

1 and the causes and rebuilding consequences of
2 such exceedances have not been corrected;

3 “(iii) when the rebuilding expectations of a
4 stock or stock complex are significantly changed
5 due to new information about the status of the
6 stock; or

7 “(iv) for other reasons, as appropriate.

8 “(B) If the Secretary finds as a result of such
9 a review that such plan, amendment, or regulations
10 have not resulted in adequate progress toward end-
11 ing overfishing and rebuilding affected fish stocks,
12 the Secretary shall assess the extent to which by-
13 catch, a lack of forage, or adverse effects to essential
14 fish habitat are causing or contributing to the lack
15 of adequate progress toward ending overfishing and
16 rebuilding affected fish stocks. The Secretary shall—

17 “(i) in the case of a fishery to which sec-
18 tion 302(a)(3) applies, immediately make revi-
19 sions necessary to achieve adequate progress; or

20 “(ii) for all other fisheries, immediately no-
21 tify the appropriate Council, including rec-
22 ommendation of further conservation and man-
23 agement measures the Council should consider
24 under paragraph (3) to achieve adequate
25 progress.

1 “(C) For any stock or stock complex for which
2 the Secretary determines a lack of adequate
3 progress, a revised rebuilding plan should be devel-
4 oped that includes further conservation and manage-
5 ment measures to ensure adequate progress is made.
6 The deadline for rebuilding a stock or stock complex
7 may not be changed unless a lack of adequate
8 progress is found pursuant to subparagraph (A)(iii).

9 “(D) A Council shall not adopt, and the Sec-
10 retary shall not approve, a fishery management plan,
11 plan amendment, or proposed regulation required
12 under this subsection for any fishery that has pre-
13 viously been under such a plan that did not rebuild
14 such fishery to the biomass necessary to achieve
15 maximum sustainable yield, as determined by the
16 Council’s scientific and statistical committee, unless
17 the new plan, amendment, or proposed regulation
18 has at least a 75-percent chance of rebuilding the
19 overfished or otherwise depleted fishery within the
20 time limit proposed by the Council, as calculated by
21 the Council’s scientific and statistical committee
22 pursuant to section 302(g)(1)(B).”; and

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

24 “(8) A fishery management plan, plan amend-
25 ment, or proposed regulations may use alternative

1 rebuilding strategies, including harvest control rules
2 and fishing mortality rate targets to the extent they
3 are in compliance with the requirements of this Act.

4 “(9) 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 (b) REVIEW OF ADEQUATE PROGRESS.—Section 304
12 (16 U.S.C. 1854) is amended by adding at the end the
13 following—

14 “(k) REVIEW OF HABITAT, BYCATCH, AND
15 REBUILDING PLANS.—At routine intervals not to exceed
16 5 years, the Secretary shall review implementation of each
17 Council’s plan developed under sections 302(h)(8) and
18 (19) (9). If the Secretary finds as a result of such review
19 that there is a lack of adequate progress toward achieving
20 the objectives of any plan, including milestones and goals,
21 the Secretary shall recommend plan revisions, including
22 further conservation and management measures, that the
23 Council shall consider in order to achieve adequate
24 progress.”.

1 **SEC. 207. PROTECTING FISH STOCKS AND HABITAT.**

2 (a) Section 305(b)(4) (16 U.S.C. 1855(b)(4)) is
3 amended to read as follows:

4 “(4)(A) If the Secretary receives information
5 from a Council or Federal or State agency or deter-
6 mines from other sources that an action authorized,
7 funded, or undertaken, or proposed to be authorized,
8 funded, or undertaken, by any State or Federal
9 agency would adversely affect any essential fish
10 habitat identified under this Act or any stock of fish,
11 the Secretary shall recommend to such agency meas-
12 ures that can be taken by such agency to avoid ad-
13 verse effects of the action on such habitat or, to the
14 extent that adverse effects cannot be avoided, to
15 mitigate or offset such adverse effects.

16 “(B) Within 30 days after receiving a rec-
17 ommendation under subparagraph (A), a Federal
18 agency shall provide a detailed response in writing to
19 any Council commenting under paragraph (3) and
20 the Secretary regarding the matter. The response
21 shall include a description of measures proposed by
22 the agency for avoiding, mitigating, or offsetting the
23 adverse effects of the action on essential fish habi-
24 tat. A Federal agency shall ensure that any action
25 authorized, funded, or undertaken by such agency
26 avoids the adverse effects of such action on such

1 habitat or, to the extent that adverse effects cannot
2 be avoided, mitigates or offsets such adverse effects.
3 In the case of a response that is inconsistent with
4 the recommendations of the Secretary, the Federal
5 agency shall explain its reasons for not following the
6 recommendations.”.

7 (b) Section 303(a) (16 U.S.C. 1853(a)) is amended
8 by inserting after paragraph (7) the following:

9 “(7a)(B) describe and identify habitat areas of
10 particular concern based on the guidelines estab-
11 lished by the Secretary under section 305(b)(1)(A)
12 and as updated under section 302(h)(9), prevent ad-
13 verse effects on such habitat caused by fishing, mon-
14 itor efficacy of actions to prevent adverse effects,
15 and identify other actions to encourage the conserva-
16 tion and enhancement of such habitat;”.

17 **SEC. 208. SENSE OF CONGRESS ON ECOSYSTEM-BASED**
18 **FISHERIES MANAGEMENT.**

19 It is the sense of the Congress that—

20 (1) healthy fisheries and the coastal economies
21 they support depend upon healthy marine eco-
22 systems;

23 (2) applying ecosystem science to fisheries deci-
24 sionmaking reduces management uncertainty and in-
25 creases the resiliency of valuable fish stocks; and

1 (3) the National Marine Fisheries Service
2 should continue to refine and implement ecosystem-
3 based approaches to the management of marine fish-
4 ery resources.

5 **TITLE III—HEALTHY FISHERIES**
6 **THROUGH BETTER SCIENCE**

7 **SEC. 301. HEALTHY FISHERIES THROUGH BETTER**
8 **SCIENCE.**

9 (a) STOCK ASSESSMENT PLAN.—Within one year
10 after the date of the enactment of the Act, and each subse-
11 quent year, the Secretary shall report to the Committee
12 on Natural Resources of the House of Representatives and
13 the Committee on Commerce, Science, and Transportation
14 of the Senate, on the National Marine Fisheries Service’s
15 progress on prioritizing and improving stock assessments.
16 Such report shall—

17 (1) summarize the methods used for assess-
18 ments for all stocks of fish for which a fishery man-
19 agement plan is in effect under the Magnuson-Ste-
20 vens Fishery Conservation and Management Act (16
21 U.S.C. 1801 et seq.), and explain which stocks have
22 not been assessed, and why;

23 (2) summarize each stock assessment and stock
24 assessment update completed during the preceding
25 year;

1 (3) include the schedule for all upcoming stock
2 assessments and stock assessment updates; and

3 (4) identify data and analysis, especially con-
4 cerning recreational fishing, that, if available, would
5 reduce uncertainty in and improve the accuracy of
6 future stock assessments, including whether such
7 data and analysis could be provided by fishermen,
8 fishing communities, universities, and research insti-
9 tutions.

10 (b) IMPROVING SCIENCE.—Section 2(a)(8) of the
11 Magnuson-Stevens Fishery Conservation and Manage-
12 ment Act (16 U.S.C. 1801) is amended by adding at the
13 end the following: “Fisheries management is most effec-
14 tive when it uses the best scientific information available,
15 and incorporates such information from governmental and
16 nongovernmental sources, including State and Federal
17 agency staff, fishermen, fishing communities, universities,
18 nonprofit organizations, traditional knowledge from Tribes
19 and subsistence fishermen, and research institutions. Sci-
20 entific and statistical committees should consider such in-
21 formation when seeking the best scientific information
22 available to form the basis of conservation and manage-
23 ment.”.

24 (c) COST REDUCTION REPORT.—Within 1 year after
25 the date of the enactment of this Act, the Secretary of

1 Commerce, in consultation with the Regional Fishery
2 Management Councils, shall submit a report to Congress
3 that, with respect to each fishery governed by a fishery
4 management plan in effect under the Magnuson-Stevens
5 Fishery Conservation and Management Act (16 U.S.C.
6 1801 et seq.)—

7 (1) identifies the goals of the applicable pro-
8 grams governing monitoring and enforcement of
9 fishing that is subject to such plan;

10 (2) identifies methods to accomplish those
11 goals, including human observers, electronic moni-
12 toring, and vessel monitoring systems; and

13 (3) reviews the relative appropriateness of each
14 method, based on effectiveness at gathering desired
15 information and short-term and long-term costs and
16 benefits.

17 **SEC. 302. COOPERATIVE RESEARCH AND MANAGEMENT**
18 **PROGRAM.**

19 (a) COOPERATIVE RESEARCH PLAN.—Section 318
20 (16 U.S.C. 1867) is amended—

21 (1) in subsection (a), by inserting “(1)” before
22 the first sentence, and by adding at the end the fol-
23 lowing:

24 “(2) Within one year after the date of the enactment
25 of Strengthening Fishing Communities through Improving

1 Science, Increasing Flexibility, and Modernizing Fisheries
2 Management Act, and after consultation with the Coun-
3 cils, the Secretary shall publish a plan for implementing
4 and conducting the program established in paragraph (1).
5 Such plan shall identify and describe critical regional fish-
6 ery management and research needs, possible projects that
7 may address those needs, and estimated costs for such
8 projects. The plan shall be revised and updated every 5
9 years, and updated plans shall include a brief description
10 of projects that were funded in the preceding 5-year period
11 and the research and management needs that were ad-
12 dressed by those projects.”;

13 (2) in subsection (b), by striking “in consulta-
14 tion with the Secretary.” and inserting “. Each
15 Council shall provide a list of such needs to the Sec-
16 retary on an annual basis, identifying and
17 prioritizing such needs.”;

18 (3) in subsection (c)—

19 (A) in the heading, by striking “**FUND-**
20 **ING**” and inserting “**PRIORITIES**”; and

21 (B) in paragraph (1), by striking all after
22 “including” and inserting an em dash, followed
23 on the next line by the following:

24 “(A) the use of fishing vessels or acoustic
25 or other marine technology;

1 “(B) expanding the use of electronic catch
2 reporting programs and technology; and

3 “(C) improving monitoring and observer
4 coverage through the expanded use of electronic
5 monitoring devices and satellite tracking sys-
6 tems.”; and

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

8 “(g) ACCEPTANCE OF FUNDING.—The Secretary
9 may, using the authority established under section 208 of
10 Public Law 109–479 (16 U.S.C. 1891b), accept and use
11 funding from other Federal agencies, academic institu-
12 tions, persons, including fishery participants, and non-
13 governmental organizations to expand cooperative fish-
14 eries research and management efforts, including efforts
15 to improve data collection in recreational fisheries, for the
16 purposes of improving management certainty and out-
17 comes.”.

18 (b) ALLOCATION EXCEPTION.—Section 208 of the
19 Magnuson-Stevens Fishery Conservation and Manage-
20 ment Reauthorization Act of 2006 (16 U.S.C. 1891b) is
21 amended by adding at the end the following:

22 “(f) ALLOCATION EXCEPTION.—Notwithstanding
23 subsection (d), the Secretary may apportion monies from
24 the Fund to a specific project or region if such monies
25 were identified by the Council that designated them for

1 inclusion in the Fund under subsection (c)(1), or by the
2 appropriation Act, State, public source, or nonprofit or or-
3 ganization from which received under subsection (c)(2), as
4 being deposited for that specific project or region.”.

5 **SEC. 303. RECREATIONAL DATA COLLECTION.**

6 (a) FEDERAL-STATE PARTNERSHIPS.—Section
7 401(g) (16 U.S.C. 1881(g)) is amended by redesignating
8 paragraph (4) as paragraph (5), and by inserting after
9 paragraph (3) the following:

10 “(4) FEDERAL-STATE PARTNERSHIPS.—

11 “(A) ESTABLISHMENT.—The Secretary
12 shall establish partnerships with States to de-
13 velop best practices for implementation of State
14 programs established pursuant to paragraph
15 (2).

16 “(B) GUIDANCE.—The Secretary shall de-
17 velop guidance, in cooperation with the States,
18 that details best practices for administering
19 State programs pursuant to paragraph (2), and
20 provide such guidance to the States.

21 “(C) BIENNIAL REPORT.—The Secretary
22 shall submit to the Congress and publish bien-
23 nial reports that include—

24 “(i) the estimated accuracy of the reg-
25 istry program established under paragraph

1 (1) and of State programs that are ex-
2 empted under paragraph (2);

3 “(ii) priorities for improving rec-
4 reational fishing data collection; and

5 “(iii) an explanation of any use of in-
6 formation collected by such State programs
7 and by the Secretary, including a descrip-
8 tion of any consideration given to the in-
9 formation by the Secretary.

10 “(D) STATES GRANT PROGRAM.—The Sec-
11 retary may make grants to States to improve
12 implementation of State programs consistent
13 with this subsection. The Secretary shall
14 prioritize such grants based on the ability of the
15 grant to improve the quality and accuracy of
16 such programs.”.

17 (b) ACTION BY SECRETARY.—The Secretary of Com-
18 merce shall—

19 (1) within 90 days after the date of the enact-
20 ment of this Act, enter into an agreement with the
21 National Academy of Sciences to evaluate, in the
22 form of a report, the following:

23 (A) how the design of the Marine Rec-
24 reational Information Program, for the pur-
25 poses of stock assessment and the determina-

1 tion of stock management reference points, can
2 be improved to better meet the needs of in-sea-
3 son management of annual catch limits under
4 section 303(a)(15) of the Magnuson-Stevens
5 Fishery Conservation and Management Act (16
6 U.S.C. 1853(a)(15)); and

7 (B) what actions the Secretary, Councils,
8 and States could take to improve the accuracy
9 and timeliness of data collection and analysis to
10 improve the Marine Recreational Information
11 Program and facilitate in-season management.

12 (2) within 6 months after receiving the report
13 under paragraph (1), submit to Congress rec-
14 ommendations of changes to be made to the Marine
15 Recreational Information Program to make the pro-
16 gram better meet the needs of in-season manage-
17 ment of annual catch limits and other requirements
18 under such section.

19 **SEC. 304. MODERNIZING FISHERIES DATA COLLECTION**
20 **AND STORAGE.**

21 (a) VIDEO AND ACOUSTIC SURVEY TECH-
22 NOLOGIES.—The Secretary shall work with the Regional
23 Fishery Management Councils and nongovernmental enti-
24 ties to develop and implement the use pursuant to the
25 Magnuson-Stevens Fishery Conservation and Manage-

1 ment Act (16 U.S.C. 1801 et seq.) of video survey tech-
2 nologies and expanded use of acoustic survey technologies.

3 (b) IMPROVED DATA MANAGEMENT.—The Secretary
4 of Commerce shall—

5 (1) seek to enter into an agreement with the
6 United States Digital Service within 90 days after
7 the date of the enactment of this Act, under which
8 the Service shall make recommendations to mod-
9 ernize and streamline the fishery data collection,
10 processing, analysis, and storage systems of the Na-
11 tional Marine Fisheries Service, and specify in the
12 agreement that the Secretary is seeking, at a min-
13 imum, recommendations that promote user-centered
14 data and include open, secure architecture and clear
15 data performance specifications;

16 (2) under the agreement, provide the United
17 States Digital Service with access to all data collec-
18 tion, processing, analysis, and storage systems of the
19 National Marine Fisheries Service and any other in-
20 formation necessary to enable the development of
21 recommendations that will ensure the optimization
22 and modernization of such systems;

23 (3) working with the Councils and fishery
24 stakeholders, consider and implement any rec-

1 ommendations made by the United States Digital
2 Service , as appropriate; and

3 (4) within one year of the date of enactment of
4 this Act, and every two years thereafter, report to
5 Congress on the status of the agreement entered
6 into pursuant to paragraph (1) and progress made
7 in modernizing fisheries data systems.

8 **SEC. 305. GULF OF MEXICO FISHERIES COOPERATIVE RE-**
9 **SEARCH AND RED SNAPPER MANAGEMENT.**

10 (a) REPORTING AND DATA COLLECTION PRO-
11 GRAM.—The Secretary of Commerce shall—

12 (1) in conjunction with the States, the Gulf of
13 Mexico Fishery Management Council, and the rec-
14 reational fishing sectors, develop and implement a
15 real-time reporting and data collection program for
16 the Gulf of Mexico red snapper fishery using avail-
17 able technology; and

18 (2) make implementation of this subsection a
19 priority for funds received by the Secretary and allo-
20 cated to this region under section 2 of the Act of
21 August 11, 1939 (commonly known as the
22 “Saltonstall-Kennedy Act”) (15 U.S.C. 713c–3).

23 (b) FISHERIES COOPERATIVE RESEARCH PRO-
24 GRAM.—The Secretary of Commerce—

1 (1) shall, in conjunction with the States, the
2 Gulf States Marine Fisheries Commission and the
3 Atlantic States Marine Fisheries Commission, the
4 Gulf of Mexico and South Atlantic Fishery Manage-
5 ment Councils, and the commercial, charter, and
6 recreational fishing sectors, develop and implement a
7 cooperative research program authorized under sec-
8 tion 318 of the Magnuson-Stevens Fishery
9 Conservatoin and Management Act (16 U.S.C.
10 1867) for the fisheries of the Gulf of Mexico and
11 South Atlantic regions, giving priority to those fish-
12 eries that are considered data-poor; and

13 (2) may, subject to the availability of appropria-
14 tions, use funds received by the Secretary under sec-
15 tion 2 of the Act of August 11, 1939 (commonly
16 known as the “Saltonstall-Kennedy Act”) (15 U.S.C.
17 713e-3) to implement this subsection.

18 (c) USE OF FISHERIES INFORMATION IN STOCK AS-
19 SESSMENTS.—The Director of the Southeast Fisheries
20 Science Center of the National Oceanic and Atmospheric
21 Administration? shall ensure that fisheries information
22 made available through fisheries programs funded under
23 Public Law 112–141 is incorporated as soon as possible
24 into any fisheries stock assessments conducted after the
25 date of the enactment of this Act.

1 (d) FUNDING OF STOCK ASSESSMENTS.—The Sec-
2 retary of Commerce and the Secretary of the Interior, act-
3 ing through the Bureau of Ocean Energy Management,
4 shall enter into a cooperative agreement for the funding
5 of stock assessments that are necessitated by any action
6 by the Bureau with respect to offshore oil rigs in the Gulf
7 of Mexico that adversely impacts red snapper.

8 **SEC. 306. SCIENCE AND MANAGEMENT FOR SHIFTING**
9 **STOCKS.**

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

14 “(3) In developing or updating a coastal fishery
15 management plan or plan amendment, the Commis-
16 sion shall account for, using the best scientific infor-
17 mation available, any climate change impacts, in-
18 cluding changes in fish abundance and distribution,
19 on coastal fishery resources when establishing quota
20 allocations between any State or other management
21 unit.”.

22 (b) FISHERY AUTHORIZATION.—Section 305(a) of
23 the Magnuson-Stevens Fishery Conservation and Manage-
24 ment Act (16 U.S.C. 1855a)) is amended—

1 (1) by amending paragraph (3) to read as fol-
2 lows:

3 “(3) The Secretary shall authorize the develop-
4 ment of a new fishery not included on the list only
5 when the Secretary determines the fishery’s eco-
6 system impacts have been analyzed. Nothing in this
7 subsection shall restrict the requirements for the ex-
8 perimental permitting process under section
9 318(d).”;

10 (2) by amending paragraph (4) to read as fol-
11 lows:

12 “(4) Not later than 18 months after the date
13 of enactment of the Strengthening Fishing Commu-
14 nities through Improving Science, Increasing Flexi-
15 bility, and Modernizing Fisheries Management Act,
16 and at least once every 5 years after, each Council
17 shall revise its list of approved current fisheries and
18 gear in specific and narrow terms, including geo-
19 graphic range, to ensure only active fisheries or new
20 fisheries intended for Secretarial review under sec-
21 tion 305(a)(3) are included, and submit such list to
22 the Secretary. The Secretary shall make a deter-
23 mination required under section 305(a)(3) and if the
24 Secretary finds that the proposed change is con-
25 sistent with section 305(a)(3) and other applicable

1 law, the Secretary shall publish a revised list, after
2 notice and an opportunity for public comment. Once
3 the determination has been made to include a new
4 fishery on the list of approved current fisheries, a
5 Council shall prepare a fishery management plan for
6 the fishery or an amendment to include the fishery
7 in an existing fishery management plan in accord-
8 ance with section 303, in order for fishing in the
9 new fishery to begin.”; and

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

11 “(7) The Secretary shall issue guidance for
12 making a determination that a new fishery’s eco-
13 system impacts have been sufficiently analyzed.”.

14 **TITLE IV—STRENGTHENING**
15 **FISHING COMMUNITIES**

16 **SEC. 401. SALTONSTALL-KENNEDY ACT REFORM.**

17 Section 2(b) of the Act of August 11, 1939 (com-
18 monly known as the “Saltonstall-Kennedy Act”) (15
19 U.S.C. 713c-3(b)), is amended—

20 (1) by striking “(1)”;

21 (2) by striking “and ending on June 30,
22 1957,”;

23 (3) by striking “moneys” the first place it ap-
24 pears and inserting “monies”; and

1 (4) by striking “shall be maintained in a sepa-
2 rate fund only for” and all that follows and inserting
3 “and shall only be used for the purposes described
4 under subsection (c).”.

5 **SEC. 402. FISHERY RESOURCE DISASTER ASSISTANCE.**

6 (a) ESTIMATION OF COST OF RECOVERY FROM FISH-
7 ERY RESOURCE DISASTER.—Section 312(a)(1) (16
8 U.S.C. 1861a(a)(1)) is amended—

9 (1) by inserting “(A)” after “(1)”;

10 (2) by redesignating subparagraphs (A) through
11 (C) as clauses (i) through (iii), respectively, of sub-
12 paragraph (A) (as designated by the amendment
13 made by paragraph (1)); and

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

15 “(B) The Secretary shall publish the esti-
16 mated cost of recovery from a fishery resource
17 disaster no later than 30 days after the Sec-
18 retary makes the determination under subpara-
19 graph (A) with respect to such disaster. Such
20 an estimate shall include financial impacts to
21 the broader seafood economy and coastal com-
22 munities, including but not limited to har-
23 vesters, processors, charter fishing companies,
24 ports and related infrastructure owners and/or

1 service providers, and seafood shipping compa-
2 nies”.

3 (b) DEADLINE FOR ACTION ON REQUEST BY GOV-
4 ERNOR FOR DETERMINATION REGARDING DISASTER AS-
5 SISTANCE.—Section 312(a) (16 U.S.C. 1861a(a)) is
6 amended by redesignating paragraphs (2) through (4) as
7 paragraphs (3) through (5), and by inserting after para-
8 graph (1) the following:

9 “(2) The Secretary shall make a decision re-
10 garding a request from a Governor under paragraph
11 (1) within 120 days after the completion of the fish-
12 ing season or other period for which the relief was
13 requested.”.

14 (c) DISASTER FUNDING AUTHORITY.—Section
15 251(b)(2)(D) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)) is
17 amended—

18 (1) in clause (i)—

19 (A) in the matter preceding subclause (I),
20 by striking “ the total of—” and inserting “an
21 amount equal to the difference between”—;

22 (B) by redesignating subclauses (I) and
23 (II) as items (aa) and (bb), respectively, and in-
24 denting the items appropriately;

1 (C) by inserting before item (aa) (as so re-
2 designated) the following:

3 “(I) the sum obtained by add-
4 ing—”;

5 (D) in item (bb) of subclause (I) (as so re-
6 designated)—

7 (i) by striking “subclause (I)” and in-
8 serting “item (aa)”; and

9 (ii) by striking the period at the end
10 and inserting “; and”; and

11 (E) by adding at the end the following:

12 “(II) the additional new budget
13 authority provided in an appropria-
14 tions Act for fisheries disaster assist-
15 ance pursuant to subparagraph (E)
16 for the preceding fiscal year.”; and by
17 adding at the end the following:

18 “(v) Beginning in fiscal year
19 2018 and for each fiscal year there-
20 after, the calculation of the ‘average
21 funding provided for fishery resource
22 disaster assistance over the previous
23 10 years’ shall include, for each fiscal
24 year during that period, the additional
25 new budget authority provided in an

1 appropriations Act for fisheries re-
2 source disaster assistance consistent
3 with the recommendations of the Sec-
4 retary.”.

5 **SEC. 403. REFINANCING OF PACIFIC COAST GROUND FISH**
6 **FISHING CAPACITY REDUCTION LOAN.**

7 Within 90 days after the date of the enactment of
8 this Act, the Secretary shall implement section 3095 of
9 Public Law 113–291 without further appropriation from
10 Congress.

11 **SEC. 404. STRENGTHENING PARTICIPATION FOR PACIFIC**
12 **TERRITORIES.**

13 (a) PARTICIPATION FOR UNITED STATES TERRI-
14 TORIES.—Section 102 (16 U.S.C. 1812) is amended by
15 adding at the end the following:

16 “(d) UNITED STATES TERRITORIES.—The Secretary
17 shall ensure participation for, and consider the interests
18 of, United States territories and their fishing communities
19 in managing highly migratory species that frequent the
20 exclusive economic zone adjoining such territories.”.

21 (b) APPOINTMENTS TO COMMISSION FOR THE CON-
22 SERVATION AND MANAGEMENT OF HIGHLY MIGRATORY
23 FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC
24 OCEAN.—Section 503 of the Western and Central Pacific
25 Fisheries Convention Implementation Act (16 U.S.C.

1 6902) is amended by striking subsection (a) and inserting
2 the following:

3 “(a) UNITED STATES COMMISSIONERS.—

4 “(1) IN GENERAL.—The United States shall be
5 represented on the Commission by 5 United States
6 Commissioners. The President shall appoint individ-
7 uals to serve on the Commission at the pleasure of
8 the President. In making the appointments, the
9 President shall select Commissioners from among in-
10 dividuals who are knowledgeable or experienced con-
11 cerning highly migratory fish stocks in the Western
12 and Central Pacific Ocean.

13 “(2) REQUIRED APPOINTMENTS.—Of the Com-
14 missioners appointed under paragraph (1)—

15 “(A) one shall be an officer or employee of
16 the Department of Commerce;

17 “(B) one shall be the chairman or another
18 member of the Western Pacific Fishery Man-
19 agement Council; and

20 “(C) one shall be a resident of American
21 Samoa, Guam, or the Commonwealth of the
22 Northern Mariana Islands who is not a member
23 of the Western Pacific Fishery Management
24 Council.

25 “(3) TERMS.—

1 “(A) IN GENERAL.—The term of a Com-
2 missioner shall be 3 years.

3 “(B) COUNCIL APPOINTEES.—A Commis-
4 sioner who is appointed as a member of the
5 Western Pacific Fishery Management Council
6 and whose term on that Council ends during his
7 or her term as Commissioner may complete the
8 current term as Commissioner but shall not be
9 eligible for reappointment.

10 “(C) LIMIT ON CONSECUTIVE TERMS.—An
11 individual appointed under paragraph (1) shall
12 not be eligible to serve more than 2 consecutive
13 terms as a Commissioner.

14 “(D) ROTATION OF TERRITORIAL AP-
15 POINTMENTS.—Appointments under paragraph
16 (2)(C) shall be rotated among residents of
17 American Samoa, Guam, and the Northern
18 Mariana Islands to ensure equal representation
19 of such territories.

20 “(4) CHAIRMAN.—The United States Commis-
21 sioners may adopt such rules of procedure as they
22 find necessary and may? select a chairman from
23 among such Commissioners who are officers or em-
24 ployees of the United States Government.”.

1 (c) USE OF WESTERN PACIFIC SUSTAINABLE FISH-
2 ERIES FUND.—

3 (1) IN GENERAL.—Section 204(e)(7) (16
4 U.S.C. 1824(e)(7)) is amended—

5 (A) in subparagraph (A), by inserting “ex-
6 cept as provided in subparagraph (D),” after
7 “(A)”;

8 (B) in subparagraph (B)—

9 (i) by inserting “except as provided in
10 subparagraph (D),” after “(B)”;

11 (ii) by striking “and” after the semi-
12 colon at the end;

13 (C) in subparagraph (C)—

14 (i) by inserting “except as provided in
15 subparagraph (D),” after “(C)”;

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

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

19 “(D) in the case of funds that are attrib-
20 utable to a particular United States Partici-
21 pating Territory under section 113 of division
22 B of Public Law 112–55 (125 Stat. 603) and
23 any regulation approving or otherwise giving ef-
24 fect to such agreement, or any subsequent
25 agreement, the Treasury of the United States

1 Participating Territory to which those funds are
2 attributed under this Act.”.

3 (2) CATCH LIMIT ARRANGEMENT FUNDING.—
4 Section 113(b) of division B of Public Law 112–55
5 (125 Stat. 603) is amended—

6 (A) by striking “Western Pacific Regional
7 Fisheries Management Council” and inserting
8 “Secretary”;

9 (B) by adding “and” after the semicolon
10 at the end of paragraph (1);

11 (C) in paragraph (2)—

12 (i) by striking “use” and inserting
13 “transfer”;

14 (ii) by striking “only”; and

15 (iii) by striking “; and” and inserting
16 “or for such other purposes as the govern-
17 ment of the United States Participating
18 Territory determines.”; and

19 (D) by striking paragraph (3).

20 **SEC. 405. NORTH PACIFIC FISHERY MANAGEMENT CLARI-**
21 **FICATION.**

22 Section 306(a)(3)(C) (16 U.S.C. 1856(a)(3)(C)) is
23 amended—

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

25 and

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