support for some sort of federal certification.

Although a federal certification is likely a long way off, Commission staff has had conversations with House and Senate fisheries staff, and participated in discussions at the December 2013 MAFAC meeting regarding the issue. The Commission's main concern is ensuring there is a mechanism for federal certifications to cover state managed species, or that there is a state equivalent. If Congress or NMFS were to adopt a federal certification for which state-managed species are not eligible, state fisheries would almost certainly be forced to compete with federally-managed species on an uneven playing field. The potential impact to consumer demand for state-managed species could be dramatically affected. We will continue to monitor developments within Congress and NMFS and take an active role in ensuring state fisheries are not disadvantaged by the final outcome.

Magnuson Stevens Act

On December 9, 2013 Doc Hastings (R-WA), Chairman of the House Natural Resources Committee, released a discussion draft of the Magnuson-Stevens Act reauthorization entitled the "Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act." Please see the Unofficial Discussion Draft Summary for more on the House reauthorization bill. The House Natural Resources Committee will hold a legislative hearing on its MSA reauthorization bill on February 4.

The Senate has not yet released it a version of the MSA reauthorization, but discussions with staff on the Senate Fisheries have indicated they may produce a draft bill in the spring or summer of 2014. Staff also indicated the Senate bill would include an unchanged seven year reauthorization for the Atlantic Coastal Act with flat funding adjusted for inflation. The Interjurisdictional Fisheries Act is also likely to be reauthorized for seven years at existing funding levels adjusted for inflation. On January 30, the Senate Fisheries Subcommittee will hold a legislative hearing on MSA reauthorization entitled "West Coast and Western Pacific Perspectives on Magnuson-Stevens Act Reauthorization."

Free Trade, Saltonstall Kennedy Act

The Trans-Pacific Partnership, or TPP, is an Asia-Pacific free trade agreement between the United States and the nations of Australia, Brunei Darussalam, Chile, Malaysia, New Zealand, Peru, Singapore, and Vietnam. The goal of the agreement is to reduce or eliminate duties on imports, including fish products from countries like Vietnam, Malaysia, and Japan. According to a letter authored by Rep. Walter Jones (R-NC), nearly \$10 million in Saltonstall-Kennedy (S-K) funding is derived from nations involved in TPP negotiations. Since the S-K Act funding is derived through duties on imported fish products, there is concern that finalizing the TPP could negatively impact areas funded through S-K. In nations that export a lot of fish, there are similar concerns with the TPP, as industry subsidies would need to be eliminated or reduced. Free trade agreements are filled with conflicts such as this and require a long time to negotiate. Commission staff will continue to monitor the progress of the TPP and its possible effects on S-K funding.

Bill Number	Highlights	Sponsor [Cosponsors]/Committee Status
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Priority I

S.1757	<p>Fluke Fairness Act of 2013 http://hdl.loc.gov/loc.uscongress/legislation.113s1757</p> <ul style="list-style-type: none"> • Requires MAFMC to submit a new summer flounder FMP within one year and prohibits allocation of summer flounder catch quotas on a state by state basis using historical landings data. • Requires MAFMC to consult with ASMFC. 	<p>Schumer (D-NY) [1 Cosponsor] Senate Committee on Commerce, Science, and Transportation 11/21/2013 Introduced 11/21/2013 Referred to Senate Committee</p>
H.R. 69	<p>Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2013 http://hdl.loc.gov/loc.uscongress/legislation.113hr69</p> <ul style="list-style-type: none"> • Amends several existing laws to increase enforcement of fishing regulations by giving the Secretary of Commerce and the Coast Guard authority to enforce fishing-related policies. • Authorizes additional enforcement measures relating to search or inspection of facilities, records inspection, shipment detention, arrest, search and seizure, and service of civil or criminal process. 	<p>Bordallo (D-GU) [16 Cosponsors] House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs 1/3/2013 Introduced 1/31/2013 Referred to House Subcommittee</p>
H.R. 71	<p>Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2013 http://hdl.loc.gov/loc.uscongress/legislation.113hr71</p> <ul style="list-style-type: none"> • Comprehensive reauthorization of the Coral Reef Conservation Act of 2000. 	<p>Bordallo (D-GU) [10 cosponsors] House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs 1/3/2013 Introduced 1/31/2013 Referred to House Subcommittee</p>

H.R. 996	<p>Invasive Fish and Wildlife Prevention Act http://hdl.loc.gov/loc.uscongress/legislation.113hr996</p> <ul style="list-style-type: none"> • Strengthens the Fish and Wildlife Service's ability to designate animals as "injurious," meaning these animals could not be imported or shipped between states without a permit. • Allows the USFWS to update screening procedures using rapid assessment technology and to designate temporary emergency "injurious" listings. • Allows governors to petition for immediate listing actions. • Allows listing of non-crustacean and non-mollusk invertebrates. 	<p>Slaughter (D-NY) [31 cosponsors] House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs House Subcommittee on Crime, Terrorism, Homeland Security, And Investigations 3/6/2013 Introduced 4/8/2013 Referred to House Subcommittee</p>
S. 1153	<p>Invasive Fish and Wildlife Prevention Act http://hdl.loc.gov/loc.uscongress/legislation.113s1153</p> <ul style="list-style-type: none"> • Senate counterpart to H.R. 996 	<p>Gillibrand (D-NY) [2 cosponsors] Senate committee on Environment and Public Works 6/12/2013 Introduced 6/12/2013 Referred to Senate Committee</p>
S. 221	<p>Saving Fishing Jobs Act of 2013 http://hdl.loc.gov/loc.uscongress/legislation.113s221</p> <ul style="list-style-type: none"> • Requires the Secretary of Commerce to terminate new and existing catch share programs that result in a 15 percent or more reduction in the total number of fishermen in the program, and develop a new management plan within one year. 	<p>Ayotte (R-NH) [none] Senate Committee on Commerce, Science, and Transportation 2/4/2013 Introduced 2/4/2013 Referred to Senate Committee</p>
H.R. 263	<p>National Fish and Wildlife Foundation Reauthorization Act of 2013 http://hdl.loc.gov/loc.uscongress/legislation.113hr263</p> <ul style="list-style-type: none"> • Authorizes \$25 million for the National Fish and Wildlife Foundation for FY 2014 to 2019. • The bill would require a new 28-member board of directors including experts in freshwater, saltwater, coastal and land creatures, and would allow the foundation to accept gifts and bequests. The foundation could turn gifts over to federal agencies. • The National Fish and Wildlife Foundation was created by Congress in 1984 to protect and restore fish and wildlife and their habitats. It directs public dollars to critical environmental needs and matches those investments with private contributions. 	<p>Grimm (R-NY) [1 cosponsor] House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs 1/15/2013 Introduced 1/31/2013 Referred to House Subcommittee</p>

S. 267	<p>Pirate Fishing Elimination Act http://hdl.loc.gov/loc.uscongress/legislation.113s267</p> <ul style="list-style-type: none"> • Codifies the Port States Measures Agreement into U.S. law, an international treaty aimed at prohibiting vessels that have engaged in illegal fishing from entering ports around the world. 	<p>Rockefeller (D-WV) [11 cosponsors] Senate Committee on Commerce, Science, and Transportation 2/11/2013 Introduced 1/8/2014 Reported out of Senate Committee</p>
S. 269	<p>International Fisheries Stewardship and Enforcement Act (IFSEA) http://hdl.loc.gov/loc.uscongress/legislation.113s269</p> <ul style="list-style-type: none"> • Amends several existing laws to increase enforcement of fishing regulations by giving the Secretary of Commerce and the Coast Guard authority to enforce fishing-related policies. • Creates an International Fisheries Enforcement Program within NOAA. 	<p>Rockefeller (D-WV) [12 cosponsors] Senate Committee on Commerce, Science, and Transportation 2/11/2013 Introduced 12/17/2013 Reported out of Senate Committee</p>
S. 520	<p>Safety And Fraud Enforcement for Seafood (SAFE) Act http://hdl.loc.gov/loc.uscongress/legislation.113s520</p> <ul style="list-style-type: none"> • Requires that detailed information accompany seafood through the supply chain to the point of sale, including scientific name, geographic catch area, date of catch, and catch method. • Improves the FDA list of standardized names for seafood. • Authorizes refusal of suspected or known violators of seafood mislabeling. 	<p>Begich (R-AK) [5 cosponsors] Senate Committee on Commerce, Science, and Transportation 3/11/2013 Introduced 3/11/2013 Referred to Senate Committee</p>
H.R. 1012	<p>Safety And Fraud Enforcement for Seafood (SAFE) Act http://hdl.loc.gov/loc.uscongress/legislation.113hr1012</p> <ul style="list-style-type: none"> • House companion bill to S. 520, Safety And Fraud Enforcement for Seafood (SAFE) Act (see above). 	<p>Markey (D-MA) [28 cosponsors] House Committees on Energy and Commerce; Agriculture; Natural Resources; Ways and Means 3/6/2013 Introduced 4/2/2013 Referred to House Subcommittees</p>
S. 646	<p>National Endowment for the Oceans Act http://hdl.loc.gov/loc.uscongress/legislation.113s646</p> <ul style="list-style-type: none"> • Establishes a National Endowment for the Oceans to fund activities intended to protect, conserve, restore, and understand the Nation's oceans, coasts, and Great Lakes through a competitive grant process. 	<p>Whitehouse (R-RI) [6 cosponsors] Senate Committee on Commerce, Science, and Transportation 3/21/2013 Introduced 3/21/2013 Referred to Senate Committee</p>

H.R. 764	<p>Coastal State Climate Change Planning Act http://hdl.loc.gov/loc.uscongress/legislation.113hr764</p> <ul style="list-style-type: none"> • Directs the Secretary of Commerce to establish a coastal climate change adaptation planning and response program to provide assistance to coastal states to develop climate change adaptation plans and provide financial and technical assistance to implement such plans. • Requires the Secretary of Commerce to promote the use of National Estuarine Research Reserves as sites for pilot projects. 	<p>Capps (D-CA) [28 cosponsors] House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs 2/15/2013 Introduced 3/1/2013 Referred to House Subcommittee</p>
S. 839	<p>Coral Reef Conservation Amendments Act of 2013 http://hdl.loc.gov/loc.uscongress/legislation.113s839</p> <ul style="list-style-type: none"> • Comprehensive reauthorization of the Coral Reef Conservation Act of 2000. 	<p>Nelson (D-FL) [3 cosponsors] Senate Committee on Commerce, Science, and Transportation 4/25/2013 Introduced 7/30/2013 Reported out of Senate Committee</p>
H.R. 3063	<p>Healthy Fisheries through Better Science Act http://hdl.loc.gov/loc.uscongress/legislation.113hr3063</p> <ul style="list-style-type: none"> • Would require the Department of Commerce to develop a plan to conduct stock assessments for all stocks of fish for which a fishery management plan is in effect under the Magnuson-Stevens Act. 	<p>Wittman (R-VA) [none] House Natural Resources Committee 8/2/2013 Referred to House Committee</p>
S. 713	<p>Rhode Island Fishermen's Fairness Act http://hdl.loc.gov/loc.uscongress/legislation.113s713</p> <ul style="list-style-type: none"> • Would give Rhode Island a seat on the Mid-Atlantic Fishery Management Council (MAFMC). 	<p>Reed (D-RI) [1 cosponsor] Committee on Commerce, Science, and Transportation 4/11/2013 Introduced 4/11/2013 Referred to Senate Committee</p>
H.R. 1504	<p>Rhode Island Fishermen's Fairness Act http://hdl.loc.gov/loc.uscongress/legislation.113hr1504</p> <ul style="list-style-type: none"> • House companion bill to S. 713, Rhode Island Fishermen's Fairness Act (see above). • Would give Rhode Island a seat on the Mid-Atlantic Fishery Management Council (MAFMC). 	<p>Rep Langevin (D-RI) [1 cosponsor] House Committee on Natural Resources. 4/11/2013 Introduced 4/11/2013 Referred to House Committee</p>

Priority II

S.1505	<p>Hunting, Fishing, and Recreational Shooting Protection Act http://hdl.loc.gov/loc.uscongress/legislation.113s1505</p> <ul style="list-style-type: none"> Amends the Toxic Substances Control Act to exclude from the definition of chemical substance any sport fishing equipment, firearm, or cartridge subject to a federal excise tax. 	<p>Thune (R-SD) [6 cosponsor] Senate Environment and Public Works Committee 9/17/2013 Referred to Senate Committee</p>
H.Con.Res. 13	<p>Expressing the sense of the Congress that the Fish and Wildlife Service should incorporate consideration of global warming and sea-level rise into the comprehensive conservation plans for coastal national wildlife refuges. http://hdl.loc.gov/loc.uscongress/legislation.113hconres13</p>	<p>Christensen (D-VI) [none] House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs 2/13/2013 Introduced 2/13/2013 Referred to Senate Subcommittee</p>
H.R. 262	<p>Multinational Species Conservation Funds Semipostal Stamp Reauthorization Act http://hdl.loc.gov/loc.uscongress/legislation.113hr262</p> <ul style="list-style-type: none"> Extends the availability of the Save Vanishing Species stamp for four years. The Postal Service gives the proceeds from stamp sales to the Fish and Wildlife Service to fund projects for endangered wildlife species including African and Asian elephants, rhinos, tigers, great apes, and marine sea turtles. 	<p>Grimm (R-NY) [57 cosponsors] House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs 1/15/2013 Introduced 1/31/2013 Referred to House Subcommittee</p>
S. 327	<p>Good Neighbor Forestry Act http://hdl.loc.gov/loc.uscongress/legislation.113s327</p> <ul style="list-style-type: none"> Authorizes the Secretaries of Agriculture and Interior to enter into cooperative agreements and contracts with state foresters to provide forest, rangeland, and watershed restoration and protection services that include activities to treat insect infected trees, reduce hazardous fuels, and any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat. 	<p>Barasso (R-WY) [10 cosponsors] Senate Committee on Energy and Natural Resources 2/14/2013 Introduced 2/14/2013 Referred to Senate Committee 6/18/2013 Mark-up held, reported out of Committee 9/10/2013 Reported out of Senate Committee</p>

H.R. 2401	<p>Good Neighbor Forestry Act http://hdl.loc.gov/loc.uscongress/legislation.113hr2401</p> <ul style="list-style-type: none"> House companion bill to S. 327, Good Neighbor Forestry Act. 	<p>Cotton (R-AR) [1 cosponsor] House Committee on Natural Resources Subcommittee on Public Lands and Environmental Regulation; House Committee on Agriculture 6/17/2013 Introduced 8/13/2013 Referred to House Subcommittees</p>
S. 421	<p>Freedom to Fish Act of 2013 http://hdl.loc.gov/loc.uscongress/legislation.113s421</p> <ul style="list-style-type: none"> Prohibits the Army Corps of Engineers from taking any action to establish a restricted area prohibiting public access to waters downstream of a dam. 	<p>Alexander (R-TN) [3 cosponsors] Senate Committee on Environment and Public Works 2/28/2013 Introduced 2/28/2013 Referred to Senate Committee</p>
H.R. 826	<p>Freedom to Fish Act of 2013 http://hdl.loc.gov/loc.uscongress/legislation.113hr826</p> <ul style="list-style-type: none"> House companion bill to S. 421, Freedom to Fish Act of 2013 (see above). 	<p>Whitfield (R-KY) [6 cosponsors] House Transportation and Infrastructure Subcommittee on Water Resources and Environment 2/26/2013 Introduced 2/27/2013 Referred to House Subcommittee</p>
S. 982	<p>Freedom to Fish Act http://hdl.loc.gov/loc.uscongress/legislation.113s982</p> <ul style="list-style-type: none"> Similar to H.R. 421 and S. 421 (above), but restricted to only the Cumberland River Basin. 	<p>Alexander (R-TN) [3 cosponsors] Senate Committee on Environment and Public Works 2/28/2013 Introduced 5/16/2013 Passed in Senate 5/21/2013 Passed in House 6/3/2013 Became Public Law</p>
S. 542	<p>Maritime Lien Reform Act of 2013 http://hdl.loc.gov/loc.uscongress/legislation.113s542</p> <ul style="list-style-type: none"> Prohibits maritime liens from being imposed on Alaskan limited entry commercial fishing permits. 	<p>Murkowski (R-AK) [2 cosponsors] Senate Committee on Commerce, Science, and Transportation 3/13/2013 Introduced 3/13/2013 Referred to Senate Committee</p>

H.R. 596	<p>Public Lands Renewable Energy Development Act of 2013 http://hdl.loc.gov/loc.uscongress/legislation.113hr596</p> <ul style="list-style-type: none"> Streamlines permitting for renewable energy projects on public lands and waters. 	<p>Gosar (R-AZ) [51 cosponsors] House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs House Agriculture Subcommittee on Conservation, Energy, and Forestry. 2/8/2013 Introduced 2/25/2013 Referred to Subcommittees</p>
H.R. 638	<p>National Wildlife Refuge Review Act of 2013 http://hdl.loc.gov/loc.uscongress/legislation.113hr638</p> <ul style="list-style-type: none"> Blocks the Fish and Wildlife Service from declaring any new refuges unless Congress passed legislation specifically allowing it. The bill would not affect any existing refuges. 	<p>Fleming (R-LA) [13 cosponsors] House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs 2/13/2013 Introduced 2/21/2013 Referred to House Subcommittee 4/25/2013 Legislative hearing held 9/20/2013 Reported out of House Committee</p>
S. 681	<p>Offshore Fairness Act http://hdl.loc.gov/loc.uscongress/legislation.113s681</p> <ul style="list-style-type: none"> Extends the offshore jurisdictions of Gulf of Mexico states to three marine leagues from their respective coastlines. States would control the rights to energy resources and gain exclusive fishery management authority over reef fish within the new boundary. 	<p>Vitter (R-LA) [none] Senate Committee on Energy and Natural Resources 4/9/2013 Introduced 4/9/2013 Referred to Senate Committee</p>
H.R. 1430	<p>Offshore Fairness Act http://hdl.loc.gov/loc.uscongress/legislation.113hr1430</p> <ul style="list-style-type: none"> House companion bill to S. 681, the Offshore Fairness Act (see above). 	<p>Cassidy (R-LA) [1 cosponsor] House Judiciary Subcommittee on Regulatory Reform, Commercial And Antitrust Law; House Natural Resources Subcommittee on Energy and Mineral Resources 4/30/2013 Referred to House Subcommittees</p>

S. 747	<p>A bill to grant exclusive fishery management authority over the red snapper fish in the Gulf of Mexico to certain States. http://hdl.loc.gov/loc.uscongress/legislation.113s747</p> <ul style="list-style-type: none"> Grants Gulf states exclusive fishery management authority over red snapper fish in the Gulf of Mexico in the area located between the coast line of each such state and the point that is 200 miles seaward of the coast line. 	<p>Vitter (R-AL) [none] Committee on Commerce, Science, and Transportation. 4/17/2013 Introduced 4/17/2013 Senate Committee</p>
H.R. 753	<p>Prohibiting commercial finfish aquaculture operations in the Exclusive Economic Zone. http://hdl.loc.gov/loc.uscongress/legislation.113hr753</p> <ul style="list-style-type: none"> Prohibits the Secretary of Interior and the Secretary of Commerce from authorizing commercial finfish aquaculture operations in the federal Exclusive Economic Zone (EEZ) unless specifically authorized by Congress. Congress has never authorized open ocean aquaculture or provided a legislative framework for managing finfish farms in the EEZ. 	<p>Young (R-AK) [none] House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs 2/15/2013 Introduced 3/1/2013 Referred to House Subcommittee</p>
H.R. 910	<p>Sikes Act Reauthorization Act of 2013 http://hdl.loc.gov/loc.uscongress/legislation.113hr910</p> <ul style="list-style-type: none"> Reauthorizes the Sikes Act from 2015 through 2019. The Sikes Act requires the Department of Defense to develop and implement Integrated Natural Resources Management Plans for military installations across the United States. 	<p>Fleming (R-LA) [none] House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs House Armed Services Subcommittee on Readiness 2/28/2013 Introduced 3/21/2013 House Natural Resources Subcommittee hearing held 6/24/2013 Reported of House Committee</p>
H.R. 1021	<p>Land Acquisition to Cut National Debt Act http://hdl.loc.gov/loc.uscongress/legislation.113hr1021</p> <ul style="list-style-type: none"> Suspends net federal land acquisitions under the jurisdiction of the Bureau of Land Management, the National Park Service, the Fish and Wildlife Service, or the Forest Service unless the Federal budget is balanced for the year in which the land would be purchased. 	<p>Stivers (R-OH) [none] House Natural Resources Committee; House Agriculture Committee 3/6/2013 Introduced 3/12/2013 Referred to House Committees 4/2/2013 Referred to House Subcommittees</p>

<p>S. 1022</p>	<p>A bill to amend title 46, United States Code, to extend the exemption from the fire-retardant materials construction requirement for vessels operating within the Boundary Line. http://hdl.loc.gov/loc.uscongress/legislation.113s1022</p> <ul style="list-style-type: none"> Amends federal shipping law to extend through October 31, 2028, the exemption of certain vessels from the requirement that U.S. passenger vessels having berth or stateroom accommodations for at least 50 passengers be constructed of fire-retardant materials in order to be granted a certificate of inspection. Continues to apply this exemption only to vessels in operation before January 1, 1968, which operate only within the Boundary Line (the dividing point between inland waters and high seas). 	<p>Brown (D-OH) [3 cosponsors] Senate Committee on Commerce, Science, and Transportation 5/22/2013 Introduced 5/22/2013 Referred to Senate Committee</p>
<p>S. 1079</p>	<p>Artificial Reef Promotion Act of 2013 http://hdl.loc.gov/loc.uscongress/legislation.113s1079</p> <ul style="list-style-type: none"> Expedites the application review to remove an offshore oil or gas platform in the Gulf of Mexico for use as an artificial reef by requiring that a decision be made within 150 days. 	<p>Vitter (R-LA) [2 cosponsors] Senate 5/23/2013 Introduced 5/23/2013 Referred to Senate Committee</p>
<p>H.R. 1080</p>	<p>To amend the Sikes Act to promote the use of cooperative agreements under such Act for land management related to Department of Defense readiness activities and to facilitate interagency cooperation in conservation programs to reduce adverse impacts on military readiness activities. http://hdl.loc.gov/loc.uscongress/legislation.113hr1080</p> <ul style="list-style-type: none"> Permits the Department of Defense to extend a program reducing restrictions on training by finding and restoring habitat off base. 	<p>Bordallo (D-GU) [none] House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs; House Armed Services Subcommittee on Readiness 3/12/2013 Introduced 3/21/2013 House Natural Resources Subcommittee hearing held 3/26/2013 Referred to the House Subcommittee on Readiness 5/15/2013 Natural Resources Committee mark-up held 6/17/2013 Reported favorably out of the Natural Resources Committee</p>

S. 1161	<p>Gulf of Mexico Red Snapper Conservation Act of 2013 http://hdl.loc.gov/loc.uscongress/legislation.113s1161</p> <ul style="list-style-type: none"> • Transfers management responsibility of Gulf of Mexico red snapper to the Gulf states. 	<p>Landrieu (D-LA) [1 cosponsor] Senate Committee on Commerce, Science, and Transportation 6/13/2013 Introduced 6/13/2013 Referred to Senate Committee</p>
S. 1202	<p>SAFE Act http://hdl.loc.gov/loc.uscongress/legislation.113s1202</p> <ul style="list-style-type: none"> • Requires federal agencies that manage natural resources to adopt climate change adaptation plans. 	<p>Whitehouse (D-RI) [1 cosponsor] Environment and Public Works Committee 6/20/2013 Referred to Senate Committee</p>
H.R. 1219	<p>Gulf Fisheries Fairness Act http://hdl.loc.gov/loc.uscongress/legislation.113hr1219</p> <ul style="list-style-type: none"> • Resets the state water boundaries for the purposes of reef fish management for all five Gulf states to an average depth of 20 fathoms (120 feet) or nine nautical miles, whichever is farthest. • Currently, Alabama, Louisiana and Mississippi have three mile boundaries, while Florida and Texas are set at nine miles. 	<p>Bonner (R-AL) [12 cosponsors] House Committee on Natural Resources 3/15/2013 Introduced 3/15/2013 Referred to House Committee</p>
H.R. 1300	<p>To amend the Fish and Wildlife Act of 1956 to reauthorize the volunteer programs and community partnerships for the benefit of national wildlife refuges, and for other purposes. http://hdl.loc.gov/loc.uscongress/legislation.113hr1300</p> <ul style="list-style-type: none"> • Reauthorizes the National Wildlife Refuge System Volunteer, Community Partnership, and Education Programs for 2014 through 2018. 	<p>Runyon (R-NJ) [1 cosponsor] House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs. 3/20/2013 Introduced 3/28/2013 Referred to House Subcommittee 6/17/2013 Reported favorably out of the Natural Resources Committee 7/30/2013 Passed in House</p>

H.R. 1313	<p>To amend the Food, Conservation, and Energy Act to repeal a duplicative program relating to inspection and grading of catfish. http://hdl.loc.gov/loc.uscongress/legislation.113hr1313</p> <ul style="list-style-type: none"> • Terminates the USDA catfish inspection program. • Currently the FDA and NFMS also have catfish inspection programs in place, and the Government Accountability Office singled out USDA's catfish inspection program as duplicative in a February 2013 report on government waste. • Three other bills (H.R. 1999, S. 632, and the House Farm Bill) also end USDA's catfish inspection program. 	<p>Hartzler (R-MO) [49 cosponsors] House Agriculture Subcommittee on Livestock, Rural Development, and Credit 3/21/2013 Introduced 4/2/2013 Referred to Senate Subcommittee</p>
S. 1419	<p>Marine and Hydrokinetic Renewable Energy Act of 2013 http://hdl.loc.gov/loc.uscongress/legislation.113s1419</p> <ul style="list-style-type: none"> • Reauthorizes the Department of Energy's marine hydrokinetic (MHK) research, development and demonstration programs through 2017. • Encourages private investment in MHK power technologies by streamlining the regulatory process for pilot projects that generate energy from oceans, lakes and rivers. 	<p>Wyden (D-OR) [4 cosponsors] Senate Energy and Natural Resources Committees 8/1/2013 Referred to Senate Committees</p>
H.R. 1425	<p>Marine Debris Emergency Act of 2013 http://hdl.loc.gov/loc.uscongress/legislation.113hr1425</p> <ul style="list-style-type: none"> • Makes improvements to the Marine Debris Research, Prevention, and Reduction Act (2006) by establishing a program within NOAA that complements the Environmental Protection Agency's marine debris program. • Requires NOAA to give preference to projects that address severe marine debris events especially in the event of potential threat of marine invasive species. • Requires speedier approval of applications and grant funding. 	<p>Bonamici (D-OR) [22 cosponsors] House 4/9/2013 Introduced 4/9/2013 Referred to the House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs; House Transportation and Infrastructure Subcommittee on Coast Guard and Maritime Transportation 6/13/2013 Subcommittee hearing held in the Fisheries, Wildlife, Oceans, and Insular Affairs Subcommittee 12/4/2013 Reported out of House Natural Resources Committee</p>

S. 1435	<p>Clean Ports Act of 2013 http://hdl.loc.gov/loc.uscongress/legislation.113s1435</p> <ul style="list-style-type: none"> Encourages ports to adopt and enforce requirements to reduce pollution, mitigate traffic congestion, improve highway safety, and enhance efficient utilization of port facilities. 	<p>Gillibrand (D-NY) [1 cosponsor] Senate Commerce, Science, and Transportation Committee 8/1/2013 Referred to Senate Committee</p>
H.R. 1825	<p>Recreational Fishing and Hunting Heritage and Opportunities Act http://hdl.loc.gov/loc.uscongress/legislation.113hr1825</p> <ul style="list-style-type: none"> Creates an “open until closed” policy for sportsmen’s use of federal land. Would direct U.S. Forest Service and Bureau of Land Management to facilitate use and access for hunting, fishing, and recreational shooting activities on federal lands. 	<p>Benishek (R-MI) [108 cosponsors] House Agriculture Committee, House Natural Resources Committee 6/12/2013 Reported out of the Natural Resources Committee by a vote of 28-15</p>
H.R. 2219	<p>To reauthorize the Integrated Coastal and Ocean Observation System (ICOOS) Act of 2009. http://hdl.loc.gov/loc.uscongress/legislation.113hr2219</p> <ul style="list-style-type: none"> Reauthorizes the ICCOS Act of 2009, which expires in 2013. The 2009 law established a national integrated system of ocean, coastal, and Great Lakes observing systems to promote better public awareness and scientific communication concerning ocean, coastal, and lake conservation. 	<p>Young (R-AK) [none] House Natural Resources Committee, House Science, Space, and Technology Committee 6/3/2013 introduced 6/4/2013 Referred to House subcommittee 6/13/2013 Subcommittee hearing held</p>
H.R. 2261	<p>National Mitigation Fisheries Coordination Act http://hdl.loc.gov/loc.uscongress/legislation.113hr2261</p> <ul style="list-style-type: none"> Directs agencies with fishery mitigation activities on mandated federal water projects to reimburse the Fish and Wildlife Service for the cost of operating the hatcheries used in mitigation. 	<p>Crawford (R-AR) [5 cosponsors] Subcommittee on Water Resources and Environment 6/5/2013 Introduced 6/10/2013 Referred to House Subcommittees</p>
H.R. 3099	<p>Gulf of Mexico Red Snapper Conservation Act of 2013 http://hdl.loc.gov/loc.uscongress/legislation.113hr3099</p> <ul style="list-style-type: none"> Transfers management authority over the red snapper fishery to the Gulf States Marine Fisheries Commission. Contains a three year prohibition on any reduction in quotas. 	<p>Miller (R-FL) [19 cosponsors] House Natural Resources 9/12/2013 Referred to House Committee</p>

H.R. 3105	<p>Aquaculture Risk Reduction Act http://hdl.loc.gov/loc.uscongress/legislation.113hr3105</p> <ul style="list-style-type: none"> Provides exemption from the Lacey Act for animals unintentionally included in shipments of fish produced in commercial aquaculture. 	<p>Crawford (R-AR) [4 cosponsors] House Natural Resources Committee 9/20/2013 Referred to House Subcommittee</p>
H.R. 3464	<p>Commercial Vessel Discharges Reform Act of 2013 http://hdl.loc.gov/loc.uscongress/legislation.113hr3464</p> <ul style="list-style-type: none"> Extends permanently, a moratorium from EPA, state regulations and fines governing incidental discharges from commercial fishing vessels and all other commercial vessels less than 79 feet. 	<p>LoBiondo (R-NJ) [8 cosponsors] House Committee on Transportation and Infrastructure 11/14/2013 Introduced 11/14/2013 Referred to Subcommittee on Coast Guard and Maritime Transportation/Water Resources and Environment</p>

Appropriations

H.R. 3547	<p>FY2014 Omnibus Appropriations Bill http://hdl.loc.gov/loc.uscongress/legislation.113hr3547</p>	<p>Rep Lamar Smith (R-TX) [3 cosponsors] House Appropriations Committee 1/17/2014 Became public law</p>
H.J.Res. 106	<p>FY2014 Continuing Resolution (through Jan. 18, 2014) http://hdl.loc.gov/loc.uscongress/legislation.113hjres106</p>	<p>Rep Harold Rogers (R-KY) [none] House Appropriations Committee 1/15/2014 Became public law</p>
H.J.Res.2775	<p>FY2014 Continuing Resolution (through Jan. 15, 2014) http://hdl.loc.gov/loc.uscongress/legislation.113hr2775</p>	<p>Rep Black (R-TN) [104 Cosponsors] House Appropriations Committee 10/17/2013 Became public law</p>
H.R. 2787	<p>Fiscal Year 2014 Commerce/Justice/Science Appropriations (House) http://hdl.loc.gov/loc.uscongress/legislation.113hr2787</p>	<p>Rep Wolf (R-VA) [none] House Appropriations Committee 7/23/2013 Reported out of House Committee</p>
S. 1329	<p>Fiscal Year 2014 Commerce/Justice/Science Appropriations (Senate) http://hdl.loc.gov/loc.uscongress/legislation.113s1329</p>	<p>Sen Mikulski (D-MD) [none] Senate Appropriations Committee 7/18/2013 Reported out of Senate Committee</p>

Regional Projects/Legislation

<p>H.R. 277/H.R. 187/S. 533</p>	<p>To revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07 in Rhode Island.</p> <p>http://hdl.loc.gov/loc.uscongress/legislation.113hr277 http://hdl.loc.gov/loc.uscongress/legislation.113hr187 http://hdl.loc.gov/loc.uscongress/legislation.113s533</p>	<p>Cicilline (D-RI) [none] House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs Senate Committee on Environment and Public Works</p>
<p>H.R. 175</p>	<p>To authorize a project for hurricane and storm damage reduction, West Onslow Beach and New River Inlet (Topsail Beach), North Carolina.</p> <p>http://hdl.loc.gov/loc.uscongress/legislation.113hr157</p>	<p>Rep McIntyre, Mike (D-NC) [none] Subcommittee on Water Resources and Environment 1/4/2013 introduced 1/7/2013 Referred to subcommittee</p>
<p>H.R. 644</p>	<p>Delaware River Basin Conservation Act of 2013 http://hdl.loc.gov/loc.uscongress/legislation.113hr644</p> <ul style="list-style-type: none"> • Requires the Secretary of the Interior to establish the Delaware River Basin Restoration Program within the U.S. Fish and Wildlife Service. • Requires the Secretary to institute a new partnership to work in consultation with existing management structures to identify, prioritize, and implement restoration and protection activities in the entire basin and adopt a basin-wide investment strategy for implementation of the program. 	<p>Carney (D-DE) [20 cosponsors] House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs 2/13/2013 Introduced 2/22/2013 Referred to House Subcommittee</p>
<p>H.R. 739</p>	<p>Chesapeake Bay Accountability and Recovery Act of 2013 http://hdl.loc.gov/loc.uscongress/legislation.113hr739</p> <ul style="list-style-type: none"> • Implements crosscut budgeting and adaptive management to enhance coordination, flexibility, and efficiency of restoration efforts, similar to techniques used in the Everglades and the Great Lakes. • Creates a Chesapeake Bay Program Independent Evaluator to review and report to Congress on restoration activities in the watershed. 	<p>Wittman (R-VA) [6 cosponsors] House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs 2/14/2013 Introduced 3/11/2013 Referred to House Subcommittee 4/24/2013 Mark-up held, reported out of the Natural Resources Committee by Unanimous Consent</p>

S. 1520	<p>York River Wild and Scenic River Study Act of 2013 http://hdl.loc.gov/loc.uscongress/legislation.113s1520</p> <ul style="list-style-type: none"> • Would amend the Wild and Scenic Rivers Act to designate segments of the York River and associated tributaries for study for potential inclusion in the National Wild and Scenic Rivers System. 	<p>Kind (I-ME) [none] Senate Energy and Natural Resources Committee 9/18/2013 Introduced 9/18/2013 Referred to Senate Committee</p>
H.R. 1808	<p>Maine Coastal Islands Wilderness Act of 2013 http://hdl.loc.gov/loc.uscongress/legislation.113hr1808</p> <ul style="list-style-type: none"> • Designates specified lands in Maine within the Cross Island National Wildlife Refuge, to be known as the Cross Island Wilderness, and within the Petit Manan National Wildlife Refuge, to be known as the Maine Coastal Islands Wilderness, as wilderness and as components of the National Wilderness Preservation System. 	<p>Michaud (D-ME) [1 cosponsor] House Natural Resources Subcommittee on Public Lands and Environmental Regulation 5/6/2013 Introduced 5/6/2013 Referred to House Subcommittee 7/23/2013 Subcommittee hearing</p>
H.R. 2174	<p>Long Island Sound Restoration and Stewardship Act http://hdl.loc.gov/loc.uscongress/legislation.113hr2174</p> <ul style="list-style-type: none"> • Streamlines the federal authorization process for the Long Island Sound Restoration Act (passed in 2000 & 2005) and the Long Island Sound Stewardship Act (passed in 2006). • Improves coordination among federal, state and local agencies and requires reporting on the use of the funds. 	<p>Israel (D-NY) [16 cosponsors] Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs 5/23/2013 introduced 6/3/2013 Referred to subcommittee</p>
H.R. 3139	<p>To amend the Chesapeake Bay Initiative Act of 1998 to provide for the reauthorization of the Chesapeake Bay Gateways and Watertrails Network. http://hdl.loc.gov/loc.uscongress/legislation.113hr3139</p>	<p>Sarbanes (D-MD) [10 cosponsors] House Natural Resources Committee 9/19/2013 Introduced 9/27/2013 Referred to House Subcommittee</p>

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H.R. ____ - The “Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act” Summary of Discussion Draft Provisions

Flexibility in Rebuilding Fish Stocks

The bill would remove the language requiring a 10-year time frame for rebuilding overfished/depleted fisheries and replace it with a requirement that the rebuilding timeframe be the time it would take for the fishery to rebuild without any fishing occurring plus one mean generation time. The bill would also allow Councils to phase in a rebuilding plan for highly dynamic fisheries over a three year period to lessen the economic harm to fishing communities. In addition, the bill would remove the term “possible” and replace it with “practicable” in the requirement that rebuilding period “be as short as possible”. This phrase has already been cited in a court decision that required the Pacific Council to adopt the shorter of several timeframes being considered resulting in economic harm.

The bill would also provide flexibility in the rebuilding timeframe for fisheries if the fishery is one component of a multi-species complex (ex: the NE groundfish fishery is made up of 19 species - if one component is overfished, the harvest of all of the other species might be severely limited to allow the one component to rebuild causing unnecessary economic harm). In addition, the bill would provide flexibility for fisheries which are transboundary or managed under an international treaty, for fisheries for which the cause of the overfished/depleted condition is outside the jurisdiction of the Council, and for those fisheries for which the Secretary determines have been affected by unusual events that make rebuilding the fishery within the specified timeframe improbable without significant economic harm to fishing communities.

The bill would allow Councils to take into account environmental conditions and predator/prey relationships when developing rebuilding plans.

The bill would also requires that the fishery management plan for any fishery that is considered overfished/depleted must specify a schedule for reviewing the rebuilding targets, evaluating environmental impacts on rebuilding progress, and evaluating the progress that is being made toward reaching the rebuilding targets.

The bill would allow a fishery management plan for any fishery that is considered overfished/depleted to use alternative rebuilding strategies including harvest control rules and fishing mortality targets.

The bill would allow a Council to terminate any rebuilding plan for a fishery that was initially determined to be overfished/depleted and then found not to be overfished/depleted within two years or at the next stock assessment.

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Finally, current law allows the Secretary to implement emergency interim measures for fisheries in which overfishing is taking place. If the action is taken for a fishery that is under a fishery management plan, the interim measure may only remain in place for 180 days; however, the measures may then be extended for an additional 186 days (with the extension, this allows the Secretary to implement interim measures for a year and a day). The bill would modify this authority to allow the Secretary to implement the interim measures for one year with the ability to extend for a second year. Current law allows a Council to take up to two years to prepare and implement a fishery management plan or plan amendment to address a fishery that is overfished yet current law only allows interim measure to be implemented for one year (assuming the extension is granted). This provision would allow the interim measure authority to be consistent with the time period allowed for a Council to prepare and implement a rebuilding plan for a fishery identified as overfished.

Modifications to the Annual Catch Limit Requirements

The bill would allow Councils to consider changes in the ecosystem and the economic needs of the fishing communities when setting Annual Catch Limits (ACLs). This allows flexibility but does not allow Councils to set ACLs at a level that allows overfishing.

The bill would also add a new exception to the requirement that Councils set an ACL for “ecosystem component species” - those species of fish that are not targeted and are caught incidentally as long as that stock of fish is not subject to overfishing and is not likely to become subject to overfishing. The bill includes a definition of “ecosystem component species”. The bill would also provide an exemption for those stocks of fish for which a single year class will complete their lifecycle in less than 18 months as long as fishing mortality will have little impact on the stock (squid, butterfish on the east coast).

The bill would also require that Councils, when setting ACLs, take into account management measures under international agreements and treaties and informal transboundary agreements under which fishing by foreign fishermen outside the U.S. EEZ might hinder conservation efforts by U.S. fishermen.

While the Act implies that ACLs will be set for each managed species each year and for only one year, the bill would clarify that Councils may establish ACLs for multi-species stock complexes (ex: New England groundfish) and may set ACLs for up to three years.

The bill would allow Councils to set Annual Catch Limits (ACLs) above the fishing level recommendation of the Scientific and Statistical Committee (SSC), but not above the overfishing level recommendation. This will allow more flexibility for Councils - especially for data poor stocks - but will not allow Councils to set harvest levels that result in overfishing. Current NOAA guidelines requires SSCs to include several layers of precaution for scientific and

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management uncertainty. Because current law prohibits a Council from setting harvest levels above the fishing level recommendation of its SSC, multiple layers of uncertainty buffers have limited the Councils' flexibility in setting harvest levels and have created situations where these buffers have created adverse economic impacts. While this provision would give Councils more flexibility in setting harvest levels, it still caps harvest levels below the overfishing level set by the SSC.

Distinguishing Between Overfished and Depleted

The bill would replace the term "overfished" with the term "depleted" throughout the Act and would require the Secretary when issuing the annual report on the status of fisheries note if a stock was "depleted" as a result of something other than fishing. The bill would include a new definition for the term "depleted".

The bill would require that when the Secretary reports annually to Congress on the status of fisheries and identifies fisheries that are overfished or approaching a condition of being overfished, the report shall distinguish between fisheries that are depleted (or approaching a condition of being depleted) as a result of fishing and those fisheries that are depleted (or approaching a condition of being depleted) as a result of factors other than fishing. The bill would also require that the report state, for each fishery identified as depleted, whether the fishery is a target of directed fishing.

Transparency and Public Process for Scientific and Management Actions

The bill would require that Scientific and Statistical Committees (SSCs) develop the scientific advice that they are providing to the Councils in a transparent manner and to allow for public involvement in the process.

The bill would also require that each Council, to the extent practicable, provide a live broadcast of each meeting and an audio, video and transcript for each Council and SSC meeting on the Council's website not more than 30 days after the conclusion of the meeting. The bill would require that the Secretary maintain these audios, videos and transcripts and make them available to the public.

The bill would clarify that fishery management plans, plan amendments and regulations implementing such a plan or plan amendment that are prepared under the processes and timelines of the Magnuson-Stevens Fishery Conservation and Management Act will be considered to satisfy the requirements of section 102(2)(C) of the National Environmental Policy Act.

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Limitation on Future Catch Share Programs

The bill would define the term “catch share” and create a pilot program for four Councils - the New England, Mid-Atlantic, South Atlantic, and Gulf of Mexico Councils - which would prohibit those Councils from submitting and prohibit the Secretary from approving or implementing any new catch share program from those Councils unless the program has been approved in a referendum. The bill would also require that prior to the referendum, the Secretary must provide all eligible permit holders with a copy of the proposed program, an estimate of the costs of the program (including the costs to participants), an estimate of the amount of fish or percentage of the quota each permit holder would be allocated, and information on the schedule, procedures and eligibility criteria for the referendum. The bill defines “permit holder eligible to participate” in a referendum as a permit holder who has fished in at least 3 of the 5 years preceding the referendum unless sickness, injury or other unavoidable hardship prevented the permit holder from fishing. The bill clarifies that the requirement for the referendum does not apply to any catch share program that is submitted to or proposed by the Secretary before the date of enactment of the bill.

The bill would also prevent the Secretary from implementing a catch share program for any fishery managed by the Secretary (highly migratory species) unless first petitioned by a majority of those eligible to participate in the fishery.

The bill would require the Secretary to issue regulations and provide for public comment on the referendum prior to conducting any referendum.

Data Collection and Data Confidentiality

The bill would require the Secretary of Commerce - in conjunction with the Councils and the Pacific States Marine Fisheries Commission - within 6 months to develop performance standards and regulations to govern the use of electronic monitoring for data collection and monitoring (but not for enforcement purposes) and to provide an opportunity for the fishing industry to comment on the regulations before they are finalized. If the Secretary has not met the 6 month deadline for developing the standards and regulations, each Council may issue their own regulations and standards and implement electronic monitoring programs for fisheries under the Council’s jurisdiction. Each Council may also implement plans to substitute electronic monitoring for human observers if the electronic monitoring will provide the same level of coverage as human observers and the standards for electronic monitoring are in effect.

The bill would also require the Secretary to work with the Councils and NGOs to develop and implement the use of video survey technologies and to expand the use of acoustic survey technologies.

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The Act currently contains provisions dealing with the confidentiality of data collected by fisheries managers. NOAA has been increasing the types and amount of data - including proprietary data - collected from fishermen and processors in an attempt to provide fishery managers with more socio-economic information. In some cases, NOAA has been requesting information on product types, pricing information, and markets. This information, if disclosed could put U.S. fishermen and seafood processors at a competitive disadvantage both in U.S. markets and in international markets. In addition, the confidentiality regulations do not necessarily apply to information that is now being collected using new technologies such as electronic monitoring.

The bill would update the existing confidentiality provisions of the Act. In particular, the bill would replace the term "limited access program" with "catch share program". The bill would clarify that information submitted to the Secretary, a State fisheries management agency, or a Marine Fisheries Commission under the requirements of this Act (including confidential information) may only be used for the purposes of fisheries management, monitoring and enforcement under this Act. The bill would clarify that the Secretary may release information to a Council or State if the person submitting the information authorizes the Secretary to do so in writing. The bill clarifies that the Secretary may enter into a memorandum of understanding with the heads of other Federal agencies for sharing confidential information necessary to ensure the safety of life at sea or for fisheries management purposes if there is a compelling need to do so and if the other agencies maintain the confidentiality of the information and use the information only for the purposes for which it was shared. The bill would clarify that observer information, information collected by a Vessel Monitoring System or other vessel tracking technology, or other on-board data collection or enforcement programs shall be considered confidential. The bill would define the terms "confidential information" and "observer information".

The bill would prohibit the Secretary from providing any vessel-specific or aggregate vessel information from a fishery that is collected for monitoring and enforcement purposes for the use by any person for coastal and marine spatial planning under Executive Order 13547.

The bill would require each Council to identify those fisheries that are considered data-poor in their region and prioritize those fisheries based on the need for up-to-date information. Each Council is required to submit those priorities to the Secretary. The terms "data-poor" and "fisheries enforcement penalties" are defined.

The bill would allow the Secretary, subject to the availability of appropriations, to obligate up to 80 percent of the fishery fines and penalties collected under any marine resource law enforced by the Secretary to be used by States to survey or assess data-poor fisheries for which a fishery management plan is in place or for cooperative research activities to improve or enhance fishery independent data used in stock assessments. The funds obligated may only be used in the region where the fines and penalties were collected.

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Council Jurisdiction for Overlapping Fisheries

The bill would add one voting seat to the New England Council to provide a liaison to represent the interests of fisheries under the jurisdiction of the Mid-Atlantic Council and add one voting seat to the Mid-Atlantic Council to provide a liaison to represent the interests of fisheries under the jurisdiction of the New England Council.

Gulf of Mexico Cooperative Research and Red Snapper Management

The bill would strike an outdated section in the Act. These provisions have been superceded by the Annual Catch Limit provisions adopted in the 2006/2007 amendments and by provisions in the bill which would establish the requirements for a referendum for any new catch share plan or amendment for the Gulf of Mexico region.

The bill would require the Secretary of Commerce - in conjunction with the Gulf States, the Gulf of Mexico Council, and the charter and recreational fishing sectors - to develop and implement a real-time reporting and data collection program for the Gulf of Mexico red snapper fishery using available technology. The Secretary is required to make this a priority for funds received by NOAA through the Saltonstall-Kennedy Act.

The bill would also require the Secretary - in conjunction with the Gulf States, the Gulf of Mexico and the South Atlantic Councils, and the commercial, charter and recreational fishing sectors - to develop and implement a cooperative research program for fisheries in the Gulf of Mexico and the South Atlantic regions giving priority to those fisheries that are considered data poor. The Secretary would be authorized, subject to the availability of appropriations, to make funds received by NOAA from the Saltonstall-Kennedy Act available for the research.

The bill would require the Secretary, acting through the NMFS Regional Administrator of the Southeast Region to develop a schedule of stock surveys and stock assessments for the Gulf of Mexico region and the Southeast region for the 5-year period beginning on the date of enactment and for every 5-year period thereafter giving priority to those stocks that are commercially or recreationally important and ensuring that each important stock is surveyed at least once every five years. The Secretary is required to direct the Science Center Director of the Southeast region to implement the schedule of stock surveys and stock assessments.

The bill also would require that the Science Center Director of the Southeast region ensure that the information gathered as a result of research funded through the RESTORE Act be incorporated as soon as possible into any stock assessments conducted after the date of enactment.

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The bill would extend state management out to 9 nautical miles for the Gulf of Mexico red snapper fishery.

North Pacific Fishery Management Clarification

The bill would remove the citation of a specific date that is currently in the Act. The Act allows certain actions to be authorized if there was a fishery management plan in place on that date that did not delegate management of the fishery. The inclusion of the date has caused confusion in the implementation of the North Pacific Fishery Management Council's salmon fishery management plan.

Authorization of Appropriations

The bill would reauthorize the Act for Fiscal Years 2014 through 2018 at the currently authorized level.

Ensuring Consistent Management for Fisheries Throughout Their Range

The bill would clarify that the Magnuson-Stevens Fishery Conservation and Management Act would be the controlling fishery management authority in the case of any conflict within a national marine sanctuary or an area designated under the Antiquities Act of 1906.

To ensure transparency and consistent management for fisheries throughout their range, the bill would clarify that if any restriction on fisheries are required as a result of a recovery plan under the Endangered Species Act, the restrictions would be implemented under the authorities, processes, and timelines of the Magnuson-Stevens Fishery Conservation and Management Act.