

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 200) TO AMEND THE
MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT
TO PROVIDE FLEXIBILITY FOR FISHERY MANAGERS AND STABILITY FOR
FISHERMEN, AND FOR OTHER PURPOSES

JUNE 26, 2018.—Referred to the House Calendar and ordered to be printed

Ms. CHENEY, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 965]

The Committee on Rules, having had under consideration House Resolution 965, by a record vote of 6 to 2, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 200, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. The resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 200, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendment in the nature of a substitute to H.R. 200 made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 249

Motion by Mr. Woodall to report the rule. Adopted: 6–2

Majority Members	Vote	Minority Members	Vote
Mr. Cole	Mr. McGovern	Nay
Mr. Woodall	Yea	Mr. Hastings of Florida	Nay
Mr. Burgess	Yea	Mr. Polis
Mr. Collins	Mrs. Torres
Mr. Byrne	Yea		
Mr. Newhouse	Yea		
Mr. Buck		
Ms. Cheney	Yea		
Mr. Sessions, Chairman	Yea		

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Young, Don (AK), Graves, Garret (LA): Strikes sections 302(c) and 307, and modifies sections 205, 207, 304, 306, 406, and 408. The amendment also includes a new section regarding voting procedures for the Western Alaska Community Development Quota Program's administrative panel.

2. Courtney (CT), Zeldin (NY): Creates an industry-based pilot trawl survey for the New England and Mid-Atlantic Fishery Management Council regions. (10 minutes)

3. Langevin (RI), Cicilline (RI): Provides voting representation for Rhode Island on the Mid-Atlantic Fishery Management Council (MAFMC). (10 minutes)

4. Huffman (CA), Hastings, Alcee (FL): Ensures that rebuilding plans are successful in rebuilding overfished fish stocks. (10 minutes)

5. Frankel (FL), Webster (FL): Waives compensatory mitigation requirements for maintenance dredging projects in certain inland waterways, inlets, or harbors (10 minutes)

6. Graves, Garret (LA): Requires the Comptroller General to submit a report to Congress on resource rent of LAPPs in the Gulf of Mexico and South Atlantic Fishery Management Councils, ways to the Treasury can reclaim that resource rent, and ways to eliminate fiduciary conflicts of interest in the South Atlantic and Gulf of Mexico Fishery Management Councils. (10 minutes)

7. Keating (MA): Directs the Secretary to submit a plan to establish fully operational electronic monitoring and reporting procedures for the Northeast Multispecies Fishery. (10 minutes)

8. Poliquin (ME): Requires NOAA to conduct a study on all fees it charges the lobster industry and report those findings to Congress. (10 minutes)

9. Zeldin (NY): Lifts the ban on striped bass fishing in the Block Island transit zone between Montauk, NY and Block Island, RI. (10 minutes)

10. Keating (MA): Directs the Secretary to use funds collected from penalties and fines for monitoring in addition to traditional enforcement activities. (10 minutes)

11. Gaetz (FL): Rewards the elimination of lionfish from United States waters by allowing individuals to exchange lionfish for tags authorizing fishing for certain species in addition to the number of such species otherwise authorized to be taken by such individuals. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YOUNG OF ALASKA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 17, strike lines 17 through 23 (and redesignate the subsequent quoted clauses).

Page 23, strike lines 20 through 23 and insert the following:

(b) PUBLICATION.—The Secretary of Commerce shall make available on the Internet Website of the National Oceanic and Atmospheric Administration the report required under the amendment made by subsection (a) by not later than 1 year after the date of the enactment of this Act.

Beginning at page 31, strike line 23 and all that follows through page 36, line 25.

Beginning at page 40, line 17, strike section 304 and insert the following:

SEC. 304. EXEMPTED FISHING PERMITS.

(a) OBJECTIONS.—If the relevant Council, the Interstate Marine Fisheries Commission, or the fish and wildlife agency of an affected State objects to the approval and issuance of an exempted fishing permit under section 600.745 of title 50, Code of Federal Regulations, or any successor regulation, the Regional Administrator of the National Marine Fisheries Service who issued such exempted fishing permit shall respond to such entity in writing detailing why such exempted fishing permit was issued.

(b) 12-MONTH FINDING.—At the end of the 12-month period beginning on the date the exempted fishing permit is issued under section 600.745 of title 50, Code of Federal Regulations, or any successor regulation, the Council that prepared the fishery management plan, or the Secretary in the case of a fishery management plan prepared and implemented by the Secretary, shall review the exempted fishing permit and determine whether any unintended negative impacts have occurred that would warrant the discontinuation of the permit.

(c) CLARIFICATION.—The Secretary may not issue an exempted fishing permit under section 600.745 of title 50, Code of Federal Regulations, or any successor regulation that—

(1) establishes a limited access system as defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802);

(2) is consistent with section 303A of such Act (16 U.S.C. 1853a); or

(3) establishes a catch share program as defined in section 206(a) of this Act.

(d) SAVINGS PROVISION.—Except for subsection (b), nothing in this section may be construed to affect an exempted fishing permit approved under section 600.745 of title 50, Code of Federal Regulations, before the date of the enactment of this Act.

Beginning at page 44, line 1, strike section 306 and insert the following:

SEC. ____ . FEDERAL GULF OF MEXICO RED SNAPPER MANAGEMENT.

(a) IN GENERAL.—Section 407 (16 U.S.C. 1883) is amended to read as follows:

“SEC. 407. CERTIFICATION OF STATE SURVEYS.

“(a) SUBMISSION.—A Gulf State that conducts a marine recreational fisheries statistical survey in the Gulf of Mexico to make catch estimates for red snapper landed in such State may submit such survey to the Secretary for certification.

“(b) CERTIFICATION STANDARDS.—Not later than 90 days after the date of enactment of the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act, the Secretary shall establish and provide the Gulf States with standards for certifying State marine recreational fisheries statistical surveys that shall—

“(1) ensure that State marine recreational fisheries statistical surveys are appropriately pilot tested, independently peer reviewed, and endorsed for implementation by the reviewers;

“(2) use designs consistent with accepted survey sampling practices; and

“(3) minimize the potential for bias and known sources of survey error.

“(c) CERTIFICATION.—

“(1) IN GENERAL.—The Secretary shall make a certification or a denial of certification for any marine recreational fisheries statistical survey submitted under subsection (a) not later than the end of the 6-month period beginning on the date that the survey and information needed to evaluate the survey under the standards established under subsection (b) are submitted.

“(2) TIMING.—In the case of a certification request from a Gulf State, the Secretary shall begin evaluation of the request upon receipt of all information necessary to make a determination consistent with the standards set forth under subsection (b).

“(3) DEEMED CERTIFIED.—A marine recreational fisheries statistical survey shall be deemed to be certified effective upon the expiration of the 6-month period described in paragraph (1) if the Secretary has not made a certification or denial of certification.

“(d) MODIFICATION OF SURVEYS DENIED CERTIFICATION.—

“(1) IN GENERAL.—If a marine recreational fisheries statistical survey of a Gulf State is denied certification under sub-

section (c), the Secretary shall, not later than 60 days after the date of the denial, provide the Gulf State a proposal for modifications to the survey.

“(2) PROPOSAL.—A proposal provided to a Gulf State for a survey under paragraph (1)—

“(A) shall be specific to the survey submitted by such Gulf State and may not be construed to apply to any other Gulf State;

“(B) shall require revision to the fewest possible provisions of the survey; and

“(C) may not unduly burden the ability of such Gulf State to revise the survey.

“(3) MODIFIED SURVEY.—

“(A) AUTHORITY TO SUBMIT.—If a marine recreational fisheries statistical survey of a Gulf State was denied certification under subsection (c), the Gulf State may modify the survey and submit the modified survey to the Secretary for certification or denial of certification.

“(B) SCHEDULE.—The Secretary shall make a certification or denial of certification for any modified survey not later than the end of the 30-day period beginning on the date the modified survey is submitted.

“(C) DEEMED CERTIFIED.—A modified survey is deemed to be certified effective upon the expiration of the period described in subparagraph (B) if the Secretary has not made a certification or denial of certification.”

(b) CLERICAL AMENDMENT.—The table of contents in the first section is amended by striking the item relating to section 407 and inserting the following:

“Sec. 407. Certification of State surveys.”

Beginning at page 48, line 13, strike section 307.

Beginning at page 52, at line 8, strike section 406 and insert the following:

SEC. __. REALLOCATION OF CERTAIN UNUSED HARVEST ALLOCATION.

(a) REALLOCATION.—Notwithstanding any other provision of law, each year upon receipt by the Secretary of Commerce (referred to in this section as the “Secretary”) of written notice from the allocation holder named in section 803 of division B of the Consolidated Appropriations Act, 2004 (Public Law 108–199, 16 U.S.C. 1851 note) that such holder will not harvest all or a part of the allocation authorized pursuant to that Act, the Secretary shall reallocate for that year the unused portion of such allocation to the Bering Sea subarea of the BSAI (as defined in section 679.2 of title 50, Code of Federal Regulations) and shall assign the reallocated unused portion of the allocation only to eligible vessels as described in subsection (b)(1) for harvest in the Bering Sea subarea of the BSAI, consistent with any agreements as described in subsection (c).

(b) ELIGIBILITY TO RECEIVE REALLOCATION.—

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

(2) LIMITATION ON REALLOCATIONS.—The Secretary shall not reallocate the allocation described in subsection (a) in any year if such reallocation exceeds the annual catch limit for pollock in the Bering Sea subarea of the BSAI.

(3) CALCULATIONS.—Any amount of the reallocation described in subsection (a) shall not be used in the calculation of harvesting or processing excessive shares as described in section 210(e) of the American Fisheries Act (16 U.S.C. 1851 note).

(4) CONDITIONS.—In any year, the assignment, transfer, or reallocation shall not violate the requirements of section 206(b) of the American Fisheries Act (title II of the division C of Public Law 105–277; 16 U.S.C. 1851 note).

(c) AGREEMENTS.—

(1) IN GENERAL.—Each year, the allocation holder named in section 803(a) of division B of the Consolidated Appropriations Act, 2004 (Public Law 108–199, 16 U.S.C. 1851 note) may establish one or more agreements with the owners of some or all of the eligible vessels as defined in subsection (b)(1).

(2) REQUIREMENTS.—Each agreement described in paragraph (1)—

(A) shall specify those eligible vessels that may receive a reallocation and the amount of reallocation that such vessels may receive in accordance with subsection (b)(2); and

(B) may contain other requirements or compensation agreed to by the allocation holder named in section 803 of division B of the Consolidated Appropriations Act, 2004 (Public Law 108–199, 16 U.S.C. 1851 note) and the owners of such eligible vessels, provided such requirements or compensation are otherwise consistent with the American Fisheries Act (16 U.S.C. 1851 note), the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and any other applicable law.

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

(e) ENFORCEMENT.—Taking or processing any part of the allocation made by section 803 of division B of the Consolidated Appropriations Act, 2004 (Public Law 108–199, 16 U.S.C. 1851 note), and reallocated under this section in a manner that is not consistent with the reallocation authorized by the Secretary shall be considered in violation of section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) and subject to the penalties and sanctions under section 308 of such Act (16 U.S.C. 1858), and subject to the forfeiture of any fish harvested or processed.

(f) CLARIFICATIONS.—

(1) AMENDMENT.—Subsection (c) of section 803 of division B of the Consolidated Appropriations Act, 2004 (Public Law 108–199, 16 U.S.C. 1851 note) is amended by striking “during the years 2004 through 2008”.

(2) **PURPOSE OF REALLOCATION.**—Consistent with subsection (d) of section 803 of division B of the Consolidated Appropriations Act, 2004 (Public Law 108–199, 16 U.S.C. 1851 note), the reallocation of the unused portion of the allocation provided to the allocation holder named in subsection (a) of such section for harvest in the Bering Sea subarea of the BSAI is for the purposes of economic development in Adak, Alaska pursuant to the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

Page 55, after line 4, insert the following (and redesignate the subsequent sections accordingly):

SEC. ____ . COMMUNITY DEVELOPMENT QUOTA PROGRAM PANEL VOTING PROCEDURES.

Section 305(i)(1)(G)(iv) (16 U.S.C. 1855(i)(1)(G)(iv)) is amended to read as follows:

“(iv) **VOTING REQUIREMENT.**—The panel may act only by the affirmative vote of 5 of its members.”.

Beginning at page 57, line 1, strike section 408 and insert the following:

SEC. ____ . RESTORATION OF HISTORICALLY FRESHWATER ENVIRONMENT.

Section 3(10) (16 U.S.C. 1802) is amended—

(1) by inserting a comma after “feeding”; and

(2) by inserting the following: “except that such term—

“(A) does not include an area that—

“(i) was previously covered by land or a fresh water environment; and

“(ii) is in a State where the average annual land loss of such State during the 20 years before the date of the enactment of the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act exceeds 10 square miles; and

“(B) does not apply with respect to a project undertaken by a State or local government with the purpose of restoration or protection of an area described in subparagraph (A).”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COURTNEY OF CONNECTICUT OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title II add the following:

SEC. ____ . NORTHEAST REGIONAL PILOT RESEARCH TRAWL SURVEY AND STUDY.

(a) **INDUSTRY-BASED PILOT STUDY.**—Within 1 year after the date of the enactment of this Act, the Secretary of Commerce shall, in coordination with the relevant Councils selected by the Secretary and the Northeast Area Monitoring and Assessment Program (NEAMAP), develop a fishing industry-based Northeast regional pilot research trawl survey and study to enhance and provide improvement to current National Oceanic and Atmospheric Administration vessel trawl surveys.

(b) **COMPONENTS.**—Under the pilot survey and study—

(1) the Secretary—

(A) may select fishing industry vessels to participate in the study by issuing a request for procurement;

(B) may use the NEAMAP Southern New England/Mid-Atlantic Nearshore Trawl Survey as a model for the pilot survey; and

(C) shall outfit participating vessels with a peer-reviewed net configuration; and

(2) the selected Councils shall, in partnership with the National Marine Fisheries Service Northeast Fisheries Science Center and the Virginia Institute of Marine Science, collect data and evaluate discrepancies between fishing industry vessel data and National Oceanic and Atmospheric Administration vessel data, for 5 years.

(b) REPORT.—Upon completion of the pilot survey and study, the Secretary and the selected Councils shall submit a detailed report on the results of the pilot survey and study to the Committee on Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LANGEVIN OF RHODE ISLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of section 209 (page 27, after line 7) add the following:

(f) ADDITION OF RHODE ISLAND TO THE MID-ATLANTIC FISHERY MANAGEMENT COUNCIL.—Section 302(a)(1)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(B)) is amended—

(1) by inserting “Rhode Island,” after “States of”;

(2) by inserting “Rhode Island,” after “except North Carolina,”;

(3) by striking “21” and inserting “23”; and

(4) by striking “13” and inserting “14”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUFFMAN OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 37, strike lines 5 through 6 (and redesignate the subsequent subparagraphs accordingly).

Page 38, after line 7, insert the following (and redesignate the subsequent quoted subclauses accordingly):

“(IV) the new plan, amendment, or proposed regulation has at least a 75 percent chance of rebuilding the overfished fishery within the time limit proposed by the Council, as calculated by the scientific and statistical committee of the Council with jurisdiction over the fishery pursuant to section 302(g)(1)(B);

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FRANKEL OF FLORIDA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

**TITLE _____ — MISCELLANEOUS
PROVISIONS**

SEC. ____ . MITIGATION FOR IMPACTS TO SUBMERGED AQUATIC VEGETATION.

Requirements to conserve or to provide compensatory mitigation for impacts to submerged aquatic vegetation under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(b)) shall not apply when a non-Federal entity conducts maintenance dredging for an authorized Federal navigation project on an inland waterway, inlet, or harbor located in North Carolina, South Carolina, Georgia, or Florida pursuant to a permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) or section 10 of the Act of March 3, 1899 (33 U.S.C. 403; 30 Stat. 1151, chapter 425).

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRAVES OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

**TITLE _____ — MISCELLANEOUS
PROVISIONS**

SEC. ____ . REPORT ON LIMITED ACCESS PRIVILEGE PROGRAMS AND CONFLICTS OF INTEREST WITH RESPECT TO GULF OF MEXICO AND SOUTH ATLANTIC FISHERIES.

No later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Congress a report on—

- (1) the resource rent of limited access privilege programs in the Gulf of Mexico and the South Atlantic Ocean;
- (2) how to reclaim resource rent in the Gulf of Mexico and the South Atlantic as revenue the United States Treasury; and
- (3) the fiduciary conflicts of interest in the Gulf of Mexico Fishery Management Council and the South Atlantic Fishery Management Council, and effective ways to eliminate such conflicts.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KEATING OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

**TITLE _____ — MISCELLANEOUS
PROVISIONS**

SEC. ____ . PLAN FOR ELECTRONIC MONITORING AND REPORTING PROCEDURES FOR THE NORTHEAST MULTISPECIES FISHERY.

The Secretary, acting through the National Oceanic and Atmospheric Administration, shall submit a plan to the Committee on

Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not less than 180 days after the date of the enactment of this Act that will establish fully operational electronic monitoring and reporting procedures for the Northeast Multispecies Fishery by not later than September 30, 2021. The plan shall include the proposal of the National Oceanic and Atmospheric Administration to cover vessel equipment and installation costs, with daily, half-day, or quarter-day operational costs to be borne by the fishing vessels.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POLIQUIN OF MAINE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

**TITLE — MISCELLANEOUS
PROVISIONS**

SEC. 01. STUDY OF FEES CHARGED TO LOBSTER FISHING INDUSTRY.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration, shall study and report to the Congress on all fees imposed by such Administration on the lobster fishing industry.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ZELDIN OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

**TITLE — MISCELLANEOUS
PROVISIONS**

SEC. 01. LIMITATION ON APPLICATION OF PROHIBITION ON ATLANTIC STRIPED BASS FISHING IN BLOCK ISLAND SOUND TRANSIT ZONE.

Any prohibition on fishing for Atlantic striped bass in the Exclusive Economic Zone of the United States imposed under Executive Order 13449 or section 697.7(b) of title 50, Code of Federal Regulations, shall not apply in the the area described in section 697.7(b)(3) of title 50, Code of Federal Regulations, commonly referred to as the Block Island Sound transit zone.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KEATING OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

TITLE _____—MISCELLANEOUS PROVISIONS

SEC. __01. FUNDING FOR MONITORING IMPLEMENTATION OF NORTH-EAST MULTISPECIES FISHERY MANAGEMENT PLAN.

Section 311(f)(4) (16 U.S.C. 1861(f)(4)) is amended by striking “pursuant to this section” and all that follows through the end of the sentence and inserting “to enforce and monitor (including electronic monitoring) implementation of that Plan.”

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GAETZ OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following:

TITLE V—REEF ASSASSIN ACT

SEC. 501. SHORT TITLE.

This title may be cited as the “Reef Assassin Act”.

SEC. 502. ENCOURAGING ELIMINATION OF LIONFISH.

(a) IN GENERAL.—Title III of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) is amended by adding at the end the following:

“SEC. 321. ENCOURAGING ELIMINATION OF LIONFISH.

“(a) IN GENERAL.—The Secretary shall issue regulations under which a participating State may issue to an individual submitting lionfish taken in Federal or State waters a tag authorizing the taking of a fish of a covered species in Federal waters in addition to any other fish of that species the individual is authorized to take in Federal waters.

“(b) REQUIREMENTS FOR ISSUANCE OF TAG.—The regulations shall require—

“(1) the submission of 100 lionfish for each tag issued;

“(2) that lionfish taken in State waters must be taken by an individual holding a valid license to engage in such fishing issued under the laws of such State; and

“(3) that each lionfish shall be submitted by removing the tail, placing it in a resealable plastic bag, and submitting such bag to a participating State before the tail has significantly deteriorated.

“(c) NO LIMITATION ON NUMBER OF TAGS.—The regulations shall not limit the number of tags that may be issued to an individual.

“(d) USE OF TAGS.—The regulations shall provide that a tag issued under the regulations—

“(1) shall be valid for the 5-year period beginning on the date it is issued;

“(2) shall authorize only the recreational or commercial taking of a fish that complies with any size limit that otherwise applies to fishing for such fish in the waters in which it is taken;

“(3) shall authorize such taking without regard to any seasonal limitation that otherwise applies to the species of fish taken;

“(4) shall authorize—

“(A) the transfer of tags to any other person; and

“(B) use of transferred tags in the same manner as such tags may be used by the person to whom the tags were issued; and

“(5) shall require that any fish taken under such tag outside any seasonal limitation that otherwise applies to such fish must have the tag fastened between the mouth and gill before being placed in any cooler.

“(e) APPROVAL OF STATE TO PARTICIPATE.—

“(1) CONDITIONS.—The regulations shall require that as a condition of approving a State to issue tags under this section the Secretary shall require the State to designate a repository for lionfish submitted for such tags.

“(2) PROVISION OF FREEZER.—The Secretary shall provide to each participating State freezers in which to store submitted lionfish, at a cost of not more than \$500 for each freezer.

“(f) ADDITIONAL REQUIREMENTS.—The Secretary shall—

“(1) encourage participating States to use existing infrastructure and staff or volunteers to conduct the State’s program under this section;

“(2) include on the webpage of the National Marine Fisheries Service information about the program under this section; and

“(3) encourage State and local governments to work with retailers and distributors to advance the purchasing and consumption of lionfish.

“(g) OTHER PROVISIONS NOT AFFECTED.—

“(1) IN GENERAL.—This section—

“(A) is intended to protect species of fish that are native to waters of the United States or the exclusive economic zone; and

“(B) shall not be construed to constrain any fishery, fishing quota, or fishing allocation.

“(2) LIMITATION ON CONSIDERATION OF TAGS.—This section and tags issued or authorized to be issued under this section shall not be considered in any determination of fishing levels, quotas, or allocations.

“(h) DEFINITION.—In this section—

“(1) the term ‘covered fish’—

“(A) except as provided in subparagraph (B), means red snapper, gag grouper, triggerfish, amberjack; and

“(B) does not include any species included in a list of endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

“(2) the term ‘participating State’ means a State that has applied and been approved by the Secretary to issue tags under regulations under this section.”

(b) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by adding at the end of the items relating to title III the following:

“Sec. 301. Encouraging elimination of lionfish.”

(c) DEADLINE FOR REGULATIONS.—The Secretary of Commerce shall issue regulations under the amendment made by subsection (a) by not later than 60 days after the date of the enactment of this Act.

