

1 Title: To support healthy fisheries in dynamic ocean conditions, and for other purposes.
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4 Be it enacted by the Senate and House of Representatives of the United States of America in
5 Congress assembled,

6 SECTION 1. SHORT TITLE.

7 This Act may be cited as the “Supporting Healthy Interstate Fisheries in Transition Act” or the
8 “SHIFT Act”.

9 SEC. 2. SHIFTING STOCKS.

10 Section 805(a) of the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C.
11 5104(a)) is amended by adding at the end the following:

12 “(3) The Commission shall, in establishing or revising quota allocations between any State or
13 other management unit for purposes of developing or updating a coastal fishery management plan
14 or plan amendment under this section, account for, using the best scientific information available,
15 any climate change impact on coastal fishery resources, including—

16 “(A) any change or shifting trend in fish abundance and distribution; and

17 “(B) any potential adverse economic impact arising from such revised quota allocations.”.

18 SEC. 3. ACTION BY THE SECRETARY.

19 Section 304(f) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C.
20 1854(f)) is amended—

21 (1) in paragraph (1)—

22 (A) by striking “as provided in paragraph (3)” and inserting “as provided in paragraph
23 (2) and with respect to a fishery to which section 302(a)(3) applies”; and

24 (B) by striking “No jointly prepared plan” and all that follows through “each Council
25 concerned.”;

26 (2) by redesignating paragraph (2) as paragraph (3);

27 (3) by inserting after paragraph (1) the following:

28 “(2)(A) At the request of a Council, the Secretary shall determine whether a substantial
29 portion of a fishery extends beyond the geographical area of authority of any one Council. If
30 the Secretary makes a positive determination, the Secretary shall—

31 “(i) notify the Council or Councils concerned; and

32 “(ii)(I) designate the Council concerned, or one of the Councils concerned, to prepare
33 a fishery management plan and any amendment to such plan, if required under this Act;
34 or

35 “(II) require that any such plan and amendment, if required under this Act, be
36 prepared jointly by the Councils concerned.

1 “(B) Not later than 2 years after notification under subparagraph (A)(i), the Council or
2 Councils concerned shall prepare and submit a fishery management plan or amendment, if
3 required under this Act.”; and

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

5 “(4) No jointly prepared plan or amendment, as described in paragraph (1)(B) or
6 (2)(A)(ii)(II), may be submitted to the Secretary unless it is approved by a majority of the
7 voting members, present and voting, of each Council concerned.

8 “(5) Nothing in this subsection shall be construed as modifying or superseding subsection
9 (e), section 302(h)(1), or any other provision of this Act.”.

10 SEC. 4. FISHERY AUTHORIZATION.

11 Section 305(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16
12 U.S.C. 1855(a)) is amended—

13 (1) in paragraph (2), by striking “as to require notification under paragraph (3)” and
14 inserting “under this subsection”;

15 (2) by amending paragraphs (3) and (4) to read as follows:

16 “(3) The Secretary shall authorize the development of a new fishery or fishing gear that is not
17 included on the list under this subsection only after the Secretary determines that a sufficient
18 analysis, in accordance with the guidance under paragraph (7), has been conducted by an
19 appropriate Council on the potential impacts of such new fishery or fishing gear on existing
20 fisheries, fishing communities, and the marine ecosystem.

21 “(4)(A) Not later than 18 months after the date of enactment of the Supporting Healthy Interstate
22 Fisheries in Transition Act, and at least once every 5 years thereafter, each Council shall review
23 the fisheries and gear on the list under this subsection that are under its authority and submit to the
24 Secretary proposed changes to such list in specific and narrow terms, including geographic range.
25 Such proposed changes shall ensure only active fisheries are included on such list and include
26 recommendations for new fisheries or gear for the Secretary to review under paragraph (3).

27 “(B) As soon as practicable after receiving a proposed change under subparagraph (A) to add a
28 new fishery or gear to the list under this subsection, the Secretary shall make a determination under
29 paragraph (3). If, in such determination, the Secretary finds that the proposed change is consistent
30 with such paragraph and other applicable law, the Secretary shall publish a revised list under this
31 subsection to include such fishery or gear, along with the appropriate Council analysis and the
32 Secretary’s determination of sufficiency of the analysis consistent with paragraph (3), after notice
33 and an opportunity for public comment.

34 “(C) As soon as practicable after a new fishery has been added to the list under this subsection in
35 accordance with subparagraph (B), the appropriate Council shall, in accordance with section 303,
36 prepare a fishery management plan for the fishery or an amendment to include such fishery in an
37 existing fishery management plan. No person or vessel may employ new fishing gear or engage in
38 a new fishery until the appropriate Council has prepared, and the Secretary has approved and
39 implemented, such plan or amendment.”; and

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

- 1 “(7) The Secretary shall issue guidance for making a determination under paragraph (3).
- 2 “(8) Nothing in this subsection shall restrict the requirements for the experimental permitting
- 3 process under section 318(d).”.