

113TH CONGRESS  
1ST SESSION

# H. R. 3063

To amend the Magnuson-Stevens Fishery Conservation and Management Act to require the Secretary of Commerce to develop a plan to conduct stock assessments for all stocks of fish for which a fishery management plan is in effect under that Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2013

Mr. WITTMAN introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to require the Secretary of Commerce to develop a plan to conduct stock assessments for all stocks of fish for which a fishery management plan is in effect under that 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.**

4 This Act may be cited as the “Healthy Fisheries  
5 through Better Science Act”.

1 **SEC. 2. DEFINITION OF STOCK ASSESSMENT.**

2 Section 3 of the Magnuson-Stevens Fishery Con-  
3 servation and Management Act (16 U.S.C. 1802) is  
4 amended by redesignating the paragraphs after paragraph  
5 (42) in order as paragraphs (44) through (52), and by  
6 inserting after paragraph (42) the following:

7 “(43) The term ‘stock assessment’ means an  
8 evaluation of the past, present, and future status of  
9 a stock of fish, that includes—

10 “(A) a range of life history characteristics  
11 for such stock, including—

12 “(i) the geographical boundaries of  
13 such stock; and

14 “(ii) information on age, growth, nat-  
15 ural mortality, sexual maturity and repro-  
16 duction, feeding habits, and habitat pref-  
17 erences of such stock; and

18 “(B) fishing for the stock.”

19 **SEC. 3. STOCK ASSESSMENT PLAN.**

20 (a) IN GENERAL.—Section 404 of the Magnuson-Ste-  
21 vens Fishery Conservation and Management Act (16  
22 U.S.C. 18881e) is amended by adding at the end the fol-  
23 lowing:

24 “(e) STOCK ASSESSMENT PLAN.—

25 “(1) IN GENERAL.—The Secretary shall develop  
26 and publish in the Federal Register, on the same

1 schedule as required for the strategic plan required  
2 under section 404(b) of such Act, a plan to conduct  
3 stock assessments for all stocks of fish for which a  
4 fishery management plan is in effect under this Act.

5 “(2) CONTENTS.—The plan shall—

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

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

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

17 “(I) every 5 years; or

18 “(II) within such other time pe-  
19 riod specified and justified by the Sec-  
20 retary in the plan;

21 “(B) for each stock of fish for which a  
22 stock assessment has not previously been con-  
23 ducted—

24 “(i) establish a schedule for con-  
25 ducting an initial stock assessment that is

1 reasonable given the biology and character-  
2 istics of the stock; and

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

10 “(C) identify data and analysis, especially  
11 concerning recreational fishing, that, if avail-  
12 able, would reduce uncertainty in and improve  
13 the accuracy of future stock assessments, in-  
14 cluding whether such data and analysis could  
15 be 10 provided by nongovernmental sources, in-  
16 cluding fishermen, fishing communities, univer-  
17 sities, and research institutions.

18 “(3) WAIVER OF STOCK ASSESSMENT REQUIRE-  
19 MENT.—Notwithstanding subparagraphs (A)(ii) and  
20 (B)(ii), a stock assessment is not required for a  
21 stock of fish in the plan if the Secretary determines  
22 that such a stock assessment is not necessary and  
23 justifies such determination in the Federal Register  
24 notice required by this subsection.”.

1 (b) DEADLINE.—Notwithstanding paragraph (1) of  
2 section 404(e) of such Act, as amended by this section,  
3 the Secretary of Commerce shall issue the first stock as-  
4 sessment plan under such section by not later than 1 year  
5 after the date of enactment of this Act.

6 **SEC. 4. IMPROVING SCIENCE.**

7 (a) INCORPORATION OF INFORMATION FROM WIDE  
8 VARIETY OF SOURCES.—Section 2(a)(8) of the Magnu-  
9 son-Stevens Fishery Conservation and Management Act  
10 (16 U.S.C. 1801) is amended by adding at the end the  
11 following: “Fisheries management is most effective when  
12 it incorporates information provided by governmental and  
13 nongovernmental sources, including State and Federal  
14 agency staff, fishermen, fishing communities, universities,  
15 research institutions, and other appropriate entities. As  
16 appropriate, such information should be considered the  
17 best scientific information available and form the basis of  
18 conservation and management measures as required by  
19 this Act.”.

20 (b) IMPROVING DATA COLLECTION AND ANALYSIS.—

21 (1) IN GENERAL.—Section 404 of the Magnu-  
22 son-Stevens Fishery Conservation and Management  
23 Act (16 U.S.C. 1881c), as amended by this Act, is  
24 further amended by adding at the end the following:

1       “(f) IMPROVING DATA COLLECTION AND ANAL-  
2 YSIS.—

3               “(1) IN GENERAL.—The Secretary, in consulta-  
4 tion with the science and statistical committee of the  
5 Councils established under section 302(g), shall de-  
6 velop and publish in the Federal Register guidelines  
7 that will facilitate greater incorporation of data,  
8 analysis, and stock assessments from nongovern-  
9 mental sources, including fishermen, fishing commu-  
10 nities, universities, and research institutions, into  
11 fisheries management decisions.

12               “(2) CONTENT.—The guidelines shall—

13                       “(A) identify types of data and analysis,  
14 especially concerning recreational fishing, that  
15 can be reliably used as the best scientific infor-  
16 mation available for purposes of this Act and  
17 the basis for establishing conservation and man-  
18 agement measures as required by section  
19 303(a)(1), including setting standards for the  
20 collection and use of such data and analysis in  
21 stock assessments and for other purposes;

22                       “(B) provide specific guidance for col-  
23 lecting data and performing analyses identified  
24 as necessary to reduce the uncertainty referred  
25 to in section 404(e)(2)(C); and

1           “(C) establish a registry of persons pro-  
2           viding such information.

3           “(3) ACCEPTANCE AND USE OF DATA AND  
4           ANALYSES.—The Secretary and Regional Fishery  
5           Management Councils shall—

6           “(A) use all data and analyses that meet  
7           the guidelines published under paragraph (1) as  
8           the best scientific information available for pur-  
9           poses of this Act in fisheries management deci-  
10          sions, unless otherwise determined by the  
11          science and statistical committee of the Coun-  
12          cils established pursuant to section 302(g) of  
13          the Act;

14          “(B) explain in the Federal Register notice  
15          announcing the fishery management decision  
16          how such data and analyses have been used to  
17          establish conservation and management meas-  
18          ures; and

19          “(C) if any such data or analysis is not  
20          used, provide in the Federal Register notice an-  
21          nouncing the fishery management decision an  
22          explanation developed by such science and sta-  
23          tistical committee of why such data or analysis  
24          was not used.”.

1 (b) DEADLINE.—The Secretary of Commerce shall  
2 develop and publish guidelines under the amendment  
3 made by subsection (a) by not later than 1 year after the  
4 date of enactment of this Act.

5 **SEC. 5. COST REDUCTION REPORT.**

6 Within 1 year after the date of enactment of this Act,  
7 the Secretary of Commerce, in consultation with the Re-  
8 gional Fishery Management Councils, shall submit a re-  
9 port to Congress that, with respect to each fishery gov-  
10 erned by a fishery management plan in effect under the  
11 Magnuson-Stevens Fishery Conservation and Manage-  
12 ment Act (16 U.S.C. 1801 et seq.)—

13 (1) identifies the goals of the applicable pro-  
14 grams governing monitoring and enforcement of  
15 fishing that is subject to such plan;

16 (2) identifies methods to accomplish those  
17 goals, including human observers, electronic moni-  
18 toring, and vessel monitoring systems;

19 (3) certifies which such methods are most cost-  
20 effective for fishing that is subject to such plan; and

21 (4) explains why such most-cost-effective meth-  
22 ods are not required, if applicable.

1 **SEC. 6. COST SHARING.**

2 Section 304(d) of the Magnuson-Stevens Fishery  
3 Conservation and Management Act (16 U.S.C. 1854(d))  
4 is amended by adding at the end the following:

5 “(3) The Secretary shall not collect any fee  
6 under this section or section 313(a) before preparing  
7 an analysis that identifies the costs that will be re-  
8 covered by the fee and the costs that will not be re-  
9 covered by the fee. Such analysis shall be included  
10 in the applicable fisheries management plan.”.

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