

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4940

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2006

Mr. FRANK of Massachusetts (for himself and Mr. TIERNEY) introduced the  
following bill; which was referred to the Committee on Resources

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## A BILL

To amend 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 “Fishery Management Amendments of 2006”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Amendment of Magnuson-Stevens Fishery Conservation and Manage-  
ment Act.

Sec. 3. Rebuilding depleted fisheries.

Sec. 4. Economic and social impacts of fishery management actions.

Sec. 5. Improvements in fishery science and research.

Sec. 6. Fishing safety.

- Sec. 7. Bycatch.  
 Sec. 8. Capacity reduction.  
 Sec. 9. Individual fishing quotas.  
 Sec. 10. Compliance with National Environmental Policy Act of 1969.  
 Sec. 11. Grants for construction or repair of wharves and related facilities.  
 Sec. 12. Fishery science education program.  
 Sec. 13. Authorization of Appropriations.

1 **SEC. 2. AMENDMENT OF MAGNUSON-STEVENSON FISHERY**  
 2 **CONSERVATION AND MANAGEMENT ACT.**

3 Except as otherwise expressly provided, whenever in  
 4 this Act an amendment or repeal is expressed in terms  
 5 of an amendment to, or repeal of, a section or other provi-  
 6 sion, the reference shall be considered to be made to a  
 7 section or other provision of the Magnuson-Stevens Fish-  
 8 ery Conservation and Management Act (16 U.S.C. 1801  
 9 et seq.).

10 **SEC. 3. REBUILDING DEPLETED FISHERIES.**

11 (a) TREATMENT OF STOCKS AS DEPLETED; PREVEN-  
 12 TION OF UNSUSTAINABLE FISHING.—

13 (1) DEFINITIONS.—Section 3 (16 U.S.C. 1802)  
 14 is amended—

15 (A) by striking paragraph (29);

16 (B) by redesignating the last paragraph  
 17 (relating to the definition of “waters of a for-  
 18 eign nation”) as paragraph (46); and

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

20 “(47) The term ‘depleted’ means, with respect  
 21 to a stock of fish, that, based on the best scientific  
 22 information available, the stock of fish is below 50

1 percent of the population level that is necessary to  
2 produce maximum sustainable yield for the stock of  
3 fish on a continuing basis.

4 “(48) The term ‘unsustainable fishing’ means,  
5 with respect to a stock of fish, a rate of fishing mor-  
6 tality that, based on the best scientific information  
7 available, is likely, if such rate is maintained, to re-  
8 sult over time in a reduction in the stock of fish  
9 below a population level that is consistent with pro-  
10 ducing maximum sustainable yield for the stock of  
11 fish on a continuing basis.”.

12 (2) SUBSTITUTION OF TERMS.—The Magnuson-  
13 Stevens Fishery Conservation and Management Act  
14 is amended—

15 (A) by striking “overfished” each place it  
16 appears and inserting “depleted”;

17 (B) by striking “OVERFISHED” each place  
18 it appears and inserting “DEPLETED”; and

19 (C) by striking “overfishing” each place it  
20 appears and inserting “unsustainable fishing”.

21 (b) ENSURING SCIENTIFIC DETERMINATIONS OF DE-  
22 PLETED CONDITIONS.—Section 304(e)(1) (16 U.S.C.  
23 1854(e)(1)) is amended by adding at the end the fol-  
24 lowing: “All determinations by the Secretary under this  
25 subsection that a fishery is depleted or approaching a con-

1 dition of being depleted shall be based on the best sci-  
2 entific information available, shall be subject to peer re-  
3 view in accordance with section 404(d), and shall include  
4 an explanation of the cause or causes of the depleted con-  
5 dition of the fishery”.

6 (c) REBUILDING FLEXIBILITY.—Section 304(e) (16  
7 U.S.C. 1854(e)) is amended—

8 (1) in paragraph (4)(A)(ii) by inserting after  
9 “other environmental conditions,” the following: “a  
10 need to alleviate a projected significant negative eco-  
11 nomic impact on fishing communities (subject to the  
12 requirements in paragraph (10)),”;

13 (2) in paragraph (4) by striking “and” after  
14 the semicolon at the end of subparagraph (B), by  
15 striking the period at the end of subparagraph (C)  
16 and inserting “; and”, and by adding at the end the  
17 following:

18 “(D) for a multispecies fishery in which  
19 more than one stock of fish within the fishery  
20 is subject to a fishery management plan, plan  
21 amendment, regulation, or proposed regulation  
22 pursuant to paragraph (3) or (5), provide that  
23 the rebuilding deadline may be extended for an  
24 individual stock of fish within the fishery sub-  
25 ject to the management measures in such plan,

1 amendment, or regulation, for an additional  
2 time period that is not longer than the time pe-  
3 riod specified for the fishery under subpara-  
4 graph (A), if—

5 “(i) such stock is not projected to be  
6 rebuilt at the conclusion of the time period  
7 specified under subparagraph (A);

8 “(ii) taking into account the biology  
9 of the several stocks of fish in the multi-  
10 species fishery—

11 “(I) the aggregate average popu-  
12 lation for all of the stocks of fish in  
13 the multispecies fishery that are sub-  
14 ject to the management measures is  
15 projected, under a formula established  
16 by the Secretary in accordance with  
17 paragraph (8), to remain at a level  
18 that is consistent with producing max-  
19 imum sustainable yield on a con-  
20 tinuing basis; and

21 “(II) no individual stock of fish  
22 that is subject to the management  
23 measures is depleted or projected to  
24 be depleted; and

1                   “(iii) the Secretary, taking into ac-  
2                   count the biology of the stock of fish for  
3                   which the deadline is extended, certifies  
4                   that such stock of fish is projected, using  
5                   the best scientific information available, to  
6                   continue rebuilding.”; and

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

8                   “(8) The Secretary shall issue a regulation that  
9                   establishes the formula for calculating the aggregate  
10                  average of all stocks of fish in a multispecies fishery  
11                  for purposes of paragraph (4)(D). The Secretary  
12                  shall provide an opportunity for submission of public  
13                  comment on such formula for a 6-month period. The  
14                  formula shall be based on the best scientific informa-  
15                  tion available, and shall take into account the rel-  
16                  ative sizes of the populations of the various stocks  
17                  of fish in the fishery. The Secretary shall ensure  
18                  that any finding, based on such formula, as to  
19                  whether a multispecies fishery is rebuilt shall be sub-  
20                  ject to peer review in accordance with section 404.

21                  “(9) The Secretary may extend the rebuilding  
22                  time period under paragraph (4)(A)(ii), if—

23                         “(A) the biomass rebuilding target is sub-  
24                         stantially increased during the rebuilding pe-  
25                         riod;

1           “(B) the extension will apply only to those  
2 species for which the new biomass targets ex-  
3 ceed the targets in the existing plan;

4           “(C) the extension does not exceed 10  
5 years; and

6           “(D) the best scientific information avail-  
7 able shows that the extension will allow contin-  
8 ued rebuilding and completion of rebuilding by  
9 the end of the extension.

10          “(10) The Secretary may extend the rebuilding  
11 time period under paragraph (4)(A)(ii) to alleviate  
12 projected significant negative economic impact on  
13 fishing communities, if—

14           “(A) the determination of economic impact  
15 has been subject to peer review in accordance  
16 with section 404;

17           “(B) the best scientific information avail-  
18 able shows that rebuilding will be achieved in  
19 no more than twice the number of years of the  
20 original rebuilding period; and

21           “(C) the best scientific information avail-  
22 able shows that the extension will allow contin-  
23 ued rebuilding and completion of rebuilding by  
24 the end of the extension.

1           “(11) The Secretary or the Council may, during  
2           a rebuilding period, amend a rebuilding plan to allow  
3           an increase in the rate of harvest of the depleted  
4           stock of fish concerned, if—

5                   “(A) the Secretary determines during the  
6           rebuilding period that the depleted stock of fish  
7           is rebuilding at a significantly faster rate than  
8           the rate that was projected at the beginning of  
9           the rebuilding period; and

10                   “(B) the best scientific information avail-  
11           able shows that the increased rate will allow  
12           continued rebuilding and completion of rebuild-  
13           ing by the end of the rebuilding period.”.

14           (d) CONSIDERATION OF ENVIRONMENTAL CONDI-  
15           TIONS AND NATURAL FLUCTUATIONS.—Section 304(e)(1)  
16           (16 U.S.C. 1854(e)(1)) is further amended by inserting  
17           “environmental conditions, natural biological fluctua-  
18           tions,” after “fishery resource size,”.

19           (e) ACTIONS FOLLOWING DETERMINATION OF DE-  
20           PLETED STATE.—Section 304(e) (16 U.S.C. 1854(e)) is  
21           further amended—

22                   (1) in paragraph (2) by striking the first sen-  
23           tence and inserting the following: “(A) If the Sec-  
24           retary determines at any time that a fishery is de-  
25           pleted, and that unsustainable fishing is a cause of

1 the depleted state of the fishery, the Secretary shall  
2 immediately notify the appropriate Council and re-  
3 quest that action be taken to end unsustainable fish-  
4 ing in the fishery in a manner consistent with sec-  
5 tion 304(e)(3) and to implement conservation and  
6 management measures to rebuild affected stocks of  
7 fish.”;

8 (2) by adding at the end of paragraph (2) the  
9 following:

10 “(B) If the Secretary determines that environ-  
11 mental conditions or other factors not directly re-  
12 lated to fishing have contributed to the depleted  
13 state of the fishery, the Secretary—

14 “(i) shall immediately notify the appro-  
15 priate Council and may request that action be  
16 taken to end unsustainable fishing in the fish-  
17 ery in a manner consistent with section  
18 304(e)(3) and to implement conservation and  
19 management measures to rebuild the fishery;  
20 and

21 “(ii) shall consult with the Administrator  
22 of the Environmental Protection Agency or  
23 other appropriate Federal Government officials  
24 on additional methods of alleviating such condi-  
25 tions or factors.”;

1           (3) in paragraph (3) by striking “or” after the  
2           semicolon at the end of subparagraph (A), by strik-  
3           ing the period at the end of subparagraph (B) and  
4           inserting “; or” and by adding at the end the fol-  
5           lowing:

6                   “(C) coordinate other actions to alleviate  
7           the depleted condition of the fishery with other  
8           Federal Government officials.”;

9           (4) in paragraph (4)—

10                   (A) in the matter preceding subparagraph  
11           (A) by striking “shall”;

12                   (B) in each of subparagraphs (A), (B), and  
13           (C) by inserting “shall” after the subparagraph  
14           designation; and

15                   (C) by striking “and” after the semicolon  
16           at the end of subparagraph (B), by striking the  
17           period at the end of subparagraph (C) and in-  
18           serting “and”, and by adding at the end the  
19           following:

20                   “(D) may temporarily permit fishing dur-  
21           ing a rebuilding period at rates that, if such  
22           temporary rates were maintained until the end  
23           of the rebuilding period, could result in rebuild-  
24           ing not being completed by the end of the re-  
25           building period, if the mortality rates associated

1 with such temporary rates (and any adjust-  
2 ments to such mortality rates that are required  
3 pursuant to fishery management measures  
4 adopted during the rebuilding period) are pro-  
5 jected to produce continued rebuilding and lead  
6 to a completion of rebuilding by the end of the  
7 rebuilding period (or the end of any extension  
8 of the rebuilding period under paragraph (9) or  
9 (10)).”;

10 (5) in paragraph (5) by striking “the Secretary  
11 shall prepare” and all that follows through the end  
12 of the sentence and inserting “the Secretary shall,  
13 within 9 months after the end of such one-year pe-  
14 riod, prepare under subsection (c) a fishery manage-  
15 ment plan or plan amendment and any accom-  
16 panying regulations that may be necessary to rebuild  
17 affected stocks of fish, including, if necessary, meas-  
18 ures to stop, or reduce the rate of, unsustainable  
19 fishing.”;

20 (6) in paragraph (6) by striking the last sen-  
21 tence; and

22 (7) in paragraph (7) in the second sentence by  
23 striking “ending overfishing and”.

1 **SEC. 4. ECONOMIC AND SOCIAL IMPACTS OF FISHERY MAN-**  
2 **AGEMENT ACTIONS.**

3 (a) RESTORING BALANCE BETWEEN NATIONAL  
4 STANDARDS ON UNSUSTAINABLE FISHING AND ECO-  
5 NOMIC IMPACT.—Section 301 (16 U.S.C. 1851) is amend-  
6 ed by adding at the end the following:

7 “(c) RULE OF CONSTRUCTION REGARDING NA-  
8 TIONAL STANDARD (8).—Paragraph (8) of subsection (a)  
9 shall be construed to be of equal importance as the other  
10 paragraphs of subsection (a). The Secretary shall ensure  
11 that paragraph (8) of subsection (a)—

12 “(1) is applied to the same extent as the other  
13 paragraphs of subsection (a); and

14 “(2) is given consideration that is substantially  
15 the same as the consideration given to the other  
16 paragraphs of subsection (a), with respect to all fish-  
17 ery management plans, decisions, and actions under  
18 this Act.”.

19 (b) CUMULATIVE ECONOMIC AND SOCIAL IMPACT.—  
20 Section 301(a)(8) (16 U.S.C. 1851(a)(8)) is amended by  
21 inserting after “the importance of fishery resources to  
22 fishing communities” the following: “and the cumulative  
23 economic and social impact of fishery conservation and  
24 management measures on such communities”.

25 (c) REQUIRED PROVISIONS OF FISHERY MANAGE-  
26 MENT PLANS.—Section 303(a)(9) (16 U.S.C. 1853(a)(9))

1 is amended by inserting before the semicolon the following:  
2 “, including the likely economic and social impacts of the  
3 plan or amendment on the affected participants and fish-  
4 ing communities”.

5 (d) AMENDMENT TO DEFINITION OF FISHING COM-  
6 MUNITY.—Section 3(16) (16 U.S.C. 1802(16)) is amend-  
7 ed—

8 (1) by striking “and crew” and inserting  
9 “crew”; and

10 (2) by inserting “, and other shore side busi-  
11 nesses that have substantial involvement in the fish-  
12 ing industry,” after “processors”.

13 (e) FISHING INDUSTRY HEALTH CARE COVERAGE  
14 DEMONSTRATION PROGRAM.—

15 (1) GRANTS PROGRAM AUTHORIZED.—The Sec-  
16 retary shall carry out a program of grants in accord-  
17 ance with this subsection to organizations for plan-  
18 ning, implementation, and administration of quali-  
19 fying health care coverage programs that provide  
20 benefits to individuals who are employed in the fish-  
21 ing industry (and their families), and—

22 (A) who are in general ineligible for exist-  
23 ing health care coverage programs because of  
24 the sporadic and transient nature of employ-  
25 ment opportunities in the fishing industry;

1 (B) whose ability to acquire health care  
2 coverage is negatively affected by the nature of  
3 the fishing industry or fishery management ac-  
4 tions; or

5 (C) whose ability to acquire health care  
6 coverage is negatively affected by a natural dis-  
7 aster that has a harmful economic impact on  
8 commercial fishing.

9 (2) GRANT PROGRAM REQUIREMENTS.—The  
10 Secretary shall award grants under this sub-  
11 section—

12 (A) on a competitive basis;

13 (B) after consultation with government of-  
14 ficials or representatives of organizations who  
15 are familiar with the commercial fishing indus-  
16 try in the affected area;

17 (C) according to the terms and limits de-  
18 scribed in paragraphs (4), (5), and (6), except  
19 that grants that are awarded under paragraphs  
20 (5) and (6) shall include a requirement for non-  
21 Federal matching funds equal to 40 percent of  
22 the grant amount;

23 (D) to programs in no more than 10  
24 States, and to no more than one such program

1 in each State, except as provided in paragraph  
2 (7);

3 (E) pursuant to such application proce-  
4 dures as the Secretary may require; and

5 (F) subject to any review, financial stand-  
6 ards, or other requirements the Secretary may  
7 establish to ensure compliance with the pur-  
8 poses of the grants on an ongoing basis.

9 (3) QUALIFIED HEALTH INSURANCE PRO-  
10 GRAM.—A program shall be considered a qualifying  
11 health care coverage programs under this subsection  
12 if the program—

13 (A) is administered by a non-profit fishing-  
14 related organization with an independent board  
15 of directors that includes commercial fishing in-  
16 dustry representatives;

17 (B) provides high quality, affordable, pre-  
18 ventive health care coverage to individuals de-  
19 scribed in paragraph (1);

20 (C) provides health care on a sliding scale  
21 premium rate structure that includes provisions  
22 that, for the purposes of determining rates,  
23 take into account the economic conditions of the  
24 fishing industry in the program's service area,

1 and the condition of the fish stocks that are im-  
2 portant to the fishing industry in such area;

3 (D) provides ongoing enrollment, outreach,  
4 and other activities to expand the program's  
5 coverage; and

6 (E) establishes a reserve fund, maintains  
7 aggregate and specific reinsurance coverage,  
8 and meets any other risk management controls  
9 and financial standards required by the Sec-  
10 retary.

11 (4) PROGRAM PLANNING GRANTS.—The Sec-  
12 retary may award grants, up to a maximum amount  
13 of \$100,000 per year for no more than two years,  
14 to organizations to conduct initial research and plan-  
15 ning for the development of a qualifying health care  
16 coverage program. Any grantee under this para-  
17 graph shall—

18 (A) conduct a demographic survey of the  
19 affected State's fishing industry and such in-  
20 dustry's health care needs;

21 (B) develop a strategic plan for implemen-  
22 tation of a qualifying health care coverage pro-  
23 gram within the affected State, including a de-  
24 tailed financial plan; and

1 (C) transmit to the Secretary the informa-  
2 tion described in subparagraphs (A) and (B),  
3 and any other information and assurances that  
4 may be required by the Secretary.

5 (5) PROGRAM IMPLEMENTATION GRANTS.—The  
6 Secretary may award grants, up to a maximum  
7 amount of \$2,000,000 per year for no more than  
8 two years, to an organization for initial implementa-  
9 tion of qualifying health care coverage programs  
10 that are developed with a grant under paragraph (4)  
11 (or that are developed through other sources of  
12 funds, regardless of whether such implementation  
13 occurred prior to enactment of this paragraph), if,  
14 pursuant to review, application requirements, and  
15 other standards established by the Secretary, such  
16 organizations—

17 (A) satisfactorily complete the actions de-  
18 scribed in subparagraphs (A), (B), and (C) of  
19 paragraph (4); and

20 (B) demonstrate the capability to success-  
21 fully implement a qualifying program.

22 (6) ADMINISTRATION OF PROGRAMS.—The Sec-  
23 retary may award grants, up to a maximum amount  
24 of \$3,000,000 per year for no more than five years,  
25 to organizations for administration of programs that

1 are implemented by means of grants awarded under  
2 paragraph (5) (or that are implemented through  
3 other sources of funds, regardless of whether such  
4 implementation occurred prior to enactment of this  
5 paragraph), if, pursuant to review, application re-  
6 quirements, and other standards established by the  
7 Secretary, such organizations—

8 (A) satisfactorily complete the actions de-  
9 scribed in paragraph (5); and

10 (B) demonstrate the capability to success-  
11 fully administer a qualifying health care cov-  
12 erage program.

13 (7) EXTENDED GRANT ELIGIBILITY.—The Sec-  
14 retary may provide grants, up to a maximum of  
15 \$3,000,000 per year, to organizations that have been  
16 previously awarded grants for 5 years under para-  
17 graph (6), for continued implementation of a quali-  
18 fying health care coverage program, if, pursuant to  
19 regulations issued by the Secretary, the economic  
20 conditions of the fishing industry in the program’s  
21 service area, or the condition of the fish stocks that  
22 are important to the fishing industry in such area,  
23 jeopardize the ability of such programs to continue  
24 providing affordable health care coverage.

25 (8) MULTISTATE PROGRAMS.—

1 (A) Notwithstanding the limitations in  
2 subparagraph (2)(D), the Secretary may award  
3 grants under this subsection for the establish-  
4 ment of a multistate qualifying health care cov-  
5 erage program to consortiums of organizations  
6 located in more than one State.

7 (B) A multistate program shall be consid-  
8 ered as a single program under paragraph  
9 (2)(D).

10 (C) The Secretary may increase the fund-  
11 ing limits in paragraphs (4), (5), and (6), tak-  
12 ing into account the size of the population to be  
13 served by such program.

14 (9) THIRD-PARTY CONTRACT AUTHORITY.—Or-  
15 ganizations that are awarded grants under this sub-  
16 section may contract with third parties to conduct  
17 the activities described in paragraphs (5) and (6).

18 (10) AUTHORIZATION OF APPROPRIATIONS.—In  
19 addition to the other amounts authorized by this  
20 Act, for grants under this section there are author-  
21 ized to be appropriated to the Secretary the fol-  
22 lowing sums:

23 (A) \$5,000,000 for fiscal year 2007.

24 (B) \$5,000,000 for fiscal year 2008.

25 (C) \$10,000,000 for fiscal year 2009.

1 (D) \$10,000,000 for fiscal year 2010.

2 (E) \$20,000,000 for fiscal year 2011.

3 (f) STUDY OF BENEFITS FOR INDIVIDUALS EM-  
4 PLOYED IN THE FISHING INDUSTRY.—

5 (1) IN GENERAL.—The Secretary of Commerce  
6 shall conduct a study of the options for, and the fea-  
7 sibility of, establishing programs to provide economic  
8 benefits, including pensions, to crewmembers and  
9 other individuals employed in the fishing industry  
10 and members of their families—

11 (A) who are in general ineligible for exist-  
12 ing programs that provide such benefits because  
13 of the sporadic nature of employment opportu-  
14 nities in the fishing industry; or

15 (B) whose benefits are negatively affected  
16 by the nature of the fishing industry or fishery  
17 management actions.

18 (2) REPORT.—The Secretary shall submit a re-  
19 port submit a report to the Congress by not later  
20 than 2 years after the date of the enactment of this  
21 Act on the findings, conclusions, and recommenda-  
22 tions of the study under this subsection.

1 **SEC. 5. IMPROVEMENTS IN FISHERY SCIENCE AND RE-**  
2 **SEARCH.**

3 (a) BEST SCIENTIFIC INFORMATION AVAILABLE DE-  
4 FINED.—Section 3 (16 U.S.C. 1802) is further amended  
5 by adding at the end the following:

6 “(49) The term ‘best scientific information  
7 available’—

8 “(A) means information that—

9 “(i) is directly related to the specific  
10 matter under consideration;

11 “(ii) is based on a statistically valid  
12 sample;

13 “(iii) has undergone an independent  
14 peer review process, that is carried out in  
15 accordance with peer review requirements  
16 (if any) that apply under this Act to such  
17 consideration;

18 “(iv) has been collected within a time  
19 frame that is reasonably related to the spe-  
20 cific matter under consideration;

21 “(v) is based on information that is  
22 reasonably reflective of the present status  
23 of the fishery to which it relates, and does  
24 not rely substantially on data from pre-  
25 vious time periods for which fish abun-  
26 dance estimates are primarily anecdotal, or

1 data that is of unknown reliability given  
2 the technology and scientific knowledge  
3 during such periods;

4 “(vi) is developed through reasonably  
5 transparent processes in which scientific  
6 findings, and the analyses that produced  
7 such findings, are available to the public,  
8 subject to regulations issued by the Sec-  
9 retary; and

10 “(vii) takes into account to the extent  
11 possible the movement between habitat  
12 areas of different stocks of the same spe-  
13 cies;

14 “(B) takes into account significant eco-  
15 nomic and social impacts, including cumulative  
16 economic and social impacts;

17 “(C) may include information obtained by  
18 scientifically valid research that is conducted in  
19 cooperation between the Department of Com-  
20 merce and a person that is not an officer or  
21 employee of the Department, or by a person  
22 other than an officer or employee of the De-  
23 partment;

24 “(D) may include, but may not be limited  
25 to, landing data, sales and auction data, and

1 anecdotal information collected during the har-  
2 vesting and processing of fish; and

3 “(E) shall to the extent practicable include  
4 more than one scientific model.”.

5 (b) PEER REVIEW OF STOCK ASSESSMENTS AND  
6 ECONOMIC AND SOCIAL ANALYSIS.—

7 (1) SCIENTIFIC REVIEW COMMITTEES.—Section  
8 302(g) (16 U.S.C. 1852(g)) is amended by adding  
9 at the end the following:

10 “(6)(A) Each Council shall establish a scientific  
11 review committee which shall, with respect to fish-  
12 eries under the Council’s jurisdiction, conduct an  
13 independent peer review of the scientific research  
14 findings that are the basis for each new stock as-  
15 sessment used to develop a fishery management  
16 plan, significant substantive amendment to such a  
17 plan, or other significant substantive fishery man-  
18 agement action under this Act.

19 “(B) The findings of any peer review conducted  
20 under this paragraph shall be included in any rel-  
21 evant documents that are made available to the pub-  
22 lic with respect to the matter that is reviewed.

23 “(C) A committee established under this para-  
24 graph by a Council shall, at a minimum, consist  
25 of—

1           “(i) at least one member from each of the  
2           committees established under paragraphs (1)  
3           and (3) by the Council, of whom at least one  
4           shall be a member who is not affiliated with the  
5           persons who wrote or prepared the scientific in-  
6           formation reviewed by the committee; and

7           “(ii) such other members as the Council  
8           (excluding the persons who wrote or prepared  
9           the scientific information reviewed by the com-  
10          mittee) considers appropriate.”.

11          (2) ECONOMIC AND SOCIAL IMPACT REVIEW  
12          COMMITTEES.—Section 302(g) (16 U.S.C. 1852(g))  
13          is further amended by adding at the end the fol-  
14          lowing:

15          “(7)(A) Each Council shall establish an eco-  
16          nomic and social impact review committee which  
17          shall, with respect to fisheries under the Council’s  
18          jurisdiction, conduct an independent peer review of  
19          the economic and social impacts associated with a  
20          fishery management plan, significant substantive  
21          amendment to such plan, or other significant sub-  
22          stantive fishery management action under this Act.

23          “(B) The findings of any peer review conducted  
24          under this paragraph shall be included in any rel-

1       evant documents that are made available to the pub-  
2       lic with respect to the matter that is reviewed.

3               “(C) The membership of a committee estab-  
4       lished under this paragraph by a Council—

5                       “(i) may include members of other commit-  
6       tees established by the Council;

7                       “(ii) may include such other members as  
8       the Council (other than the persons who wrote  
9       or prepared the economic and social information  
10      reviewed by the committee) considers appro-  
11     priate; and

12                      “(iii) shall include at least one member  
13      who is not affiliated with the persons who wrote  
14      or prepared the economic and social information  
15      reviewed by the committee.”.

16       (c) INDEPENDENT PEER REVIEW.—Section 404 (16  
17   U.S.C. 1881c) is amended by adding at the end the fol-  
18   lowing:

19       “(d) INDEPENDENT PEER REVIEW.—

20               “(1) IN GENERAL.—The Secretary shall ensure  
21      that there is conducted an independent peer review  
22      of the scientific research findings that are the basis  
23      for each new stock assessment used to develop a  
24      fishery management plan, significant substantive

1 amendment to such a plan, or other significant sub-  
2 stantive fishery management action under this Act.

3 “(2) REVIEWERS.—The persons conducting re-  
4 view under this subsection—

5 “(A) shall include one or more individuals  
6 who are not officials or employees of the Fed-  
7 eral Government; and

8 “(B) may include persons who are em-  
9 ployed in the fishing industry.

10 “(3) CONSIDERATION OF RECOMMENDA-  
11 TIONS.—A review under this subsection shall con-  
12 sider the recommendations of any scientific review  
13 committee established under section 302(g)(6) with  
14 respect to the fishery that is the subject of the mat-  
15 ter under review.

16 “(4) TREATMENT OF FINDINGS.—The findings  
17 of any independent peer review conducted under this  
18 paragraph shall be included in any relevant docu-  
19 ments that are made available to the public with re-  
20 spect to the matter that is reviewed.

21 “(5) WAIVER OF REQUIREMENTS.—

22 “(A) GENERAL AUTHORITY.—The Sec-  
23 retary shall issue regulations under which the  
24 Secretary may waive any of the independent

1 peer review requirements under this subsection  
2 if—

3 “(i) the Secretary determines that—

4 “(I) there is an emergency (as  
5 described in the regulations);

6 “(II) completion of the peer re-  
7 view process has been unreasonably  
8 delayed; or

9 “(III) the time required to com-  
10 plete the review could compromise  
11 fishermen’s safety; or

12 “(ii) the Council having jurisdiction  
13 over the fishery requests the waiver, in ac-  
14 cordance with a vote by the Council, and  
15 explains in writing the reasons for request-  
16 ing the waiver.

17 “(B) NOTICE AND COMMENT.—The Sec-  
18 retary shall—

19 “(i) provide notice of each waiver  
20 under this paragraph to the Council having  
21 jurisdiction over the fishery;

22 “(ii) publish the notice in the Federal  
23 Register; and

1                   “(iii) provide a 30-day period for the  
2                   submission by the public of comments on  
3                   the waiver.”.

4           (d) COOPERATIVE RESEARCH AND INDEPENDENT  
5 RESEARCH.—Section 404 (16 U.S.C. 1881e) is further  
6 amended by adding at the end the following:

7           “(e) COOPERATIVE RESEARCH AND INDEPENDENT  
8 RESEARCH.—

9                   “(1) REQUIREMENT FOR FISHERY MANAGE-  
10                   MENT PLANS.—Each fishery management plan that  
11                   is prepared by a Council, or by the Secretary, with  
12                   respect to any fishery shall—

13                           “(A) include provisions to create a cooper-  
14                           ative research component, including the use of  
15                           fishing vessels engaged in commercial fishing or  
16                           charter fishing, and the captains and crews of  
17                           such vessels, for the gathering of data on stock  
18                           abundance, composition, distribution, or other  
19                           relevant information for the implementation of  
20                           the plan; research on gear technology, bycatch  
21                           reduction, and safety; and oceanic, atmospheric,  
22                           weather, and environmental research that re-  
23                           lates to fishery management, in a manner that  
24                           ensures there is no loss of days at sea or other  
25                           fishing allocation for participants in the fishing

1 industry individuals who participate in such co-  
2 operative research; and

3 “(B) include provisions to create an inde-  
4 pendent research component involving edu-  
5 cational and research institutions, other than  
6 institutions designated as Member Institutions  
7 of the Fishery Research Network established  
8 under subsection (f).

9 “(2) AUTHORIZATION OF APPROPRIATIONS.—In  
10 addition to the other amounts authorized by this  
11 Act, for cooperative research and independent re-  
12 search under provisions included in fishery manage-  
13 ment plans under this subsection, there is authorized  
14 to be appropriated to the Secretary \$5,000,000 for  
15 each of fiscal years 2007 through 2011.”.

16 (e) ESTABLISHMENT OF FISHERY RESEARCH NET-  
17 WORK.—Section 404 (16 U.S.C. 1881c) is further amend-  
18 ed by adding at the end the following:

19 “(f) FISHERY RESEARCH NETWORK.—

20 “(1) ESTABLISHMENT.—The Secretary shall es-  
21 tablish the Federal Fishery Research Network.

22 “(2) COMPOSITION.—The Network shall be  
23 composed of non-governmental educational or re-  
24 search institutions that have significant fishery re-  
25 search expertise and that are designated by the Sec-

1       retary under this subsection (in this subsection re-  
2       ferred to as a ‘Member Institutions’). The Secretary  
3       shall designate 3 Member Institutions with respect  
4       to each Council. Each Member Institution must be  
5       located in a State that is represented on the Council  
6       with respect to which the Member Institution is des-  
7       ignated, or in a State that borders such a rep-  
8       resented State.

9               “(3) RESEARCH ROLE OF MEMBER INSTITU-  
10       TIONS.—The Secretary shall ensure that each Mem-  
11       ber Institution plays a continuing role in—

12               “(A) gathering data for use in imple-  
13       menting this Act;

14               “(B) advising the Council with respect to  
15       which it is appointed and the Secretary;

16               “(C) performing peer review under this  
17       Act; and

18               “(D) otherwise assisting with and con-  
19       ducting ongoing research on fishery manage-  
20       ment issues affecting the area in which the  
21       Member Institution is located, including—

22               “(i) the economic and social impacts  
23       of fishery management proposals;

1                   “(ii) analysis of the impacts of fishery  
2                   management proposals on fishing safety;  
3                   and

4                   “(iii) ways of improving safety within  
5                   the fishing industry.

6                   “(4) CONSULTATION WITH MEMBER INSTITU-  
7                   TIONS.—The Secretary and each Council shall—

8                   “(A) consult with the relevant Member In-  
9                   stitutions regarding fishery management plans  
10                  and amendments to such plans that affect the  
11                  area in which the Member Institutions are lo-  
12                  cated; and

13                  “(B) provide to Member Institutions ap-  
14                  propriate data regarding such plans and  
15                  amendments.

16                  “(5) RESPONSIBILITIES OF MEMBER INSTITU-  
17                  TIONS.—The Secretary shall require each Member  
18                  Institution to submit to the Secretary and the Coun-  
19                  cil with respect to which it is designated an analysis  
20                  of each fishery management plan, and each signifi-  
21                  cant amendment to such a plan, that affects the  
22                  area in which the Member Institution is located.

23                  “(6) AUTHORIZATION OF APPROPRIATIONS.—In  
24                  addition to the other amounts authorized by this  
25                  Act, to carry out this subsection there is authorized

1 to be appropriated to the Secretary \$15,000,000 for  
2 each of fiscal years 2007 through 2011.”.

3 (f) FISHERIES MANAGEMENT RESEARCH GRANTS.—

4 Section 404 (16 U.S.C. 1881c) is further amended by add-  
5 ing at the end the following:

6 “(g) FISHERIES MANAGEMENT RESEARCH  
7 GRANTS.—

8 “(1) IN GENERAL.—The Secretary shall award  
9 grants for research to acquire the knowledge and in-  
10 formation referred to in subsection (a).

11 “(2) ELIGIBILITY FOR GRANTS.—To be eligible  
12 for a grant under this subsection a person must  
13 be—

14 “(A) a participant in a fishery adminis-  
15 tered under this Act that is the subject of the  
16 research to be carried out with the grant;

17 “(B) an educational or scientific institu-  
18 tion;

19 “(C) a non-profit organization; or

20 “(D) a State or municipal government.

21 “(3) GRANT PROCEDURES.—

22 “(A) IN GENERAL.—The Secretary shall  
23 award grants under this subsection on a com-  
24 petitive basis.

1           “(B) CONSULTATIVE ROLE OF COUN-  
2           CILS.—The Secretary shall consult with each  
3           Council on, and each Council shall make rec-  
4           ommendations on, possible research topics to be  
5           funded by grants under this subsection.

6           “(4) ENSURING RESEARCH REGARDING ECO-  
7           NOMIC AND SOCIAL ASPECTS, AND SAFETY.—The  
8           Secretary shall establish by regulation a formula or  
9           system for allocating the funds available to carry out  
10          this section that ensures that a reasonable percent-  
11          age of such funds is used for grants for research re-  
12          garding the economic and social aspects of fishery  
13          management and for research regarding fishing safe-  
14          ty.

15          “(5) AUTHORIZATION OF APPROPRIATIONS.—In  
16          addition to the other amounts authorized to carry  
17          out this Act, for grants under this subsection there  
18          is authorized to be appropriated to the Secretary  
19          \$5,000,000 for each of fiscal years 2007 through  
20          2011.”.

21 **SEC. 6. FISHING SAFETY.**

22          (a) RULE OF CONSTRUCTION FOR NATIONAL STAND-  
23          ARD (10).—Section 301 (16 U.S.C. 1851) is further  
24          amended by adding at the end the following:

1       “(d) RULE OF CONSTRUCTION REGARDING NA-  
2 TIONAL STANDARD (10).—Paragraph (10) of subsection  
3 (a) shall be construed to be of equal importance as the  
4 other paragraphs of subsection (a). The Secretary shall  
5 ensure that paragraph (10) of subsection (a)—

6               “(1) is applied to the same extent as the other  
7 paragraphs of subsection (a); and

8               “(2) is given consideration that is substantially  
9 the same as the consideration given to the other  
10 paragraphs of subsection (a), with respect to all fish-  
11 ery management plans, decisions, and actions under  
12 this Act.”.

13       (b) REQUIRED PROVISIONS OF FISHERY MANAGE-  
14 MENT PLANS.—Section 303(a) (16 U.S.C. 1853(a)) is  
15 amended—

16               (1) in paragraph (9) by striking “and” after  
17 the semicolon at the end of subparagraph (A), by  
18 striking the period at the end of subparagraph (B)  
19 and inserting “; and”, and by adding at the end the  
20 following:

21                       “(C) the safety of human life at sea, with  
22 a specific focus on whether and to what extent  
23 such measures may affect the safety of partici-  
24 pants in the fishery.”; and

1           (2) by striking “; and” after the semicolon at  
2           the end of paragraph (12), by striking the period at  
3           the end of paragraph (13) and inserting “; and”,  
4           and by adding at the end the following:

5           “(14) to the extent practicable ensure that  
6           management measures, including restricted area and  
7           broken trip requirements, minimize the extent to  
8           which participants in the fishery are likely, in order  
9           to avoid a loss of harvest allocation or other finan-  
10          cial loss, to continue fishing in unsafe circumstances,  
11          including when—

12                   “(A) operating during severe weather con-  
13                   ditions;

14                   “(B) a crewmember has an injury or ill-  
15                   ness that significantly affects the crewmember’s  
16                   ability to assist in the safe operation of the ves-  
17                   sel; or

18                   “(C) important safety equipment on the  
19                   vessel is defective or inoperable.”.

20          (c) SAFETY INSTRUCTION AND DRILLS.—Not later  
21          than 6 months after the date of the enactment of this Act,  
22          the Commandant of the Coast Guard shall amend part  
23          28.270 of title 46, Code of Federal Regulations, to require  
24          that the operator of each fishing vessel that is subject to  
25          that part maintain and make available for inspection by

1 any Federal officer or employee authorized to enforce this  
2 Act a written record of safety instruction and emergency  
3 drills that are required to be performed under that part,  
4 that includes for each drill the following information:

- 5 (1) The date of the drill.
- 6 (2) The elapsed time of the drill.
- 7 (3) The activities conducted during the drill.
- 8 (4) The name of the person who led the drill.
- 9 (5) The name of each crewmember who partici-  
10 pated in the drill.

11 (d) STABILITY AND WATERTIGHT INTEGRITY STAND-  
12 ARDS.—Not later than one year after the date of the en-  
13 actment of this Act, the Commandant of the Coast Guard  
14 shall amend subpart E of part 28 of title 46, Code of Fed-  
15 eral Regulations, to apply to fishing vessels that are be-  
16 tween 50 feet in length and 79 feet in length the stability  
17 and watertight integrity standards that apply to vessels  
18 greater than 79 feet in length.

19 (e) GRANT PROGRAM.—

20 (1) AUTHORIZATION OF GRANTS.—Title III (16  
21 U.S.C. 1851 et seq.) is further amended by adding  
22 at the end the following:

23 **“SEC. 316. FISHING VESSEL SAFETY GRANTS.**

24 “(a) GRANTS AUTHORIZED.—The Secretary shall es-  
25 tablish a program for providing grants to municipalities,

1 port authorities, other appropriate public entities, quali-  
2 fied non-profits, and other persons—

3 “(1) to conduct fishing vessel safety training  
4 and instruction sessions (in addition to those other-  
5 wise required under Federal law or regulations); and

6 “(2) for purchase of safety equipment for use  
7 in safety training sessions or for use on fishing ves-  
8 sels.

9 “(b) COMPETITIVE BASIS; CONSULTATION.—The  
10 Secretary shall award grants under this subsection—

11 “(1) on a competitive basis; and

12 “(2) in consultation with, and based on rec-  
13 ommendations of, the Councils.

14 “(c) COST SHARING.—The Federal share of the cost  
15 of any activity carried out with a grant under this section  
16 shall not exceed 75 percent.

17 “(d) LANGUAGE REQUIREMENT.—The Secretary  
18 shall require that training and instruction carried out with  
19 a grant under this section shall be made available in lan-  
20 guages other than English, as appropriate for the fishing  
21 port in which the training or instruction is offered.

22 “(e) DATA BASE.—

23 “(1) IN GENERAL.—The Secretary shall estab-  
24 lish a publicly accessible electronic data base that  
25 lists the names of individuals who have participated

1 in training sessions carried out with assistance  
2 under this section.

3 “(2) RETRAINING REQUIREMENT.—The Sec-  
4 retary shall require, as a condition of including the  
5 name of an individual in such database for any pe-  
6 riod longer than 18 months, that the individual com-  
7 plete retraining.

8 “(f) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
9 tion to the other amounts authorized by this Act, for  
10 grants under this section there is authorized to be appro-  
11 priated to the Secretary \$3,000,000 for each of fiscal  
12 years 2007 through 2011.”.

13 (2) CLERICAL AMENDMENT.—The table of con-  
14 tents in the first section is further amended by in-  
15 serting after the item relating to section 315 the fol-  
16 lowing:

“Sec. 316. Fishing vessel safety grants.”.

17 **SEC. 7. BYCATCH.**

18 (a) RETENTION OF BYCATCH FOR CHARITABLE PUR-  
19 POSES.—Section 303 (16 U.S.C. 1853) is amended—

20 (1) in subsection (b) by striking “and” after  
21 the semicolon at the end of paragraph (11), by strik-  
22 ing the period at the end of paragraph (12) and in-  
23 serting “; and”, and by adding at the end the fol-  
24 lowing:

1           “(13) allow the retention and donation or sale  
2           for charitable purposes, subject to the requirements  
3           established under subsection (e)(2), of dead bycatch  
4           that cannot otherwise be avoided under terms that  
5           ensure that such retention and donation do not allow  
6           the evasion of vessel trip limits or other conservation  
7           and management measures.”; and

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

9           “(e) RETENTION OF BYCATCH FOR CHARITABLE  
10          PURPOSES.—

11           “(1) REGULATIONS.—The Secretary shall issue  
12           regulations that establish requirements for the reten-  
13           tion of bycatch for charitable purposes pursuant to  
14           subsection (b)(13).

15           “(2) REQUIREMENTS.—Regulations under this  
16           subsection shall require that—

17           “(A) the total amount of bycatch retained  
18           pursuant to subsection (b)(13) on a voyage  
19           shall not exceed a percentage of the total weight  
20           of the total authorized catch for that voyage of  
21           the target species, that shall be established by  
22           the Secretary and shall not exceed 20 percent  
23           of such total weight;

24           “(B) the proceeds of any sale of bycatch  
25           shall be donated to charitable organizations

1 that provide economic assistance, job training,  
2 health care, or other assistance to individuals  
3 involved in the fishing industry and their fami-  
4 lies, who reside in fishing communities lo-  
5 cated—

6 “(i) in the area where the vessel that  
7 harvested the bycatch is based; or

8 “(ii) in the area where the bycatch  
9 was harvested; and

10 “(C) in making such donations, preference  
11 shall be given to organizations that assist indi-  
12 viduals who have become unemployed or experi-  
13 enced significant negative economic impacts be-  
14 cause of fishery management actions by the  
15 Federal Government.

16 “(3) PREVENTION OF CONFLICTS OF INTER-  
17 EST.—Regulations under this subsection shall in-  
18 clude provisions to prevent conflicts of interest, in-  
19 cluding prohibiting a person from retaining bycatch  
20 to directly benefit any charitable organization—

21 “(A) from which the person derives a di-  
22 rect, personal benefit; or

23 “(B) over which the person exercises any  
24 control with respect to the activities of the or-  
25 ganization or its provision of benefits.”.

1 (b) STUDY.—

2 (1) IN GENERAL.—The Secretary shall conduct  
3 a study of the utility and feasibility of establishing  
4 a bycatch exchange program comprised of a sys-  
5 tem—

6 (A) under which fishermen may—

7 (i) retain bycatch in order to minimize  
8 discard of fish; and

9 (ii) trade or exchange credits based on  
10 the retained bycatch, with other fishermen  
11 who are involved in the directed fishery in  
12 which the bycatch is harvested; and

13 (B) that prevents the evasion of trip limits,  
14 total allowable catch levels, or other conserva-  
15 tion and management measures.

16 (2) REPORT.—The Secretary shall submit a re-  
17 port to the Congress within two years after the date  
18 of the enactment of this Act on the results and rec-  
19 ommendations of the study.

20 **SEC. 8. CAPACITY REDUCTION.**

21 (a) USE OF PROCEEDS OF FISHING CAPACITY RE-  
22 Duction PROGRAMS.—Section 312(b) (16 U.S.C. 1861a)  
23 is amended by adding at the end the following:

24 “(5) PROGRAMS FOR ASSISTING AFFECTED IN-  
25 DIVIDUALS.—

1           “(A) IN GENERAL.—A fishing capacity re-  
2           duction program shall, in accordance with regu-  
3           lations issued by the Secretary and subject to  
4           the availability of appropriations, include the  
5           provision of financial assistance for programs  
6           providing economic assistance, job training, and  
7           health insurance to crew members and other in-  
8           dividuals employed in the fishing industry or in  
9           shoreside businesses that have substantial in-  
10          volvement in the fishing industry, with an em-  
11          phasis on such crew members and individuals  
12          who experience job loss or other significant neg-  
13          ative economic impacts because of a decline in  
14          employment opportunities as a result of the  
15          program.

16          “(B) REGULATIONS; FORMULAS.—The  
17          Secretary shall issue regulations governing the  
18          provision of assistance under this paragraph,  
19          including formulas for calculating the amount  
20          of assistance provided with respect to a fishing  
21          capacity reduction program.

22          “(C) ALLOCATION OF FUNDS.—Of the  
23          total amount of funds obligated or expended  
24          under this subsection for a fishing capacity re-  
25          duction program, the Secretary shall use to

1 carry out this paragraph a percentage that the  
2 Secretary determines is sufficient to ensure the  
3 availability of a reasonable level of assistance  
4 for individuals involved in the fishing industry  
5 who experience job loss or other significant neg-  
6 ative economic impacts because of a decline in  
7 employment opportunities as a result of the  
8 program.

9 “(D) REGULATIONS.—The Secretary shall  
10 issue regulations that to the extent practicable  
11 fairly distribute funds used under subparagraph  
12 (C), taking into account local and regional  
13 economies, fishing communities, participants in  
14 the fishery, boat sizes and gear types, and em-  
15 ployment history in the fishery.”.

16 (b) VESSEL BUYBACKS.—Section 312(b) (16 U.S.C.  
17 1861a(b)) is amended by adding at the end the following:

18 “(5)(A) The Secretary shall ensure for each  
19 vessel buyback program, that a specific percentage  
20 of the funds made available under this section are  
21 used for retirement of vessels that were active in the  
22 affected fishery, but no longer comply with relevant  
23 safety standards as a result of the application, under  
24 the Fishery Management Amendments of 2005, of  
25 the stability and watertight integrity standards of

1 subpart E of part 28 of title 46, Code of Federal  
2 Regulations, to fishing vessels that are between 50  
3 feet and 79 feet in length.

4 “(B) The Secretary shall issue regulations for  
5 each vessel buyback program that establish the per-  
6 centage referred to in subparagraph (A) and proce-  
7 dures and requirements for implementing subpara-  
8 graph (A).”.

9 **SEC. 9. INDIVIDUAL FISHING QUOTAS.**

10 (a) HOLDING OF QUOTA BY FISH PROCESSOR.—Sec-  
11 tion 303(d)(5) (16 U.S.C. 1853(d)(5)) is amended by  
12 striking “and” after the semicolon at the end of subpara-  
13 graph (B), by striking the period at the end of subpara-  
14 graph (C) and inserting a semicolon, and by adding at  
15 the end the following:

16 “(D) requires as a condition of eligibility  
17 for individual fishing quotas that persons, other  
18 than entry-level fishermen, must demonstrate a  
19 present or historic participation in harvesting  
20 activity in the fishery; and

21 “(E) takes into account the level of present  
22 or historic participation in harvesting activity in  
23 the fishery in determining allocation of  
24 quotas.”.

1 (b) CITIZENSHIP OF HOLDERS OF QUOTAS.—Section  
2 303(d) (16 U.S.C. 1853(d)) is further amended by adding  
3 at the end the following:

4 “(7) CITIZENSHIP OF HOLDERS OF QUOTAS.—  
5 A person is eligible to be issued an individual fishing  
6 quota only if—

7 “(A) the person—

8 “(i) is a United States citizen; or

9 “(ii) is an alien lawfully admitted for  
10 permanent residence in the United States;  
11 and

12 “(B) the individual quota system under  
13 which the quota is issued is approved in a ref-  
14 erendum conducted in accordance with para-  
15 graph (8).”.

16 (c) REFERENDUM REQUIREMENTS.—Section 303(d)  
17 (16 U.S.C. 1853(d)) is further amended by adding at the  
18 end the following:

19 “(8) REFERENDUM REQUIREMENTS.—

20 “(A) IN GENERAL.—A Council may not  
21 submit, and the Secretary may not approve or  
22 implement, any fishery management plan, plan  
23 amendment, or regulation under this Act that  
24 creates an individual fishing quota program,  
25 unless development of the plan, amendment, or

1 regulation is approved by a referendum con-  
2 ducted in accordance with this paragraph.

3 “(B) CONDUCT BY SECRETARY.—The Sec-  
4 retary—

5 “(i) shall conduct each referendum re-  
6 quired under this paragraph; and

7 “(ii) shall conduct a referendum  
8 under this paragraph upon the request of  
9 a Council.

10 “(C) VOTE REQUIREMENT.—A fishery  
11 management plan, plan amendment, or regula-  
12 tion referred to in subparagraph (A) shall be  
13 approved in a referendum required under this  
14 paragraph only by the affirmative vote of two-  
15 thirds of the votes cast by persons who are de-  
16 termined by the Council, based upon require-  
17 ments issued by the Secretary, to be eligible to  
18 vote in the referendum.

19 “(D) ELIGIBILITY TO VOTE.—The Sec-  
20 retary shall issue requirements for procedures  
21 and voting eligibility for referenda under this  
22 paragraph. The requirements shall be designed  
23 to ensure that—

24 “(i) such referenda are conducted in a  
25 fair and equitable manner;

1           “(ii) individuals who are permit hold-  
2           ers are eligible to vote; and

3           “(iii) crew members who make a sig-  
4           nificant percentage of their income from  
5           the fishery that would be subject to the  
6           proposed fishing quota system, and a sig-  
7           nificant share of their total income from  
8           fishing, are eligible to vote.”.

9           (d) **LIMITATION ON APPLICATION TO EXISTING PRO-**  
10 **GRAMS.**—This section and the amendments made by this  
11 section shall not apply with respect to any individual fish-  
12 ing quota program established before the date of the en-  
13 actment of this Act.

14 **SEC. 10. COMPLIANCE WITH NATIONAL ENVIRONMENTAL**  
15 **POLICY ACT OF 1969.**

16           (a) **PLANS DEEMED TO COMPLY WITH NEPA.**—

17           (1) **IN GENERAL.**—Title III is amended by add-  
18           ing at the end following:

19 **“SEC. 315. COMPLIANCE WITH NATIONAL ENVIRONMENTAL**  
20 **POLICY ACT OF 1969.**

21           “Any fishery management plan, amendment to such  
22 a plan, or regulation implementing such a plan that is pre-  
23 pared in accordance with applicable provisions of sections  
24 303 and 304 is deemed to have been prepared in compli-  
25 ance with the requirements of section 102(2)(C) of the

1 National Environmental Policy Act of 1969 (42 U.S.C.  
2 4332(2)(C)).”.

3 (2) CLERICAL AMENDMENT.—The table of con-  
4 tents in the first section is amended by inserting  
5 after the item relating to section 314 the following:

“Sec. 315. Compliance with National Environmental Policy Act of 1969.”.

6 (b) REQUIRED FISHERY MANAGEMENT PLAN PROVI-  
7 SION; FISHERY IMPACT STATEMENT.—Section 303(a)(9)  
8 (16 U.S.C. 1853(a)(9)) is amended to read as follows:

9 “(9) include a fishery impact statement for the  
10 plan or amendment (in the case of a plan or amend-  
11 ment submitted to or prepared by the Secretary  
12 after the date of the enactment of the Fishery Man-  
13 agement Amendments of 2006), that shall—

14 “(A) assess, specify, and describe the likely  
15 effects, including the cumulative impacts, of the  
16 conservation and management measures on—

17 “(i) the fisheries, participants in the  
18 fisheries, and fishery communities affected  
19 by the plan or amendment; and

20 “(ii) on participants in the fisheries  
21 conducted in adjacent areas under the au-  
22 thority of another Council, after consulta-  
23 tion with such Council and representatives  
24 of those participants;

1           “(B) describe reasonable alternatives to  
2           the measures that were considered by the Coun-  
3           cil;

4           “(C) assess, specify, and describe the likely  
5           effects, including the cumulative impacts, of  
6           such alternatives on the fisheries, participants  
7           in the fisheries, and fishery communities that  
8           would be affected by the alternatives; and

9           “(D) include the Council’s evaluation of  
10          each such alternative;”.

11 **SEC. 11. GRANTS FOR CONSTRUCTION OR REPAIR OF**  
12 **WHARVES AND RELATED FACILITIES.**

13       (a) AUTHORIZATION OF GRANTS.—Title III (16  
14 U.S.C. 1851 et seq.) is further amended by adding at the  
15 end following:

16 **“SEC. 317. GRANTS FOR CONSTRUCTION OR REPAIR OF**  
17 **WHARVES AND RELATED FACILITIES.**

18       “(a) IN GENERAL.—The Secretary shall establish a  
19 program to award grants to State governments, local gov-  
20 ernments, nonprofit organizations, or fishing cooperatives  
21 to construct or improve wharves or other facilities in  
22 coastal areas for use in the commercial fishing industry.

23       “(b) PROJECT ELIGIBILITY.—In determining wheth-  
24 er to award a grant under this section for a project, the  
25 Secretary shall consider—

1           “(1) the economic significance of the project to  
2 the commercial fishing industry in the area in which  
3 the project will be carried out; and

4           “(2) whether a business plan or a harbor devel-  
5 opment plan exists for the area in which the project  
6 will be carried out, and whether the project is con-  
7 sistent with such plan.

8           “(c) COST SHARING.—

9           “(1) IN GENERAL.—The amount of a grant  
10 awarded under this section to carry out a project  
11 may not exceed 75 percent of the total cost of a  
12 project.

13           “(2) NON-FEDERAL SHARE.—The non-Federal  
14 share of the cost of a project carried out with a  
15 grant under this section may be provided in cash or  
16 in kind, including by a donation of land.

17           “(d) REGULATIONS.—The Secretary shall issue regu-  
18 lations governing grants under this section, including—

19           “(1) application requirements;

20           “(2) eligibility standards;

21           “(3) procedures for ensuring that projects are  
22 not converted to uses that are inconsistent with the  
23 purposes for which a grant is awarded; and

24           “(4) allowable administrative costs.

1       “(e) AUTHORIZATION OF APPROPRIATIONS.—In ad-  
2 dition to the other amounts authorized by this Act, for  
3 grants under this section there is authorized to be appro-  
4 priated to the Secretary \$10,000,000 for each of fiscal  
5 years 2007 through 2011.”.

6       (b) CLERICAL AMENDMENT.—The table of contents  
7 in the first section is further amended by inserting after  
8 the item relating to section 316 the following:

“Sec. 317. Grants for construction or repair of wharves and related facilities.”.

9       **SEC. 12. FISHERY SCIENCE EDUCATION PROGRAM.**

10       (a) IN GENERAL.—The Secretary of Commerce shall  
11 establish the Fishery Science Education Program, which  
12 shall consist of—

13               (1) the Centers for Fishery Science Excellence  
14 Program established under subsection (c); and

15               (2) the Fishery Science Scholars Program es-  
16 tablished under subsection (d).

17       (b) PROGRAM PURPOSE.—The purpose of the Fish-  
18 ery Science Education Program is to facilitate an increase  
19 in the number of persons with post-baccalaureate degrees  
20 in subjects related to fishery science, including fishery  
21 oceanography, fishery ecology, and fishery anthropology,  
22 who have the ability, upon completion of their post-bacca-  
23 laureate degrees, to conduct high quality scientific re-  
24 search in fishery stock assessment, fishery population dy-

1 namics, and related fields, for government, non-profit, and  
2 private sector entities.

3 (c) CENTERS FOR FISHERY SCIENCE EXCELLENCE  
4 PROGRAM.—

5 (1) IN GENERAL.—The Secretary shall establish  
6 the Centers for Fishery Science Excellence Program,  
7 under which—

8 (A) such Centers shall be established in ac-  
9 cordance with this subsection at institutions of  
10 higher education in States that are within Fish-  
11 ery Management Council regions; and

12 (B) at least one such Center shall be es-  
13 tablished in each Fishery Management Council  
14 region.

15 (2) PURPOSE.—The purpose of the program is  
16 to promote the development of high quality post-bac-  
17 calaureate level programs in subjects referred to in  
18 subsection (b) at institutions of higher education.

19 (3) ELIGIBILITY.—An institution shall be eligi-  
20 ble to participate in the program if—

21 (A) the institution is an institution of high-  
22 er education that demonstrates a strong, ongo-  
23 ing commitment to high quality education in  
24 subjects referred to in subsection (b), including

1 the granting of post-baccalaureate degrees in  
2 such fields; and

3 (B) the institution agrees to the establish-  
4 ment at the institution of a Center for Fishery  
5 Science Excellence, and to conduct the actions  
6 described in paragraph (4) and other actions  
7 the Secretary may prescribe by regulation as  
8 conditions for participation in the program.

9 (4) CONDITIONS FOR PARTICIPATION.—The  
10 Secretary shall require that each participating insti-  
11 tution shall—

12 (A) designate one or more faculty members  
13 to manage its Center for Fishery Science Excel-  
14 lence;

15 (B) develop strategies for recruiting quali-  
16 fied students to participate in the program at  
17 such institution; and

18 (C) ensure that the courses of study pur-  
19 sued by participating students include a signifi-  
20 cant emphasis on subjects referred to in sub-  
21 section (b).

22 (5) APPLICATION.—Each institution desiring to  
23 participate in the Program under this subsection  
24 shall submit an application to the Secretary at such  
25 time, in such manner, and containing such informa-

1       tion and assurances as the Secretary may require. If  
2       an institution's application is approved, such institu-  
3       tion shall be considered a participating institution  
4       for purposes of this subsection.

5               (6) GRANTS FOR INSTITUTIONS.—

6                       (A) GRANT AUTHORITY.—The Secretary  
7                       shall award competitive grants—

8                               (i) to participating institutions to as-  
9                               sist such institutions in program develop-  
10                              ment, faculty development and training,  
11                              participation in, or hosting, of conferences,  
12                              or purchase of laboratory and research  
13                              equipment; or

14                             (ii) to institutions that are not partici-  
15                             pating institutions to assist such institu-  
16                             tions in improving their existing post-bac-  
17                             calaureate programs in the subjects re-  
18                             ferred to in subsection (b) to a level that  
19                             increases the likelihood of such institutions  
20                             being eligible for future participation in  
21                             the program.

22                       (B) MATCH REQUIREMENT.—Any institu-  
23                       tion receiving a grant under this paragraph  
24                       shall be required to provide matching funds  
25                       from non-Federal sources equal to 25 percent

1 of the total cost of the activities that are funded  
2 by the grant.

3 (C) LIMITATIONS.—Funds provided as a  
4 grant under this paragraph shall not be used  
5 for construction or for the payment of salaries,  
6 except that the Secretary may prescribe by reg-  
7 ulation an allowable percentage of grant funds  
8 that may be used for payments to employees of  
9 a participating institution for administration of  
10 the program.

11 (D) APPLICATIONS.—Any institution of  
12 higher education that desires to apply for a  
13 grant under this paragraph shall prepare and  
14 submit to the Secretary an application at such  
15 time, in such manner, and containing such in-  
16 formation as the Secretary may require.

17 (d) FISHERY SCIENCE SCHOLARS PROGRAM.—

18 (1) IN GENERAL.—The Secretary shall establish  
19 the Fishery Science Scholars Program.

20 (2) PURPOSE.—The purpose of the program is  
21 to expand the post-baccalaureate educational oppor-  
22 tunities available to students who desire to pursue  
23 careers as government, private sector, or nonprofit  
24 research scientists in the subjects referred to in sub-  
25 section (b).

1           (3) LIMITATION ON PARTICIPATION.—A max-  
2           imum of 25 students per year shall be eligible to  
3           begin participation in the program, and no student  
4           shall be eligible to participate for more than 3 years.

5           (4) ELIGIBILITY.—

6           (A) IN GENERAL.—To be eligible to par-  
7           ticipate in the program, a student must be ad-  
8           mitted to a participating institution in a course  
9           of study that—

10                   (i) leads to a post-baccalaureate de-  
11                   gree in one of the subjects referred to in  
12                   subsection (b); and

13                   (ii) includes significant emphasis on  
14                   subjects referred to in subsection (b).

15           (B) REMAINING ELIGIBLE.—In order to  
16           remain eligible to participate in the program, a  
17           student must maintain an acceptable level of  
18           academic standing, and demonstrate sufficient  
19           progress toward completing the post-bacca-  
20           laureate studies and receiving a post-bacca-  
21           laureate degree.

22           (5) STIPENDS.—Each participating student  
23           shall receive a stipend in the amount of \$20,000 an-  
24           nually, contingent upon—

1           (A) remaining a student in good standing  
2           who is making satisfactory progress toward  
3           completing a course of post-baccalaureate stud-  
4           ies described in paragraph (3)(A), and

5           (B) receiving a post-baccalaureate degree.

6           (6) APPLICATIONS.—A student who has been  
7           admitted to a participating institution to pursue a  
8           course of study leading to a post-baccalaureate de-  
9           gree as described in paragraph (3)(A), and who de-  
10          sires to participate in the Fishery Science Scholars  
11          Program, shall prepare and submit to the Secretary  
12          an application at such time, in such manner, and  
13          containing such information as the Secretary may  
14          require.

15          (e) REGULATIONS.—The Secretary shall issue such  
16          regulations as may be necessary to administer the Fishery  
17          Science Education Program, including—

18               (1) application procedures for students to apply  
19               for participation in the program and for stipends;

20               (2) application procedures for institutions to  
21               apply for participating status, and for grants;

22               (3) methods for assessing programs at institu-  
23               tions for the purpose of determining eligibility;

1           (4) a system of regular reviews of the programs  
2           at each school to ensure that the purposes of the  
3           program are being met;

4           (5) establishing an allowable level of adminis-  
5           trative costs for the participating institutions;

6           (6) establishing allowable administrative ex-  
7           penditures for the management of the program by  
8           the Secretary;

9           (7) provisions for revoking participating institu-  
10          tion status; and

11          (8) provisions for revoking participation in the  
12          program by individuals, including revocation of sti-  
13          pends.

14          (f) INSTITUTION OF HIGHER EDUCATION DE-  
15          FINED.—In this section, the term “institution of higher  
16          education” has the meaning given that term in section 101  
17          of the Higher Education Act of 1965 (20 U.S.C. 1001).

18          (g) AUTHORIZATION OF APPROPRIATIONS.—To carry  
19          out this section there are authorized to be appropriated  
20          to the Secretary—

21                 (1) \$1,000,000 for fiscal year 2006;

22                 (2) \$2,000,000 for fiscal year 2007; and

23                 (3) \$3,000,000 for fiscal year 2008 and each  
24          fiscal year thereafter.

1 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—Section 4 (16 U.S.C. 1803) is  
3 amended to read as follows:

4 **“SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

5 “There are authorized to be appropriated to the Sec-  
6 retary for the purposes of carrying out this Act (other  
7 than any provision for which amounts are otherwise spe-  
8 cifically authorized) such sums as are necessary for each  
9 of fiscal years 2007 through 2011.”.

10 (b) CLERICAL AMENDMENT.—The table of contents  
11 in the first section is amended by inserting after the item  
12 relating to section 3 the following:

“Sec. 4. Authorization of appropriations.”.

○