

115TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Strengthening America’s Fisheries by Improving Sus-
6 tainable, Healthy Management Act” or the “Strengthen-
7 ing America’s FISH Management Act”.

8 (b) **TABLE OF CONTENTS.**—The table of contents for
9 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. References.

Sec. 4. Authorization of appropriations.

TITLE I—CONSERVATION AND MANAGEMENT

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

TITLE II—INFORMATION AND RESEARCH

- Sec. 201. Modernizing fisheries data collection and storage.
- Sec. 202. Electronic technologies.
- Sec. 203. Recreational data collection.
- Sec. 204. Improving science.
- Sec. 205. Cooperative research and management program.

TITLE III—REAUTHORIZATION OF OTHER FISHERIES STATUTES

- Sec. 301. **[Placeholder]**.

TITLE IV—STRENGTHENING FISHING COMMUNITIES

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

TITLE V—MISCELLANEOUS

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

1 **SEC. 2. DEFINITIONS.**

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

6 **SEC. 3. REFERENCES.**

7 Except as otherwise specifically provided, whenever in
8 this Act an amendment or repeal is expressed in terms
9 of an amendment to, or repeal of, a provision, the ref-
10 erence shall be considered to be made to a provision of
11 the Magnuson-Stevens Fishery Conservation and Manage-
12 ment Act (16 U.S.C. 1801 et seq.).

13 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

19 **TITLE I—CONSERVATION AND**
20 **MANAGEMENT**

21 **SEC. 101. FINDINGS AND PURPOSE.**

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

24 (1) by striking paragraphs (2) and (3) and in-
25 serting the following:

1 “(2) Certain stocks of fish have declined to the
2 point where their survival is threatened, and other
3 stocks of fish have been so substantially reduced in
4 number that they could become similarly threatened
5 as a consequence of—

6 “(A) increased fishing pressure;

7 “(B) the inadequacy of fishery resource
8 conservation and management practices and
9 controls;

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

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

16 “(3) Commercial fishing and recreational fish-
17 ing (including charter fishing) constitute major
18 sources of employment and contribute significantly
19 to the economy of the Nation. Many coastal areas
20 are dependent upon fishing, fish processing, and re-
21 lated activities and ensuring sustainable utilization
22 of fishery resources is essential to the economic
23 wellbeing of these areas.”;

24 (2) by striking paragraphs (4) and (5) and in-
25 serting the following:

1 “(4) Under this Act, the United States has be-
2 come an international leader in fisheries manage-
3 ment. Science-based management has proven suc-
4 cessful at maintaining healthy fish stocks, ending
5 overfishing, and rebuilding stocks, as demonstrated
6 by the Fish Stock Sustainability Index.

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

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

17 “(9) National fishery management policy con-
18 tinues to emphasize the importance of protecting
19 against the degradation of marine, estuarine, and
20 other aquatic habitats, which is a critical component
21 for the conservation and management of fishery re-
22 sources of the United States.”;

23 (4) by striking paragraphs (11) and (12) and
24 inserting the following:

1 “(11) The United States continues to be a lead-
2 er in promoting international fishery agreements
3 that promote sustainable fishing, facilitate coopera-
4 tive research, and coordinate enforcement on fish
5 stocks in international waters, as well as shared
6 stocks occurring in adjacent international manage-
7 ment jurisdictions.

8 “(12) International cooperation is necessary to
9 address illegal, unreported, and unregulated fishing
10 and other fishing practices which may harm the sus-
11 tainability of living marine resources and disadvan-
12 tage the United States fishing industry, and the
13 United States continues to assert a leadership role
14 in promoting such cooperation.”; and

15 (5) by adding at the end the following:

16 “(13) While recreational fishing, charter fish-
17 ing, and commercial fishing all provide significant
18 cultural and economic benefits to the Nation, each
19 are different activities. Therefore, management ap-
20 proaches may be adapted to the characteristics of
21 each sector.

22 “(14) Subsistence fishing is an integral part of
23 life in many communities throughout the United
24 States, and the fish, including anadromous species
25 of fish, of the Nation are important sources of nutri-

1 tion, sustenance, and the cultural heritage of those
2 communities.

3 “(15) It is of critical importance to the health
4 of the fishery resources of the Nation and the coast-
5 al communities that depend on them that the United
6 States maintain its progress in preventing over-
7 fishing and rebuilding overfished stocks.

8 “(16) Fishery Management Councils are dem-
9 onstrating significant progress in integrating eco-
10 system considerations in fisheries management using
11 the existing authorities provided under this Act.”.

12 (b) PURPOSES.—Section 2(b)(3) (163 U.S.C.
13 1801(b)(3)) is amended by striking “and recreational”
14 and inserting “recreational, and subsistence”.

15 **SEC. 102. DEFINITIONS.**

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

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

19 (2) by striking paragraph (40);

20 (3) by redesignating—

21 (A) paragraphs (44) through (50) as para-
22 graphs (47) through (53), respectively;

23 (B) paragraphs (41) through (43) as para-
24 graphs (43) through (45), respectively;

1 (C) paragraphs (30) through (39) as para-
2 graphs (33) through (42), respectively;

3 (D) paragraphs (23) through (29) as para-
4 graphs (25) through (31), respectively; and

5 (E) paragraphs (9) through (22) as para-
6 graphs (10) through (23), respectively;

7 (4) in paragraph (2), by striking “management
8 program”;

9 (5) by inserting after paragraph (8) the fol-
10 lowing:

11 “(9) The term ‘depleted’ means, with respect to
12 a stock of fish in a fishery, that the stock is of a
13 size that jeopardizes the capacity of the fishery to
14 produce the maximum sustainable yield on a con-
15 tinuing basis.”;

16 (6) in paragraph (11), as so redesignated, by
17 adding after the period the following: “, except that
18 such term shall not include an area covered by a
19 project undertaken by a State or local government
20 with the purpose of coastal restoration projects or
21 community resiliency, if such area previously was
22 covered by land or a freshwater environment in a
23 State where the average annual land loss of such
24 State during the 20 years prior to the date of enact-
25 ment of the Strengthening America’s Fisheries by

1 Improving Sustainable, Healthy Management Act
2 exceeds 10 square miles per year.”;

3 (7) by inserting after paragraph (23), as so re-
4 designated the following:

5 “(24) The term ‘Indian tribe’ has the meaning
6 given such term in section 102 of the Federally Rec-
7 ognized Indian Tribe List Act of 1994 (25 U.S.C.
8 5130), and the term ‘tribal’ means of or pertaining
9 to such an Indian tribe.”;

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

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

15 “(A) Recreational Fishing.

16 “(B) Charter Fishing.

17 “(C) Commercial Fishing.”;

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

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

22 “(46)(A) The term ‘subsistence fishing’ means
23 fishing in which the fish harvested are intended for
24 customary and traditional uses, including—

1 “(i) for direct personal or family consump-
2 tion as food or clothing;

3 “(ii) for the making or selling of handi-
4 craft articles out of nonedible byproducts taken
5 for personal or family consumption, for barter,
6 or sharing for personal or family consumption;
7 and

8 “(iii) for customary trade.

9 “(B) In this paragraph—

10 “(i) the term ‘family’ means all persons re-
11 lated by blood, marriage, or adoption, or any
12 person living within the household on a perma-
13 nent basis; and

14 “(ii) the term ‘barter’ means the exchange
15 of a fish or fish part—

16 “(I) for another fish or fish part; or

17 “(II) for other food or for nonedible
18 items other than money if the exchange is
19 of a limited and noncommercial nature.”;

20 and

21 (11) in paragraph (42), as so redesignated, by
22 striking “his designee” and inserting “the designee
23 of such Secretary”.

1 **SEC. 103. COUNCIL JURISDICTION FOR OVERLAPPING**
2 **FISHERIES.**

3 Section 302(a)(1) (16 U.S.C. 1852(a)(1)) is amend-
4 ed—

5 (1) in subparagraph (A), in the second sen-
6 tence—

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

9 (B) by inserting before the period at the
10 end “and a liaison who is a member of the Mid-
11 Atlantic Fishery Management Council to rep-
12 resent the interests of fisheries under the juris-
13 diction of such Council”; and

14 (2) in subparagraph (B), in the second sen-
15 tence—

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

18 (B) by inserting before the period at the
19 end “, a liaison who is a member of the New
20 England Fishery Management Council to rep-
21 resent the interests of fisheries under the juris-
22 diction of such Council”.

23 **SEC. 104. REGIONAL FISHERY MANAGEMENT COUNCILS.**

24 Section 302(b)(2) (16 U.S.C. 1852(b)(2)) is amend-
25 ed—

1 (1) in subparagraph (A), by striking “or rec-
2 reational” and inserting “, recreational, or subsist-
3 ence fishing”;

4 (2) in subparagraph (C), in the second sen-
5 tence, by inserting “ and, in the case of the Gov-
6 ernor of Alaska, with the subsistence fishing inter-
7 ests of the State,” after “interests of the State”;
8 and

9 (3) in subparagraph (D)—

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

12 (i) by striking “Fisheries” and insert-
13 ing “Fishery”; and

14 (ii) by inserting “or the South Atlan-
15 tic Fishery Management Council” after
16 “Management Council”; and

17 (B) by striking clause (iv).

18 **SEC. 105. RECUSALS.**

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

21 “(G) A financial interest held by an entity de-
22 scribed in section 305(i)(1)(D) shall be attributed to
23 an affected individual only to the extent of the pro-
24 portional ownership of such entity.”.

1 **SEC. 106. COST REDUCTION REPORT.**

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

10 (1) identifies the goals of the applicable pro-
11 grams governing monitoring and enforcement of
12 fishing activity that is subject to such plan;

13 (2) identifies methods to accomplish those
14 goals, including human observers, electronic moni-
15 toring, and vessel monitoring systems;

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

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

23 **SEC. 107. FISHERY MANAGEMENT MEASURES.**

24 (a) IN GENERAL.—Section 302 (16 U.S.C. 1852) is
25 amended—

26 (1) in subsection (h)—

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

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

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

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

15 (2) by adding at the end the following:

16 “(m) DEVELOPING ANNUAL CATCH LIMITS.—

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

21 “(A) an ecosystem component species; or

22 “(B) a fishery for a species that—

23 “(i) has a natural mean life cycle of
24 12 months or less; and

1 “(ii) the Secretary, in consultation
2 with the scientific and statistical commit-
3 tees of the Councils involved, has deter-
4 mined—

5 “(I) is not subject to overfishing,
6 is not approaching an overfished or
7 otherwise depleted condition, and is
8 not overfished or otherwise depleted;
9 and

10 “(II) is not likely to become sub-
11 ject to overfishing or depleted, based
12 on the best scientific information
13 available, in the absence of conserva-
14 tion and management measures.

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

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

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

23 “(3) ECOSYSTEM COMPONENT SPECIES DE-
24 FINED.—In this subsection, the term ‘ecosystem
25 component species’ means a stock of fish that is a

1 non-target, incidentally harvested stock of fish that
2 a Council or the Secretary has determined—

3 “(A) does not require conservation and
4 management; and

5 “(B) should be listed in a fishery manage-
6 ment plan in order to achieve ecosystem man-
7 agement objectives.

8 “(4) CONSIDERATION OF ECOSYSTEM AND ECO-
9 NOMIC IMPACTS.—In establishing annual catch lim-
10 its pursuant to subsection (h)(6), Councils shall ac-
11 count for relevant economic, social, and ecological
12 factors, in accordance with section 3(36)”.

13 (b) REPORT.—Not later than 1 year after the date
14 of enactment of this Act, the Secretary of Commerce shall
15 submit to the appropriate committees of Congress a report
16 that describes any actions pursuant to paragraph (8) of
17 section 302(h) of the Magnuson-Stevens Fishery Con-
18 servation and Management Act (16 U.S.C. 1852(h)), as
19 added by subsection (a)(1).

20 (c) OTHER FISHERIES.—Nothing in paragraph (8) of
21 section 302 (h) of the Magnuson-Stevens Fishery Con-
22 servation and Management Act (16 U.S.C. 1852(h)), as
23 added by paragraph (1) shall be construed to affect man-
24 agement of any fishery not described in such paragraph
25 (8).

1 **SEC. 108. TRANSPARENCY AND PUBLIC PROCESS.**

2 (a) **ADVICE.**—Section 302(g)(1) (16 U.S.C.
3 1852(g)(1)) is amended—

4 (1) in subparagraph (A), by inserting “ecologi-
5 cal,” after “biological,”; and

6 (2) in subparagraph (B)—

7 (A) by striking “shall provide” and insert-
8 ing the following: “shall—

9 “(i) provide”;

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

12 (C) by adding at the end the following:

13 “(ii) carry out the requirements of
14 this subparagraph in a transparent man-
15 ner, allowing for public involvement in the
16 process, where practicable, consistent with
17 the principles of scientific peer review.”.

18 (b) **REPORTED VOTES.**—Section 302(e) (16 U.S.C.
19 1852) is amended by striking paragraph (5) and inserting
20 the following:

21 “(5) Each council shall hold a roll call vote on
22 all nonprocedural matters before the Council. The
23 official minutes and other appropriate records of any
24 Council meeting shall identify all roll call votes held,
25 the name of each voting member present during

1 each roll call vote, and how each member voted on
2 each roll call vote.”.

3 (c) MEETINGS.—Section 302(i)(2) (16 U.S.C.
4 1852(i)(2)) is amended—

5 (1) by adding at the end the following:

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

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

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

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

17 **SEC. 109. CONTENTS OF FISHERY MANAGEMENT PLANS.**

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

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

21 (2) by adding at the end the following:

22 “(d) CONSIDERATION OF INTERNATIONAL FISHERY
23 EFFORTS IN DEVELOPING CATCH LIMITS.—

24 “(1) IN GENERAL.—In order to end and pre-
25 vent overfishing, each annual catch limit developed

1 under section 302(h)(6) and each mechanism estab-
2 lished under subsection (a)(15)—

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

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

12 “(2) EXCEPTION TO ANNUAL CATCH LIMIT RE-
13 QUIREMENT.—If fishery management activities by
14 another country with respect to fishing outside the
15 exclusive economic zone may hinder conservation ef-
16 forts by United States fishermen for a fish species
17 for which any of the recruitment, distribution, life
18 history, or fishing activities are transboundary, and
19 for which there is no informal transboundary agree-
20 ment with that country in effect—

21 “(A) no annual catch limit consistent with
22 section 302(h)(6) is required to be developed
23 for the species by a Council, but a Council may
24 specify an alternative catch level consistent with

1 available data including long term average
2 catch or long term positive yield; and

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

8 **SEC. 110. FEES.**

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

10 (1) by striking subparagraph (A) of paragraph
11 (2) and inserting the following: “(A) Notwith-
12 standing paragraph (1), the Secretary is authorized
13 and shall collect a fee to recover the actual incre-
14 mental costs directly related to the management,
15 data collection, and enforcement of any—”; and

16 (2) by adding at the end the following:

17 “(3) The Secretary may not collect any fee
18 under this section or section 313(a) before the Coun-
19 cil has prepared an analysis that identifies the costs
20 that will be recovered by the fee and the costs that
21 will not be recovered by the fee. The analysis shall
22 be included in the applicable fishery management
23 plan.

24 “(4) The Secretary shall report annually on the
25 amount collected under this subsection from each

1 fishery and detail how the funds were spent in the
2 prior year, on a fishery-by-fishery basis, to—

3 “(A) Congress; and

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

6 **SEC. 111. REBUILDING OVERFISHED OR OTHERWISE DE-**
7 **PLETED FISHERIES.**

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

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

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

12 (2) by amending paragraph (1) to read as fol-
13 lows:

14 “(1) STATUS REPORTS.—

15 “(A) IN GENERAL.—The Secretary shall
16 report annually to the Congress and the Coun-
17 cils on the status of fisheries within each Coun-
18 cil’s geographical area of authority and identify
19 those fisheries that are overfished or otherwise
20 depleted or are approaching a condition of
21 being overfished or otherwise depleted. For
22 those fisheries managed under a fishery man-
23 agement plan or international agreement, the
24 status shall be determined using the criteria for
25 overfishing (or depletion, where applicable)

1 specified in such plan or agreement. A fishery
2 shall be classified as approaching a condition of
3 being overfished or otherwise depleted if, based
4 on trends in fishing effort, fishery resource size,
5 and other appropriate factors, the Secretary es-
6 timates that the fishery will become overfished
7 or otherwise depleted within 2 years.

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

10 “(i) distinguish between fisheries that
11 are overfished, otherwise depleted, or ap-
12 proaching an overfished or otherwise de-
13pleted status;

14 “(ii) state whether the status identi-
15fied under clause (i) is a result of—

16 “(I) fishing; or

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

20 “(iii) describe any limiting factors de-
21scribed in clause (ii)(II).”;

22 (3) in paragraph (4)—

23 (A) by amending subparagraph (A) to read
24 as follows:

1 “(A) specify a time period for rebuilding
2 the fishery that shall—

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

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

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

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

22 (D) by adding at the end the following:

23 “(D) specify a schedule for reviewing the
24 rebuilding targets, evaluating environmental im-
25 pacts on rebuilding progress, and evaluating

1 progress being made toward reaching rebuilding
2 targets.”; and

3 (4) by adding at the end the following:

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

11 **SEC. 112. STREAMLINING REVIEW.**

12 Not later than 180 days after the date of enactment
13 of this Act, the Secretary of Commerce shall issue a notice
14 of proposed rulemaking to revise and update agency proce-
15 dures under section 304(i) of the Magnuson-Stevens Fish-
16 ery Conservation and Management Reauthorization Act
17 (16 U.S.C. 1854(i)).

18 **SEC. 113. EXEMPTED FISHING PERMITS.**

19 (a) OBJECTIONS.—If the Fishery Management Coun-
20 cil, the Interstate Marine Fisheries Commission, or the
21 fish and wildlife agency of an affected State objects to the
22 approval and issuance of an exempted fishing permit
23 under section 600.745 of title 50, Code of Federal Regula-
24 tions, or any successor regulation, the Regional Adminis-
25 trator of the National Marine Fisheries Service who issued

1 such exempted fishing permit shall respond to such entity
2 in writing detailing why such exempted fishing permit was
3 issued.

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

8 **TITLE II—INFORMATION AND** 9 **RESEARCH**

10 **SEC. 201. MODERNIZING FISHERIES DATA COLLECTION** 11 **AND STORAGE.**

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

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

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

24 (B) the Digital Service shall provide, at a
25 minimum, recommendations that promote user-

1 centered data and include open, secure architec-
2 ture and clear data performance specifications;
3 and

4 (C) the Secretary shall provide, subject to
5 section 402(b) of the Magnuson-Stevens Fish-
6 ery Conversation and Management Act (16
7 U.S.C. 1881a(b)), the Digital Service with ac-
8 cess to all data collection, processing, analysis,
9 and storage systems of the National Marine
10 Fisheries Service and any other information
11 necessary to enable the development of rec-
12 ommendations that will ensure the optimization
13 and modernization of such systems, which the
14 Digital Service shall, as the Secretary deter-
15 mines appropriate, treat as confidential infor-
16 mation and shall not disclose;

17 (2) in consultation with the Regional Fishery
18 Management Councils established under section 302
19 of the Magnuson-Stevens Fishery Conversation and
20 Management Act (16 U.S.C. 1852) and fishery
21 stakeholders, consider and implement any rec-
22 ommendations made by the Digital Service, as ap-
23 propriate; and

24 (3) within 1 year of the date of enactment of
25 this Act, and every 2 years thereafter, report to

1 Congress on the status of the agreement entered
2 into pursuant to paragraph (1) and progress made
3 in modernizing fisheries data systems.

4 **SEC. 202. ELECTRONIC TECHNOLOGIES.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the use of electronic technologies such as digital
7 video cameras and monitors, digital recording systems,
8 and other forms of electronic technology as a complement
9 to, and in some cases a replacement for, observers may
10 maintain, increase, or improve the amount and accuracy
11 of observer and fishery dependent information collected
12 from fisheries while reducing costs and logistical difficul-
13 ties.

14 (b) ELECTRONIC MONITORING.—

15 (1) ISSUANCE OF REGULATIONS.—

16 (A) REQUIREMENT.—The Secretary of
17 Commerce (referred to in this section as the
18 “Secretary”) shall issue final regulations gov-
19 erning the use of electronic monitoring for the
20 purposes of monitoring fisheries that are sub-
21 ject to the Magnuson-Stevens Fishery Con-
22 servation and Management Act (16 U.S.C.
23 1801 et seq.).

24 (B) CONTENT.—The regulations shall—

1 (i) distinguish between monitoring for
2 data collection and research purposes and
3 monitoring for compliance and enforcement
4 purposes; and

5 (ii) include minimum criteria, objec-
6 tives, or performance standards for elec-
7 tronic monitoring.

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

10 (i) consult with the Regional Fishery
11 Management Councils established under
12 section 302 of the Magnuson-Stevens Fish-
13 ery Conservation and Management Act (16
14 U.S.C. 1852) and Marine Fisheries Com-
15 missions;

16 (ii) publish the proposed regulations;
17 and

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

21 (2) IMPLEMENTATION OF MONITORING.—After
22 the issuance of the final regulations under para-
23 graph (1), a Regional Fishery Management Council,
24 or, for fisheries referred to in section 302(a)(3) of
25 the Magnuson-Stevens Fishery Conservation and

1 Management Act (16 U.S.C. 1852(a)(3)), the Sec-
2 retary, may, in accordance with such regulations, on
3 a fishery-by-fishery basis and consistent with the ex-
4 isting objectives and management goals of a fishery
5 management plan and such Act for a fishery issued
6 by such Council or the Secretary, as applicable,
7 amend such plan—

8 (A) to incorporate electronic monitoring as
9 an alternative tool for data collection and moni-
10 toring purposes or for compliance and enforce-
11 ment purposes (or both);

12 (B) to allow for the replacement of a per-
13 centage of on-board observers with electronic
14 monitoring;

15 (C) to ensure the electronic monitoring re-
16 quirements are compatible with the operational
17 and size requirements of the target fleet; or

18 (D) to ensure the electronic monitoring re-
19 quirements are sufficient to meet data quality
20 and monitoring objectives of the fishery.

21 (3) PILOT PROJECTS.—Before the issuance of
22 final regulations, a Regional Fishery Management
23 Council, or, for fisheries referred to in section
24 302(a)(3) of the Magnuson-Stevens Fishery Con-
25 servation and Management Act, the Secretary, may,

1 subject to the requirements of such Act, on a fish-
2 ery-by-fishery basis, and consistent with the existing
3 objectives and management goals of a fishery man-
4 agement plan for a fishery issued by the Council or
5 the Secretary, as applicable, conduct a pilot project
6 for the use of electronic monitoring for the fishery.

7 (4) DEADLINE.—The Secretary shall issue final
8 regulations under this subsection by not later than
9 1 year after the date of enactment of this Act.

10 (c) STORAGE REQUIREMENTS; CONFIDENTIALITY OF
11 INFORMATION.—With respect to any information, ob-
12 server report, video, or any other data obtained through
13 human observers or electronic monitoring pursuant to this
14 Act—

15 (1) notwithstanding any other law, the Sec-
16 retary is prohibited from storing or maintaining
17 such information, report, video, or other data for a
18 period of more than 18 months from date of collec-
19 tion; and

20 (2) such information, reports, videos, or other
21 data shall be subject to section 402(b) of the Mag-
22 nuson-Stevens Fishery Conservation and Manage-
23 ment Act (16 U.S.C. 1881a(b)).

1 **SEC. 203. RECREATIONAL DATA COLLECTION.**

2 (a) FEDERAL-STATE PARTNERSHIPS.—Section
3 401(g) (16 U.S.C. 1881(g)) is amended—

4 (1) by redesignating paragraph (4) as para-
5 graph (5); and

6 (2) by inserting after paragraph (3) the fol-
7 lowing:

8 “(4) FEDERAL-STATE PARTNERSHIPS.—

9 “(A) ESTABLISHMENT.—The Secretary, in
10 consultation with the Councils, may establish a
11 partnership with a State to develop best prac-
12 tices for implementing the State program estab-
13 lished under paragraph (2).

14 “(B) GUIDANCE.—The Secretary, in con-
15 sultation with the Councils, shall develop guid-
16 ance, in cooperation with the States, that de-
17 tails best practices for administering State pro-
18 grams pursuant to paragraph (2), and provide
19 such guidance to the States.

20 “(C) BIENNIAL REPORT.—The Secretary
21 shall submit to the appropriate committees of
22 Congress and publish biennial reports that in-
23 clude—

24 “(i) the estimated accuracy of—

25 “(I) the information provided
26 under subparagraphs (A) and (B) of

1 paragraph (1) for each registry pro-
2 gram established under that para-
3 graph; and

4 “(II) the information from each
5 State program that is used to assist
6 in completing surveys or evaluating
7 effects of conservation and manage-
8 ment measures under paragraph (2);

9 “(ii) priorities for improving rec-
10 reational fishing data collection; and

11 “(iii) an explanation of any use of in-
12 formation collected by such State programs
13 and by the Secretary.

14 “(D) STATES GRANT PROGRAM.—The Sec-
15 retary may make grants to States to improve
16 implementation of State programs consistent
17 with this subsection, and assist such programs
18 in complying with requirements related to
19 changes in recreational data collection under
20 paragraph (3). Any funds awarded through
21 such grants shall be used to support data col-
22 lection, quality assurance, and outreach to enti-
23 ties submitting such data. The Secretary shall
24 prioritize such grants based on the ability of the

1 grant to improve the quality and accuracy of
2 such programs.”.

3 (b) ACTION BY SECRETARY.—The Secretary of Com-
4 merce shall—

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

9 (A) how the design of the Marine Rec-
10 reational Information Program, for the pur-
11 poses of stock assessment and the determina-
12 tion of stock management reference points, can
13 be improved to better meet the needs of in-sea-
14 son management of annual catch limits under
15 section 303(a)(15) of the Magnuson-Stevens
16 Fishery Conservation and Management Act (16
17 U.S.C. 1853(a)(15)); and

18 (B) what actions the Secretary of Com-
19 merce, Councils, and States could take to im-
20 prove the accuracy and timeliness of data col-
21 lection and analysis to improve the Marine Rec-
22 reational Information Program and facilitate in-
23 season management.

1 **SEC. 204. IMPROVING SCIENCE.**

2 (a) IMPROVING DATA COLLECTION AND ANALYSIS.—

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

5 “(e) IMPROVING DATA COLLECTION AND ANAL-
6 YSIS.—

7 “(1) IN GENERAL.—Not later than 1 year after
8 the date of enactment of the Strengthening Amer-
9 ica’s Fisheries by Improving Sustainable, Healthy
10 Management Act, the Secretary shall develop, in
11 consultation with the science and statistical commit-
12 tees of the Councils established under section 302(g)
13 and the interstate Marine Fisheries Commissions,
14 and submit to the Committee on Commerce, Science,
15 and Transportation of the Senate and the Com-
16 mittee on Natural Resources of the House of Rep-
17 resentatives, a report on facilitating greater incorpo-
18 ration into fisheries management decisions of data,
19 analysis, stock assessments, and surveys from State
20 agencies and nongovernmental sources, consistent
21 with section 301(a)(2).

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

24 “(A) identify types of data and analysis
25 that can be used for purposes of this Act as the
26 basis for establishing conservation and manage-

1 ment measures under section 303(a)(1), includ-
2 ing suggesting standards for the collection and
3 use of data and analysis in stock assessments
4 and surveys and for other purposes;

5 “(B) provide specific recommendations for
6 collecting data and performing analyses identi-
7 fied as necessary to reduce uncertainty in, and
8 improve the accuracy of, future stock assess-
9 ments, including whether such data and anal-
10 ysis could be provided by nongovernmental
11 sources, including fishermen, fishing commu-
12 nities, institutions of higher education, and re-
13 search institutions; and

14 “(C) consider the extent to which the ac-
15 ceptance and use of data and analyses identi-
16 fied in the report in fishery management deci-
17 sions is practicable and compatible with the re-
18 quirements of section 301(a)(2).

19 “(f) STOCK ASSESSMENT PLAN.—

20 “(1) IN GENERAL.—The Secretary, in consulta-
21 tion with the Councils, not later than 2 years after
22 the date of enactment of the Strengthening Amer-
23 ica’s Fisheries by Improving Sustainable, Healthy
24 Management Act, and thereafter on the same sched-
25 ule as required for the strategic plan required under

1 subsection (b), shall develop and publish in the Fed-
2 eral Register a plan to conduct stock assessments
3 for all stocks of fish for which a fishery management
4 plan is in effect under this Act.

5 “(2) CONTENTS.—Each plan required under
6 paragraph (1) shall—

7 “(A) for each stock of fish for which a
8 stock assessment has previously been con-
9 ducted—

10 “(i) establish a schedule for updating
11 the stock assessment that is reasonable
12 given the biology and characteristics of the
13 stock; and

14 “(ii) subject to the availability of ap-
15 propriations, require completion of a new
16 stock assessment, or an update of the most
17 recent stock assessment—

18 “(I) at least once every 3 years,
19 except that a Council may delay ac-
20 tion for not more than 3 additional 1-
21 year periods; or

22 “(II) within such other time pe-
23 riod specified and justified by the Sec-
24 retary in the plan;

1 “(B) for each stock of fish for which a
2 stock assessment has not previously been con-
3 ducted—

4 “(i) establish a schedule for con-
5 ducting an initial stock assessment that is
6 reasonable given the biology and character-
7 istics of the stock; and

8 “(ii) subject to the availability of ap-
9 propriations, require completion of the ini-
10 tial stock assessment within 3 years after
11 the plan is published in the Federal Reg-
12 ister unless another time period is specified
13 and justified by the Secretary in the plan;
14 and

15 “(C) identify data and analysis, especially
16 concerning recreational fishing, that, if avail-
17 able, would reduce uncertainty in and improve
18 the accuracy of future stock assessments, in-
19 cluding whether such data and analysis could
20 be provided by fishermen, fishing communities,
21 institutions of higher education, and research
22 institutions.”.

23 (b) INFORMATION COLLECTION; CONTRACTING AU-
24 THORITY.—Section 402(b)(1)(H) (16 U.S.C.
25 1881a(b)(1)(H)) is amended by striking “including” and

1 all that follows through the end and inserting “including
2 the Coast Guard’s statutory missions listed in paragraphs
3 (1) and (2) of section 888(a) of the Homeland Security
4 Act of 2002 (6 U.S.C. 468(a)).”.

5 (c) NAS REPORT RECOMMENDATIONS.—

6 (1) IN GENERAL.—The Secretary of Commerce
7 shall take into consideration and, to the extent fea-
8 sible, implement the recommendations of the Na-
9 tional Academy of Sciences in the report entitled
10 “Review of the Marine Recreational Information
11 Program (2017)”, and shall submit, every 2 years
12 following the date of enactment of this Act, a report
13 to the appropriate committees of Congress detailing
14 progress made implementing those recommenda-
15 tions.

16 (2) RECOMMENDATIONS.—In carrying out para-
17 graph (1), the Secretary shall consider making rec-
18 ommendations on—

19 (A) prioritizing the evaluation of electronic
20 data collection, including smartphone applica-
21 tions, electronic diaries for prospective data col-
22 lection, and an Internet website option for panel
23 members or for the public;

24 (B) evaluating whether the design of the
25 Marine Recreational Information Program for

1 the purposes of stock assessment and the deter-
2 mination of stock management reference points
3 is compatible with the needs of in-season man-
4 agement of annual catch limits; and

5 (C) if the Marine Recreational Information
6 Program is incompatible with the needs of in-
7 season management of annual catch limits, de-
8 termining an alternative method for in-season
9 management.

10 **SEC. 205. COOPERATIVE RESEARCH AND MANAGEMENT**
11 **PROGRAM.**

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

13 (1) in subsection (a)—

14 (A) by striking “The Secretary” and in-
15 serting the following:

16 “(1) COOPERATIVE RESEARCH AND MANAGE-
17 MENT PROGRAM.—The Secretary”;

18 (2) by adding at the end the following:

19 “(2) PLAN FOR IMPLEMENTING AND CON-
20 DUCTING PROGRAM.—Within one year after the date
21 of enactment of the Strengthening America’s Fish-
22 eries by Improving Sustainable, Healthy Manage-
23 ment Act, and after consultation with the Councils,
24 the Secretary shall publish a plan for implementing
25 and conducting the program established in para-

1 graph (1). Such plan shall identify and describe crit-
2 ical regional fishery management and research
3 needs, possible projects that may address those
4 needs, and estimated costs for such projects. The
5 plan shall be revised and updated every 5 years, and
6 updated plans shall include a brief description of
7 projects that were funded in the prior 5-year period
8 and the research and management needs that were
9 addressed by those projects.”; and

10 (3) in subsection (c)—

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

13 (B) in paragraph (1), by striking “includ-
14 ing the use of fishing vessels or acoustic or
15 other marine technology.” and inserting “in-
16 cluding—

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

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

21 “(C) improving monitoring and observer
22 coverage through the expanded use of electronic
23 monitoring devices.”.

1 **TITLE III—REAUTHORIZATION**
2 **OF OTHER FISHERIES STATUTES**

3 **SEC. 301. [PLACEHOLDER].**

4 [Placeholder].

5 **TITLE IV—STRENGTHENING**
6 **FISHING COMMUNITIES**

7 **SEC. 401. YOUNG FISHERMAN DEVELOPMENT GRANTS.**

8 (a) DEFINITIONS.—In this section:

9 (1) SEA GRANT INSTITUTION.—The term “Sea
10 Grant Institution” means a sea grant college or sea
11 grant institute, as those terms are defined in section
12 203 of the National Sea Grant College Program Act
13 (33 U.S.C. 1122).

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

16 (A) desires to participate in the commer-
17 cial fisheries of the United States, including the
18 Great Lakes fisheries;

19 (B) has worked as a captain, crew mem-
20 ber, or deckhand on a commercial fishing vessel
21 for not more than 10 years of cumulative serv-
22 ice; or

23 (C) is a beginning commercial fisherman.

24 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
25 of Commerce, acting through the National Sea Grant Of-

1 fice, shall establish a program to provide training, edu-
2 cation, outreach, and technical assistance initiatives for
3 young fishermen, to be known as the “Young Fishermen’s
4 Development Grant Program” (referred to in this section
5 as the “Program”).

6 (c) GRANTS.—

7 (1) IN GENERAL.—In carrying out the Pro-
8 gram, the Secretary shall make competitive grants
9 to support new and established local and regional
10 training, education, outreach, and technical assist-
11 ance initiatives for young fishermen, including pro-
12 grams, workshops, and services relating to—

13 (A) seamanship, navigation, electronics,
14 and safety;

15 (B) vessel and engine care, maintenance,
16 and repair;

17 (C) innovative conservation fishing gear
18 engineering and technology;

19 (D) sustainable fishing practices;

20 (E) entrepreneurship and good business
21 practices;

22 (F) direct marketing, supply chain, and
23 traceability;

24 (G) financial and risk management, includ-
25 ing vessel, permit, and quota purchasing;

1 (H) State and Federal legal requirements
2 for specific fisheries, including reporting, moni-
3 toring, licenses, and regulations;

4 (I) State and Federal fisheries policy and
5 management;

6 (J) mentoring, apprenticeships, or intern-
7 ships; and

8 (K) any other activities, opportunities, or
9 programs, as the Secretary determines appro-
10 priate.

11 (2) ELIGIBILITY.—

12 (A) APPLICANTS.—To be eligible to receive
13 a grant under the Program, a recipient shall be
14 a collaborative State, tribal, local, or regionally
15 based network or partnership of public or pri-
16 vate entities, which may include—

17 (i) a Sea Grant Institution;

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

19 (iii) a community-based nongovern-
20 mental organization;

21 (iv) fishermen's cooperatives or asso-
22 ciations, including permit banks and
23 trusts;

24 (v) Alaska Native corporations;

- 1 (vi) an institution of higher education
2 (including an institution awarding an asso-
3 ciate's degree), or a foundation maintained
4 by an institution of higher education; or
5 (vii) any other appropriate entity, as
6 the Secretary determines appropriate.

7 (B) PARTICIPANTS.—All young fishermen
8 seeking to participate in the commercial fish-
9 eries of the United States and the Great Lakes
10 are eligible to participate in the activities fund-
11 ed through grants provided for in this section,
12 except that participants in such activities shall
13 be selected by each grant recipient.

14 (3) MAXIMUM TERM AND AMOUNT OF GRANT.—

15 (A) IN GENERAL.—A grant under this sec-
16 tion shall—

17 (i) have a term of no more than 3 fis-
18 cal years; and

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

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

24 (4) MATCHING REQUIREMENT.—To be eligible
25 to receive a grant under this section, a recipient

1 shall provide a match in the form of cash or in-kind
2 contributions from the recipient in the amount equal
3 to or greater than 25 percent of the funds provided
4 by the grant.

5 (5) REGIONAL BALANCE.—In making grants
6 under this section, the Secretary shall, to the max-
7 imum extent practicable, ensure geographic diver-
8 sity.

9 (6) COOPERATION AND EVALUATION CRI-
10 TERIA.—In carrying out this section and in devel-
11 oping criteria for evaluating grant applications, the
12 Secretary shall cooperate, to the maximum extent
13 practicable, with—

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

16 (B) community-based nongovernmental
17 fishing organizations;

18 (C) Federal and State agencies, including
19 Regional Fishery Management Councils estab-
20 lished under the Magnuson-Stevens Fishery
21 Conservation and Management Act (16 U.S.C.
22 1851 et seq.);

23 (D) institutions of higher education with
24 fisheries expertise and programs; and

1 (E) other appropriate partners, as the Sec-
2 retary determines.

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

6 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
7 out this section, there are authorized to be appropriated
8 \$2,000,000 for each of fiscal years 2019 through 2023.

9 **SEC. 402. NORTH PACIFIC FISHERY MANAGEMENT CLARI-**
10 **FICATION.**

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

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

15 (2) by striking “on August 1, 1996”.

16 **SEC. 403. REFINANCING OF PACIFIC COAST GROUND FISH**
17 **FISHING CAPACITY REDUCTION LOAN.**

18 Not later than 90 days after the date of the enact-
19 ment of this Act, the Secretary shall implement section
20 3095 of Public Law 113–291, regardless of whether
21 amounts are appropriated for that purpose.

22 **SEC. 404. ARCTIC COMMUNITY DEVELOPMENT QUOTA.**

23 Section 313 (16 U.S.C. 1862) is amended by adding
24 at the end the following:

1 “(k) ARCTIC COMMUNITY DEVELOPMENT QUOTA.—
2 If the North Pacific Fishery Management Council issues,
3 after the date of enactment of the Strengthening Amer-
4 ica’s Fisheries by Improving Sustainable, Healthy Man-
5 agement Act, a fishery management plan for the exclusive
6 economic zone in the Arctic Ocean, or an amendment to
7 the Fishery Management Plan for Fish Resources of the
8 Arctic Management Area issued by such Council, that
9 makes available to commercial fishing, and establishes a
10 sustainable harvest level, for any part of such zone, the
11 Council shall set aside 10 percent of the total allowable
12 catch therein as a community development quota for
13 coastal villages located within 50 nautical miles from the
14 baseline from which the breadth of the territorial sea is
15 measured north and east of the Bering Strait”.

16 **SEC. 405. ESTIMATION OF COST OF RECOVERY FROM FISH-**
17 **ERY RESOURCE DISASTER.**

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

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

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

24 (3) by adding at the end the following:

1 “(B) The Secretary shall publish the estimated cost
2 of recovery from a fishery resource disaster no later than
3 30 days after the Secretary makes the determination
4 under subparagraph (A) with respect to such disaster.”.

5 **SEC. 406. DEADLINE FOR ACTION ON REQUEST BY GOV-**
6 **ERNOR FOR DETERMINATION REGARDING**
7 **FISHERY RESOURCE DISASTER.**

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

10 (1) in paragraph (1)(A), in the matter pre-
11 ceding clause (i), by inserting “, a tribe,” after “af-
12 fected State”;

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

15 (3) by inserting after paragraph (1) the fol-
16 lowing:

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

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

24 (A) by inserting “tribe,” after “by the af-
25 fected State,”;

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

3 (C) by striking “to assist a fishing commu-
4 nity” and inserting “to assist a State, tribe, or
5 fishing community”.

6 **SEC. 407. CAPITAL CONSTRUCTION.**

7 (a) DEFINITIONS; ELIGIBLE AND QUALIFIED FISH-
8 ERY FACILITIES.—Section 53501 of title 46, United
9 States Code, is amended—

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

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

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

19 (4) by redesignating paragraph (1) as para-
20 graph (2);

21 (5) by inserting before paragraph (2), as so re-
22 designated, the following:

23 “(1) AGREEMENT FISHERY FACILITY.—The
24 term ‘agreement fishery facility’ means an eligible

1 fishery facility or a qualified fishery facility that is
2 subject to an agreement under this chapter.”;

3 (6) by inserting after paragraph (2), as so re-
4 designated, the following:

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

7 “(A) for operations on land—

8 “(i) a structure or an appurtenance
9 thereto designed for unloading and receiv-
10 ing from a vessel, processing, holding
11 pending processing, distribution after proc-
12 essing, or holding pending distribution, of
13 fish from a fishery;

14 “(ii) the land necessary for the struc-
15 ture or appurtenance described in para-
16 graph (1); and

17 “(iii) equipment that is for use with
18 the structure or appurtenance that is nec-
19 essary to perform a function described in
20 clause (i);

21 “(B) for operations not on land, a vessel
22 eligible for a fishery endorsement under section
23 12113 and used for, equipped to be used for, or
24 of a type normally used for, processing fish; or

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

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

5 “(ii) the land necessary for the struc-
6 ture or appurtenance;

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

11 “(iv) a vessel built in the United
12 States and used for, equipped to be used
13 for, or of a type normally used for, aqua-
14 culture.”; and

15 (7) by inserting after paragraph (6), as so re-
16 designated, the following:

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

19 “(A) for operations on land—

20 “(i) a structure or an appurtenance
21 thereto designed for unloading and receiv-
22 ing from a vessel, processing, holding
23 pending processing, distribution after proc-
24 essing, or holding pending distribution, of
25 fish from a fishery;

1 “(ii) the land necessary for the struc-
2 ture or appurtenance; and

3 “(iii) equipment that is for use with
4 the structure or appurtenance and nec-
5 essary to perform a function described in
6 clause (i);

7 “(B) for operations not on land, a vessel
8 eligible for a fishery endorsement under section
9 12113 and used for, equipped to be used for, or
10 of a type normally used for, processing fish; or

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

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

15 “(ii) the land necessary for the struc-
16 ture or appurtenance;

17 “(iii) equipment that is for use with
18 the structure or appurtenance and nec-
19 essary for performing a function described
20 in clause (i); and

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

23 (b) ELIGIBLE FISHERY FACILITIES.—

24 (1) DEFINITION OF SECRETARY.—Paragraph
25 (9)(A) of section 53501 of title 46, United States

1 Code, as redesignated by subsection (a) of this sec-
2 tion, is amended to read as follows:

3 “(A) the Secretary of Commerce with re-
4 spect to—

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

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

10 (2) ESTABLISHING A CAPITAL CONSTRUCTION
11 FUND.—Section 53503 of title 46, United States
12 Code, is amended—

13 (A) in subsection (a)—

14 (i) by inserting “or eligible fishery fa-
15 cility” after “eligible vessel”; and

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

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

20 “(b) ALLOWABLE PURPOSE.—The purpose of the
21 agreement shall be—

22 “(1) to provide replacement vessels, additional
23 vessels, or reconstructed vessels, built in the United
24 States and documented under the laws of the United
25 States, for operation in the United States foreign,

1 Great Lakes, noncontiguous domestic, or short sea
2 transportation trade or in the fisheries of the United
3 States; or

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

6 (c) AGREEMENT FISHERY FACILITIES.—

7 (1) DEPOSITS AND WITHDRAWALS.—Section
8 53504(b) of title 46, United States Code, is amend-
9 ed by striking the period at the end and inserting
10 “or an agreement fishery facility.”.

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

13 (A) in subsection (a)—

14 (i) in paragraph (1), by inserting “or
15 agreement fishery facilities” after “agree-
16 ment vessels”;

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

20 (iii) in paragraph (3) by inserting “or
21 agreement fishery facility” after “agree-
22 ment vessel” both places that term ap-
23 pears; and

24 (B) in subsection (b)—

- 1 (i) by inserting “or agreement fishery
2 facility” after “an agreement vessel”; and
3 (ii) by inserting “or fishery facility”
4 after “the vessel”.

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

10 **SEC. 408. LIMITED ACCESS PRIVILEGE PROGRAMS.**

11 (a) IN GENERAL.—Section 303A(c) (16 U.S.C.
12 1853a(c)) is amended—

13 (1) in paragraph (1)—

14 (A) in subparagraph (F), by inserting “,
15 including assessing the impacts on fishery- de-
16 pendent communities located within the man-
17 agement area of the relevant Council” before
18 the semicolon;

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

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

23 (D) by adding at the end the following:

1 for any person found to have failed to
2 comply with the plan.”; and

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

5 “(B) FAILURE TO COMPLY WITH PLAN.—

6 The Secretary—

7 “(i) may deny, suspend, or revoke lim-
8 ited access privileges granted under this
9 section for any person who fails to comply
10 with the requirements of the regional fish-
11 ery association plan;

12 “(ii) shall reallocate in accordance
13 with the requirements otherwise applicable
14 under this Act any limited access privileges
15 denied or revoked under this clause, to
16 other eligible members of the regional fish-
17 ery association; and

18 “(iii) shall, in consultation with the
19 Councils, develop a set of criteria to deter-
20 mine suspension of limited access privilege
21 for, and a process for reallocation of re-
22 voked limited access privileges of, any per-
23 son found to have failed to comply with the
24 applicable community sustainability plan.”.

1 (b) COST RECOVERY.—Section 303A(e)(2) (16
2 U.S.C. 1853a(e)(2)) is amended to read as follows:

3 “(2) provide, under section 304(d)(2), for a
4 program of fees paid by limited access privilege hold-
5 ers that will cover the incremental costs attributable
6 to management, data collection and analysis, and en-
7 forcement activities.”.

8 **TITLE V—MISCELLANEOUS**

9 **SEC. 501. ENFORCEMENT.**

10 (a) PAYMENT OF STORAGE, CARE, AND OTHER
11 COSTS.—Section 311(e) (16 U.S.C. 1861(e)) is amend-
12 ed—

13 (1) in paragraph (1)—

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

17 (B) in subparagraph (E)—

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

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

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

24 (D) by adding after subparagraph (F), the
25 following:

1 ment of the Strengthening America’s Fisheries by
2 Improving Sustainable, Healthy Management Act,
3 and not less than every 5 years thereafter, to reflect
4 the percentage by which the consumer price index
5 for urban consumers, published by the Department
6 of Labor for the month of October preceding the
7 date of adjustment, exceeds the current penalty.”;
8 and

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

12 (b) CRIMINAL OFFENSES.—Section 309(b) (16
13 U.S.C. 1859(b)) is amended by adding at the end the fol-
14 lowing: “The Secretary shall adjust the penalty within 30
15 days of the date of enactment of the Strengthening Amer-
16 ica’s Fisheries by Improving Sustainable, Healthy Man-
17 agement Act, and not less than every 5 years thereafter,
18 to reflect the percentage by which the consumer price
19 index for urban consumers, published by the Department
20 of Labor for the month of October preceding the date of
21 adjustment, exceeds the current penalty.”.

22 **SEC. 503. DEFINITION.**

23 Section 3(k)(1) of the Small Business Act (15 U.S.C.
24 632(k)(1)) is amended by inserting “or section 312(a) of
25 the Magnuson-Stevens Fishery Conservation and Manage-

1 ment Act” after “as determined by the Secretary of Com-
2 merce under section 308(b) of the Interjurisdictional Fish-
3 eries Act of 1986.”.

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

6 Section 123(a) of the Department of the Interior and
7 Related Agencies Appropriation Act, 1999 (section 101(e)
8 of division A of Public law 105–277 (16 U.S.C. 410hh–
9 4 note.)), is amended—

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

13 (2) in paragraph (2)—

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

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

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

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

24 “(B) lifetime access permits, transferable
25 at any time to an immediate family member of

1 a valid permit holder, solely to individuals
2 who—

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

6 “(ii) hold a valid individual fishing
7 quota, limited entry permit, or the equiva-
8 lent, for the species targeted.”.

9 **SEC. 505. FEDERAL OCEAN ACIDIFICATION RESEARCH AND**
10 **MONITORING ACT.**

11 Section 12409 of the Federal Ocean Acidification Re-
12 search and Monitoring Act of 2009 (33 U.S.C. 3708) is
13 amended—

14 (1) in subsection (a), by striking “this subtitle”
15 and all that follows through “2012” and inserting
16 “this subtitle, \$20,000,000 for each of fiscal years
17 2019 through 2023”; and

18 (2) in subsection (b), by striking “this subtitle”
19 and all that follows through “2012” and inserting
20 “this subtitle, \$15,000,000 for each of fiscal years
21 2019 through 2023”.

22 **[SEC. 506. CAPACITY REDUCTION PROGRAM AUTHORITY.**

23 To be supplied.]

1 **SEC. 507. MANDATORY REQUIREMENTS.**

2 (a) NORTH PACIFIC BERING SEA FISHERIES ADVI-
3 SORY BODY.—Section 5(e)(1) of the Act entitled “An Act
4 to approve the governing international fishery agreement
5 between the United States and the Union of Soviet Social-
6 ist Republics, and for other purposes”, approved Novem-
7 ber 7, 1988 (Public Law 100–629; 16 U.S.C. 1823 note),
8 is amended by striking “may pay” and inserting “shall
9 pay”.

10 (b) NORTH PACIFIC ANADROMOUS FISH COMMIS-
11 SION.—

12 (1) UNITED STATES COMMISSIONERS.—Section
13 804(e)(1) of the North Pacific Anadromous Stocks
14 Act of 1992 (16 U.S.C. 5003(e)(1)) is amended by
15 striking “may pay” and inserting “shall pay”.

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

20 **SEC. 508. REALLOCATION OF CERTAIN UNUSED HARVEST**
21 **ALLOCATION.**

22 (a) REALLOCATION.—Notwithstanding any other
23 provision of law, each year upon receipt by the Secretary
24 of Commerce (referred to in this section as the “Sec-
25 retary”) of written notice from the allocation holder
26 named in section 803 of division B of the Consolidated

1 Appropriations Act, 2004 (Public Law 108–199, 16
2 U.S.C. 1851 note) that such holder will not harvest all
3 or a part of the allocation authorized pursuant to that Act,
4 the Secretary shall reallocate for that year the unused por-
5 tion of such allocation to the Bering Sea subarea of the
6 BSAI (as defined in section 679.2 of title 50, Code of Fed-
7 eral Regulations) and shall assign the reallocated unused
8 portion of the allocation only to eligible vessels as de-
9 scribed in subsection (b)(1) for harvest in the Bering Sea
10 subarea of the BSAI, consistent with any agreements as
11 described in subsection (c).

12 (b) ELIGIBILITY TO RECEIVE REALLOCATION.—

13 (1) IN GENERAL.—Only vessels defined in sub-
14 section (a), (b), (c), or (e) of section 208 of the
15 American Fisheries Act (16 U.S.C. 1851 note), or
16 any vessels authorized to replace such vessels, may
17 receive a reallocation described in subsection (a).

18 (2) LIMITATION ON REALLOCATIONS.—The
19 Secretary shall reallocate that portion of the alloca-
20 tion described in subsection (a) in any year unless
21 such portion of the reallocation exceeds the annual
22 catch limit for pollock in the Bering Sea subarea of
23 the BSAI.

24 (3) CALCULATIONS.—Any amount of the re-
25 allocation described in subsection (a) shall not be

1 used in the calculation of harvesting or processing
2 excessive shares as described in section 210(e) of the
3 American Fisheries Act (16 U.S.C. 1851 note).

4 (c) AGREEMENTS.—

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

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

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

17 (B) may contain other requirements or
18 compensation agreed to by the allocation holder
19 named in section 803 of division B of the Con-
20 solidated Appropriations Act, 2004 and the
21 owners of such eligible vessels, provided such
22 requirements or compensation are otherwise
23 consistent with the American Fisheries Act (16
24 U.S.C. 1851 note), the Magnuson-Stevens Fish-
25 ery Conservation and Management Act (16

1 U.S.C. 1801 et seq.), and any other applicable
2 law.

3 (d) EXISTING AUTHORITY.—Except for the measures
4 required by this section, nothing in this section shall be
5 construed to limit the authority of the North Pacific Fish-
6 ery Management Council or the Secretary under the
7 American Fisheries Act (16 U.S.C. 1851 note), the Mag-
8 nuson-Stevens Fishery Conservation and Management Act
9 (16 U.S.C. 1801 et seq.), or other applicable law.

10 (e) ENFORCEMENT.—Taking or processing any part
11 of the allocation made by section 803 of division B of the
12 Consolidated Appropriations Act, 2004, and reallocated
13 under this section in a manner that is not consistent with
14 the reallocation authorized by the Secretary shall be con-
15 sidered in violation of section 307 of the Magnuson-Ste-
16 vens Fishery Conservation and Management Act (16
17 U.S.C. 1857) and subject to the penalties and sanctions
18 under section 308 of such Act (16 U.S.C. 1858), and sub-
19 ject to the forfeiture of any fish harvested or processed.

20 (f) CLARIFICATIONS.—

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

24 (A) by striking subsection (b);

1 (B) by redesignating subsections (c) and
2 (d) as subsections (b) and (c), respectively; and
3 (C) in subsection (b), as so redesignated—
4 (i) by striking “subsections (a) and
5 (b)” and inserting “subsection (a)”; and
6 (ii) by striking “during the years
7 2004 through 2008”.

8 (2) PURPOSE OF REALLOCATION.—Consistent
9 with subsection (c) of section 803 of division B of
10 the Consolidated Appropriations Act, 2004, the re-
11 allocation of the unused portion of the allocation
12 provided to the allocation holder named in sub-
13 section (a) of such section for harvest in the Bering
14 Sea subarea of the BSAI is for the purposes of eco-
15 nomic development in Adak, Alaska pursuant to the
16 requirements of the Magnuson-Stevens Fishery Con-
17 servation and Management Act (16 U.S.C. 1801 et
18 seq.).

19 **SEC. 509. CLARIFICATION.**

20 (a) IN GENERAL.—Prior to March 15, 2019, and
21 prior to March 15 of each year thereafter, catcher vessels
22 using trawl gear shall be prohibited from engaging in di-
23 rected fishing for Pacific cod not allocated to the Western
24 Alaska community development quota program established
25 under section 305(i) of the Magnuson-Stevens Fishery

1 Conservation and Management Act (16 U.S.C. 1855(i)(1))
2 in the Aleutian Islands subarea, except that—

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

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

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

20 (B) the Aleutian Islands catcher vessel
21 harvest set-aside described in part
22 679.20(a)(7)(viii)(B) of title 50, Code of Fed-
23 eral Regulations (or any successor regulations),
24 is fully harvested prior to March 15 of the ap-
25 plicable year.

1 (b) DEFINITIONS.—As used in this section all ref-
2 erences to title 50, Code of Federal Regulations, and the
3 terms, “Aleutian Islands subarea’, “Aleutian Islands
4 shoreplant”, “catcher vessel”, “directed fishing”, and
5 “trawl gear” have the same meaning as the meanings
6 given in title 50, Code of Federal Regulations, as in effect
7 on May 1, 2018.

8 (c) SUNSET PROVISION.—The prohibition under sub-
9 section (a) shall have no force or effect upon such time
10 as the North Pacific Fishery Management Council rec-
11 ommends, and the Secretary of Commerce implements,
12 regulations to modify Amendment 113 to the Fishery
13 Management Plan for Groundfish of the Bering Sea and
14 Aleutian Islands Management Area to further limit the
15 use of trawl catcher vessels to deliver Pacific cod other
16 than to Aleutian Islands shoreplants.

17 **SEC. 510. FEES.**

18 (a) IN GENERAL.—The North Pacific Fishery Man-
19 agement Council may recommend, and the Secretary of
20 Commerce may approve, regulations necessary for the col-
21 lection of fees from charter vessel operators who guide rec-
22 reational anglers who harvest Pacific halibut in Inter-
23 national Pacific Halibut Commission regulatory areas 2C
24 and 3A as those terms are defined in part 300 of title

1 50, Code of Federal Regulations (or any successor regula-
2 tions).

3 (b) USE OF FEES.—Any fees collected under this sec-
4 tion shall be available, without appropriation or fiscal year
5 limitation, for the purposes of financing administrative
6 costs of the Recreational Quota Entity program; the pur-
7 chase of halibut quota shares in International Pacific Hal-
8 ibut Commission regulatory areas 2C and 3A by the rec-
9 reational quota entity authorized in part 679 of title 50,
10 Code of Federal Regulations (or any successor regula-
11 tions); halibut conservation and research; promotion of the
12 halibut resource by the recreational quota entity author-
13 ized in part 679 of title 50, Code of Federal Regulations
14 (or any successor regulations).

15 **SEC. 511. RULE OF CONSTRUCTION.**

16 Nothing in this Act shall be construed as modifying
17 the requirements of section 301(a), 302(h)(6), or
18 303(a)(15) of the Magnuson-Stevens Fishery Conserva-
19 tion and Management Act (16 U.S.C. 1851(a); 1852
20 (h)(6); 1853(a)(15)).