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SUBCHAPTER I—GENERALLY

§ 1801. Findings, purposes and policy

(a) Findings

The Congress finds and declares the following:

(1) The fish off the coasts of the United States, the highly migratory species of the high seas, the species which dwell on or in the Continental Shelf appertaining to the United States, and the anadromous species which spawn in United States rivers or estuaries, constitute valuable and renewable natural resources. These fishery resources contribute to the food supply, economy, and health of the Nation and provide recreational opportunities.

(2) Certain stocks of fish have declined to the point where their survival is threatened, and other stocks of fish have been so substantially reduced in number that they could become similarly threatened as a consequence of (A) increased fishing pressure, (B) the inadequacy of fishery resource conservation and management practices and controls, or (C) direct and indirect habitat losses which have resulted in a diminished capacity to support existing fishing levels.

(3) Commercial and recreational fishing constitutes a major source of employment and contributes significantly to the economy of the Nation. Many coastal areas are dependent upon fishing and related activities, and their economies have been badly damaged by the overfishing of fishery resources at an ever-increasing rate over the past decade. The activities of massive foreign fishing fleets in waters adjacent to such coastal areas have contributed to such damage, interfered with domestic fishing efforts, and caused destruction of the fishing gear of United States fishermen.

(4) International fishery agreements have not been effective in preventing or terminating the overfishing of these valuable fishery resources. There is danger that irreversible effects from overfishing will take place before an effective international agreement on fishery management jurisdiction can be negotiated, signed, ratified, and implemented.

(5) Fishery resources are finite but renewable. If placed under sound management before overfishing has caused irreversible effects, the fisheries can be conserved and maintained so

as to provide optimum yields on a continuing basis.

(6) A national program for the conservation and management of the fishery resources of the United States is necessary to prevent overfishing, to rebuild overfished stocks, to insure conservation, to facilitate long-term protection of essential fish habitats, and to realize the full potential of the Nation's fishery resources.

(7) A national program for the development of fisheries which are underutilized or not utilized by the United States fishing industry, including bottom fish off Alaska, is necessary to assure that our citizens benefit from the employment, food supply, and revenue which could be generated thereby.

(8) The collection of reliable data is essential to the effective conservation, management, and scientific understanding of the fishery resources of the United States.

(9) One of the greatest long-term threats to the viability of commercial and recreational fisheries is the continuing loss of marine, estuarine, and other aquatic habitats. Habitat considerations should receive increased attention for the conservation and management of fishery resources of the United States.

(10) Pacific Insular Areas contain unique historical, cultural, legal, political, and geographical circumstances which make fisheries resources important in sustaining their economic growth.

(11) A number of the Fishery Management Councils have demonstrated significant progress in integrating ecosystem considerations in fisheries management using the existing authorities provided under this chapter.

(12) International cooperation is necessary to address illegal, unreported, and unregulated fishing and other fishing practices which may harm the sustainability of living marine resources and disadvantage the United States fishing industry.

(13) While both provide significant cultural and economic benefits to the Nation, recreational fishing and commercial fishing are different activities. Therefore, science-based conservation and management approaches should be adapted to the characteristics of each sector.

(b) Purposes

It is therefore declared to be the purposes of the Congress in this chapter—

(1) to take immediate action to conserve and manage the fishery resources found off the coasts of the United States, and the anadromous species and Continental Shelf fishery resources of the United States, by exercising (A) sovereign rights for the purposes of exploring, exploiting, conserving, and managing all fish, within the exclusive economic zone established by Presidential Proclamation 5030, dated March 10, 1983, and (B) exclusive fishery management authority beyond the exclusive economic zone over such anadromous species and Continental Shelf fishery resources;

(2) to support and encourage the implementation and enforcement of international fishery agreements for the conservation and man-

agement of highly migratory species, and to encourage the negotiation and implementation of additional such agreements as necessary;

(3) to promote domestic commercial and recreational fishing under sound conservation and management principles, including the promotion of catch and release programs in recreational fishing;

(4) to provide for the preparation and implementation, in accordance with national standards, of fishery management plans which will achieve and maintain, on a continuing basis, the optimum yield from each fishery;

(5) to establish Regional Fishery Management Councils to exercise sound judgment in the stewardship of fishery resources through the preparation, monitoring, and revision of such plans under circumstances (A) which will enable the States, the fishing industry, consumer and environmental organizations, and other interested persons to participate in, and advise on, the establishment and administration of such plans, and (B) which take into account the social and economic needs of the States;

(6) to encourage the development by the United States fishing industry of fisheries which are currently underutilized or not utilized by United States fishermen, including bottom fish off Alaska, and to that end, to ensure that optimum yield determinations promote such development in a non-wasteful manner; and

(7) to promote the protection of essential fish habitat in the review of projects conducted under Federal permits, licenses, or other authorities that affect or have the potential to affect such habitat.

(c) Policy

It is further declared to be the policy of the Congress in this chapter—

(1) to maintain without change the existing territorial or other ocean jurisdiction of the United States for all purposes other than the conservation and management of fishery resources, as provided for in this chapter;

(2) to authorize no impediment to, or interference with, recognized legitimate uses of the high seas, except as necessary for the conservation and management of fishery resources, as provided for in this chapter;

(3) to assure that the national fishery conservation and management program utilizes, and is based upon, the best scientific information available; involves, and is responsive to the needs of, interested and affected States and citizens; considers efficiency; draws upon Federal, State, and academic capabilities in carrying out research, administration, management, and enforcement; considers the effects of fishing on immature fish and encourages development of practical measures that minimize bycatch and avoid unnecessary waste of fish; and is workable and effective;

(4) to permit foreign fishing consistent with the provisions of this chapter;

(5) to support and encourage active United States efforts to obtain internationally acceptable agreements which provide for effective

conservation and management of fishery resources, and to secure agreements to regulate fishing by vessels or persons beyond the exclusive economic zones of any nation;

(6) to foster and maintain the diversity of fisheries in the United States; and

(7) to ensure that the fishery resources adjacent to a Pacific Insular Area, including resident or migratory stocks within the exclusive economic zone adjacent to such areas, be explored, developed, conserved, and managed for the benefit of the people of such area and of the United States.

(Pub. L. 94-265, § 2, Apr. 13, 1976, 90 Stat. 331; Pub. L. 95-354, § 2, Aug. 28, 1978, 92 Stat. 519; Pub. L. 96-561, title II, § 233, Dec. 22, 1980, 94 Stat. 3299; Pub. L. 99-659, title I, § 101(c)(1), Nov. 14, 1986, 100 Stat. 3707; Pub. L. 101-627, title I, § 101, Nov. 28, 1990, 104 Stat. 4437; Pub. L. 102-251, title III, § 301(a), Mar. 9, 1992, 106 Stat. 62; Pub. L. 104-297, title I, § 101, Oct. 11, 1996, 110 Stat. 3560; Pub. L. 109-479, § 3(a), title IV, § 402, Jan. 12, 2007, 120 Stat. 3577, 3626; Pub. L. 115-405, § 2, Dec. 31, 2018, 132 Stat. 5355.)

AMENDMENT OF SUBSECTION (b)(1)

Pub. L. 102-251, title III, §§ 301(a), 308, Mar. 9, 1992, 106 Stat. 62, 66, provided that, effective on the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States, with authority to prescribe implementing regulations effective Mar. 9, 1992, but with no such regulation to be effective until the date on which the Agreement enters into force for the United States, subsection (b)(1) is amended by inserting “, and fishery resources in the special areas” before the semicolon at the end.

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(11), (b), and (c), was in the original “this Act”, meaning Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, as amended, known as the Magnuson-Stevens Fishery Conservation and Management Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note below and Tables.

Presidential Proclamation 5030, referred to in subsec. (b)(1), is set out under section 1453 of this title.

AMENDMENTS

2018—Subsec. (a)(13). Pub. L. 115-405 added par. (13).

2007—Subsec. (a)(11). Pub. L. 109-479, § 3(a), added par. (11).

Subsec. (a)(12). Pub. L. 109-479, § 402, added par. (12).

1996—Subsec. (a)(2). Pub. L. 104-297, § 101(1), added par. (2) and struck out former par. (2) which read as follows: “As a consequence of increased fishing pressure and because of the inadequacy of fishery conservation and management practices and controls (A) certain stocks of such fish have been overfished to the point where their survival is threatened, and (B) other such stocks have been so substantially reduced in number that they could become similarly threatened.”

Subsec. (a)(6). Pub. L. 104-297, § 101(2), inserted “to facilitate long-term protection of essential fish habitats,” after “to insure conservation,”.

Subsec. (a)(9), (10). Pub. L. 104-297, § 101(3), added pars. (9) and (10).

Subsec. (b)(3). Pub. L. 104-297, § 101(4), substituted “principles, including the promotion of catch and release programs in recreational fishing” for “principles”.

Subsec. (b)(5). Pub. L. 104-297, §101(5), struck out “and” after semicolon at end.

Subsec. (b)(6). Pub. L. 104-297, §101(6), substituted “development in a non-wasteful manner; and” for “development.”

Subsec. (b)(7). Pub. L. 104-297, §101(7), added par. (7).
Subsec. (c)(3). Pub. L. 104-297, §101(8), substituted “considers efficiency” for “promotes efficiency” and inserted “minimize bycatch and” after “practical measures that”.

Subsec. (c)(7). Pub. L. 104-297, §101(9)–(11), added par. (7).

1990—Subsec. (a)(8). Pub. L. 101-627, §101(a), added par. (8).

Subsec. (b)(1)(A). Pub. L. 101-627, §101(b)(1), struck out “except highly migratory species” after “fish”.

Subsec. (b)(5). Pub. L. 101-627, §101(b)(2), substituted “exercise sound judgment in the stewardship of fishery resources through the preparation, monitoring, and revision of” for “prepare, monitor, and revise”.

Subsec. (c)(3). Pub. L. 101-627, §101(c)(1), inserted “considers the effects of fishing on immature fish and encourages development of practical measures that avoid unnecessary waste of fish;” after “and enforcement;”.

Subsec. (c)(5). Pub. L. 101-627, §101(c)(3), substituted “, and to secure agreements to regulate fishing by vessels or persons beyond the exclusive economic zones of any nation; and” for period at end.

Subsec. (c)(6). Pub. L. 101-627, §101(c)(4), added par. (6).

1986—Subsec. (b)(1). Pub. L. 99-659, §101(c)(1)(A), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “to take immediate action to conserve and manage the fishery resources found off the coasts of the United States, and the anadromous species and Continental Shelf fishery resources of the United States, by establishing (A) a fishery conservation zone within which the United States will assume exclusive fishery management authority over all fish, except highly migratory species, and (B) exclusive fishery management authority beyond such zone over such anadromous species and Continental Shelf fishery resources;”.

Subsec. (c)(5). Pub. L. 99-659, §101(c)(1)(B), amended par. (5) generally. Prior to amendment, par. (5) read as follows: “to support and encourage continued active United States efforts to obtain an internationally acceptable treaty, at the Third United Nations Conference on the Law of the Sea, which provides for effective conservation and management of fishery resources.”

1980—Subsec. (b)(6). Pub. L. 96-561 inserted “, and to that end, to ensure that optimum yield determinations promote such development” after “fish off Alaska”.

1978—Subsec. (a)(7). Pub. L. 95-354, §2(a), substituted “the United States fishing industry” for “United States fishermen”.

Subsec. (b)(6). Pub. L. 95-354, §2(b), inserted requirement for development by the United States fishing industry.

REFERENCES TO MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT CONSIDERED TO INCLUDE SECTION 401(a) OF PUB. L. 108-219

References to the Magnuson-Stevens Fishery Conservation and Management Act or any provision of that Act considered to be references to that Act as it would be in effect if section 401(a) of Pub. L. 108-219 were a provision of that Act, see section 401(c)(1) of Pub. L. 108-219, set out in an Implementation of Pacific Albacore Tuna Treaty note under section 1821 of this title.

REFERENCES TO MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT REDESIGNATED AS REFERENCES TO MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

Pub. L. 104-208, div. A, title I, §101(a) [title II, §211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41, provided

that: “Effective 15 days after the enactment of the Sustainable Fisheries Act [Pub. L. 104-297, enacted Oct. 11, 1996], all references to the Magnuson Fishery Conservation and Management Act [see Short Title note below] shall be redesignated as references to the Magnuson-Stevens Fishery Conservation and Management Act.”

REFERENCES TO FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976 REDESIGNATED AS REFERENCES TO MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT

Pub. L. 96-561, title II, §238(b), Dec. 22, 1980, 94 Stat. 3300, provided that: “Effective 15 days after the date of enactment of this title [Dec. 22, 1980], all references to the Fishery Conservation and Management Act of 1976 [see Short title note below] shall be redesignated as references to the Magnuson Fishery Conservation and Management Act.”

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-251 effective on date on which Agreement between United States and Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for United States, with authority to prescribe implementing regulations effective Mar. 9, 1992, but with no such regulation to be effective until date on which Agreement enters into force for United States, see section 308 of Pub. L. 102-251, set out as a note under section 773 of this title.

SHORT TITLE OF 2021 AMENDMENT

Pub. L. 116-340, §1, Jan. 13, 2021, 134 Stat. 5128, provided that: “This Act [enacting section 1870 of this title, amending section 1858 of this title, repealing section 1870 of this title, and enacting provisions set out as notes under sections 1858 and 1865 of this title] may be cited as the ‘Direct Enhancement of Snapper Conservation and the Economy through Novel Devices Act of 2020’ or the ‘DESCEND Act of 2020’.”

SHORT TITLE OF 2018 AMENDMENT

Pub. L. 115-405, §1(a), Dec. 31, 2018, 132 Stat. 5355, provided that: “This Act [amending this section and sections 1852, 1881, and 1881c of this title, and enacting provisions set out as notes under this section and sections 1852 and 1881 of this title] may be cited as the ‘Modernizing Recreational Fisheries Management Act of 2018’.”

SHORT TITLE OF 2015 AMENDMENT

Pub. L. 114-81, §1, Nov. 5, 2015, 129 Stat. 649, provided that: “This Act [see Tables for classification] may be cited as the ‘Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015’.”

SHORT TITLE OF 2012 AMENDMENT

Pub. L. 112-183, §1, Oct. 5, 2012, 126 Stat. 1422, provided that: “This Act [enacting section 1827a of this title and provisions set out as a note under section 1827a of this title] may be cited as the ‘Billfish Conservation Act of 2012’.”

SHORT TITLE OF 2011 AMENDMENT

Pub. L. 111-348, title I, §101, Jan. 4, 2011, 124 Stat. 3668, provided that: “This title [amending sections 1826i to 1826k, 1857, and 4107 of this title and enacting provisions set out as notes under sections 1826k and 1857 of this title] may be cited as the ‘Shark Conservation Act of 2010’.”

SHORT TITLE OF 2007 AMENDMENT

Pub. L. 109-479, §1(a), Jan. 12, 2007, 120 Stat. 3575, provided that: “This Act [enacting chapters 88 and 89 of this title, chapter 45 of Title 33, Navigation and Navigable Waters, subchapters VI of chapter 31 and of chapter 38 of this title, sections 1826h to 1826k, 1829, 1853a, 1864 to 1869, and 1884 of this title, amending this section, sections 757d, 773f, 773g, 971a, 971h, 971i, 1377, 1802, 1803, 1812, 1821, 1824, 1826a, 1826b, 1851 to 1853, 1854, 1855,

1857, 1861, 1861a, 1862, 1881, 1881a, 1881c, 1882, 1883, 3645, 4107, 5156, 5610, and 5727 of this title, and section 53706 of Title 46, Shipping, enacting provisions set out as notes under sections 460ss, 1361, 1853 to 1855, 1861a, 1864, 6901, and 7001 of this title and section 3201 of Title 33, and amending provisions set out as notes under sections 1822, 1851, 1855, and 1856 of this title) may be cited as the 'Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006'."

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-297, §1(a), Oct. 11, 1996, 110 Stat. 3559, provided that: "This Act [enacting sections 1803, 1861a, 1881 to 1881d, 1883, 5107a, and 5107b of this title and sections 1279f and 1279g of Title 46, Appendix, Shipping, amending this section, sections 757d, 1362, 1802, 1812, 1821 to 1824, 1826, 1851 to 1858, 1860, 1861, 1862, 1863, 1882, 1883, 4107, 5102, 5103, and 5108 of this title, section 713c-3 of Title 15, Commerce and Trade, and section 1274 of Title 46, Appendix, enacting provisions set out as notes under sections 1802, 1853 to 1856, 1861a, and 1881c of this title and section 1245 of Title 46, Appendix, amending provisions set out as a note under section 971c of this title, and repealing provisions set out as a note under section 1851 of this title] may be cited as the 'Sustainable Fisheries Act'."

SHORT TITLE OF 1995 AMENDMENT

Pub. L. 104-43, title VI, §601, Nov. 3, 1995, 109 Stat. 391, provided that: "This title [enacting sections 1826d to 1826g of this title and provisions set out as a note under section 1826d of this title] may be cited as the 'High Seas Driftnet Fishing Moratorium Protection Act'."

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-582, §1, Nov. 2, 1992, 106 Stat. 4900, provided that: "This Act [enacting sections 1826a to 1826c of this title and section 1707a of Title 46, Appendix, Shipping, amending sections 1362, 1371, 1852, and 1862 of this title, section 1978 of Title 22, Foreign Relations and Intercourse, and section 2110 of Title 46, repealing section 1111c of Title 46, Appendix, and enacting provisions set out as notes under sections 1823, 1826a, and 1861 of this title and section 2110 of Title 46] may be cited as the 'High Seas Driftnet Fisheries Enforcement Act'."

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-627, §1(a), Nov. 28, 1990, 104 Stat. 4436, provided that: "The Act [enacting sections 971b-1, 1385, and 1862 of this title, amending this section, sections 757d, 758e-5, 971a, 971b, 971d, 971h, 1371, 1802, 1811, 1812, 1821, 1822, 1824 to 1826, 1852 to 1861, 1882, 4005, 4006, 4008, 4103, and 4107 of this title, section 713c-3 of Title 15, Commerce and Trade, and section 1977 of Title 22, Foreign Relations and Intercourse, and enacting provisions set out as notes under sections 971a, 1373, 1802, 1812, 1822, 1825, 1854, 4004, and 4005 of this title] may be cited as the 'Fishery Conservation Amendments of 1990'."

SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100-220, §1, Dec. 29, 1987, 101 Stat. 1458, provided that: "This Act [enacting section 1912 of Title 33, Navigation and Navigable Waters, amending sections 1121 to 1131, 1901 to 1903, 1905, and 1907 to 1909 of Title 33, and enacting provisions set out as notes under this section, sections 1822 and 1823 of this title, sections 883a, 1121, 1125, 1901, 1902, and 2267 of Title 33, and section 6981 of Title 42, The Public Health and Welfare] may be cited as the 'United States-Japan Fishery Agreement Approval Act of 1987'."

SHORT TITLE OF 1980 AMENDMENT

Pub. L. 96-561, title II, §201, Dec. 22, 1980, 94 Stat. 3287, provided that: "This title [enacting section 1511b of Title 15, Commerce and Trade, amending sections 917, 1801, 1821, 1824, 1852, and 1855 of this title, section 713c-3 of Title 15, sections 1972 and 1980 of Title 22, Foreign

Relations and Intercourse, section 1321 of Title 33, Navigation and Navigable Waters, section 1843 of Title 43, Public Lands, and sections 1271, 1273, 1274, and 1275 of Title 46, Appendix, Shipping, and enacting provisions set out as notes under this section, sections 742c, 1821, and 1824 of this title, and section 1980 of Title 22] may be cited as the 'American Fisheries Promotion Act'."

SHORT TITLE OF 1977 AMENDMENT

Pub. L. 95-6, §1, Feb. 21, 1977, 91 Stat. 14, provided: "That this joint resolution [enacting section 1826 of this title, repealing sections 981 to 991 of this title, and enacting provisions set out as notes under sections 981 and 1823 of this title] may be cited as the 'Fishery Conservation Zone Transition Act'."

SHORT TITLE

Pub. L. 94-265, §1, Apr. 13, 1976, 90 Stat. 331, as amended by Pub. L. 96-561, title II, §238(a), Dec. 22, 1980, 94 Stat. 3300; Pub. L. 104-208, div. A, title I, §101(a) [title II, §211(a)], Sept. 30, 1996, 110 Stat. 3009, 3009-41, provided: "That this Act [enacting this chapter, amending section 971 of this title and sections 1972 and 1973 of Title 22, Foreign Relations and Intercourse, enacting provisions set out as notes under this section and sections 971, 1362, 1857 of this title, and sections 1972 and 1973 of Title 22, and repealing chapters 21 and 21A of this title] may be cited as the 'Magnuson-Stevens Fishery Conservation and Management Act'."

[Pub. L. 104-208, div. A, title I, §101(a) [title II, §211(a)], Sept. 30, 1996, 110 Stat. 3009, 3009-41, provided that the amendment made by section 101(a) [§211(a)] to section 1 of Pub. L. 94-265, set out above, is effective 15 days after Oct. 11, 1996.]

[Pub. L. 96-561, title II, §238(a), Dec. 22, 1980, 94 Stat. 3300, provided that the amendment made by section 238(a) to section 1 of Pub. L. 94-265, set out above, is effective 15 days after Dec. 22, 1980.]

CONSTRUCTION

Pub. L. 115-405, §301, Dec. 31, 2018, 132 Stat. 5360, provided that: "Nothing in this Act [see Short Title of 2018 Amendment note above] shall be construed as modifying the requirements of sections [sic] 301(a), 302(h)(6), 303(a)(15), or 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a), 1852(h)(6), 1853(a)(15), and 1854(e)), or the equal application of such requirements and other standards and requirements under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) to commercial, charter, and recreational fisheries, including each component of mixed-use fisheries."

[For definition of 'mixed-use fishery' as used in section 301 of Pub. L. 115-405, set out above, see section 3 of Pub. L. 115-405, set out below.]

DEFINITIONS

Pub. L. 115-405, §3, Dec. 31, 2018, 132 Stat. 5355, provided that:

"In this Act [see Short Title of 2018 Amendment note above]:

"(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

"(A) the Committee on Commerce, Science, and Transportation of the Senate; and

"(B) the Committee on Natural Resources of the House of Representatives.

"(2) COUNCIL.—The term 'Council' means any Regional Fishery Management Council established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852).

"(3) LIMITED ACCESS PRIVILEGE PROGRAM.—The term 'limited access privilege program' means a program that meets the requirements of section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853a).

"(4) MIXED-USE FISHERY.—The term 'mixed-use fishery' means a Federal fishery in which 2 or more of the following occur:

- “(A) Recreational fishing.
- “(B) Charter fishing.
- “(C) Commercial fishing.”

EX. ORD. NO. 12962. RECREATIONAL FISHERIES

Ex. Ord. No. 12962, June 7, 1995, 60 F.R. 30769, as amended by Ex. Ord. No. 13474, Sept. 26, 2008, 73 F.R. 57229, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in furtherance of the purposes of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-d, and e-j), the Fish and Wildlife Coordination Act (16 U.S.C. 661-666c [666c-1]), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), the National Marine Sanctuaries Act of 1972 (16 U.S.C. 1431 *et seq.*), the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-ee), the National Park Service Organic Act ([former] 16 U.S.C. 1 *et seq.*) [see 18 U.S.C. 1865(a), 54 U.S.C. 100101(a), 100301 *et seq.*, 100751(a), 100752, 100753, 102101], the National Historic Preservation Act ([former] 16 U.S.C. 470 *et seq.*) [see 54 U.S.C. 300101 *et seq.*], [the] Wilderness Act (16 U.S.C. 1131 *et seq.*), the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), the Coastal Zone Management Act [of 1972] (16 U.S.C. 1451 *et seq.*), the Outer Continental Shelf Lands Act (43 U.S.C. 1331 *et seq.*), and other pertinent statutes, and in order to conserve, restore, and enhance aquatic systems to provide for increased recreational fishing opportunities nationwide, it is ordered as follows:

SECTION 1. *Federal Agency Duties.* Federal agencies shall, to the extent permitted by law and where practicable, and in cooperation with States and Tribes, improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities by: (a) developing and encouraging partnerships between governments and the private sector to advance aquatic resource conservation and enhance recreational fishing opportunities;

(b) identifying recreational fishing opportunities that are limited by water quality and habitat degradation and promoting restoration to support viable, healthy, and, where feasible, self-sustaining recreational fisheries;

(c) fostering sound aquatic conservation and restoration endeavors to benefit recreational fisheries;

(d) ensuring that recreational fishing shall be managed as a sustainable activity in national wildlife refuges, national parks, national monuments, national marine sanctuaries, marine protected areas, or any other relevant conservation or management areas or activities under any Federal authority, consistent with applicable law;

(e) providing access to and promoting awareness of opportunities for public participation and enjoyment of U.S. recreational fishery resources;

(f) supporting outreach programs designed to stimulate angler participation in the conservation and restoration of aquatic systems;

(g) implementing laws under their purview in a manner that will conserve, restore, and enhance aquatic systems that support recreational fisheries;

(h) establishing cost-share programs, under existing authorities, that match or exceed Federal funds with nonfederal contributions;

(i) evaluating the effects of Federally funded, permitted, or authorized actions on aquatic systems and recreational fisheries and document those effects relative to the purpose of this order; and

(j) assisting private landowners to conserve and enhance aquatic resources on their lands.

SEC. 2. *National Recreational Fisheries Coordination Council.* A National Recreational Fisheries Coordination Council (“Coordination Council”) is hereby established. The Coordination Council shall consist of seven members, one member designated by each of the following Secretaries—Interior, Commerce, Agriculture, Energy, Transportation, and Defense—and one by the

Administrator of the Environmental Protection Agency. The Coordination Council shall: (a) ensure that the social and economic values of healthy aquatic systems that support recreational fisheries are considered by Federal agencies in the course of their actions;

(b) reduce duplicative and cost-inefficient programs among Federal agencies involved in conserving or managing recreational fisheries;

(c) share the latest resource information and management technologies to assist in the conservation and management of recreational fisheries;

(d) assess the implementation of the Conservation Plan required under section 3 of this order; and

(e) develop a biennial report of accomplishments of the Conservation Plan.

The representatives designated by the Secretaries of Commerce and the Interior shall cochair the Coordination Council.

SEC. 3. *Recreational Fishery Resources Conservation Plan.* (a) Within 12 months of the date of this order, the Coordination Council, in cooperation with Federal agencies, States, and Tribes, and after consulting with the Federally chartered Sport Fishing and Boating Partnership Council, shall develop a comprehensive Recreational Fishery Resources Conservation Plan (“Conservation Plan”).

(b) The Conservation Plan will set forth a 5-year agenda for Federal agencies identified by the Coordination Council. In so doing, the Conservation Plan will establish, to the extent permitted by law and where practicable; (1) measurable objectives to conserve and restore aquatic systems that support viable and healthy recreational fishery resources, (2) actions to be taken by the identified Federal agencies, (3) a method of ensuring the accountability of such Federal agencies, and (4) a comprehensive mechanism to evaluate achievements. The Conservation Plan will, to the extent practicable, be integrated with existing plans and programs, reduce duplication, and will include recommended actions for cooperation with States, Tribes, conservation groups, and the recreational fisheries community.

SEC. 4. *Joint Policy for Administering the Endangered Species Act of 1973.* All Federal agencies will aggressively work to identify and minimize conflicts between recreational fisheries and their respective responsibilities under the Endangered Species Act of 1973 (“ESA”) (16 U.S.C. 1531 *et seq.*). Within 6 months of the date of this order, the Fish and Wildlife Service and the National Marine Fisheries Service will promote compatibility and reduce conflicts between the administration of the ESA and recreational fisheries by developing a joint agency policy that will: (1) ensure consistency in the administration of the ESA between and within the two agencies, (2) promote collaboration with other Federal, State, and Tribal fisheries managers, and (3) improve and increase efforts to inform nonfederal entities of the requirements of the ESA.

SEC. 5. *Sport Fishing and Boating Partnership Council.* To assist in the implementation of this order, the Secretary of the Interior shall expand the role of the Sport Fishing and Boating Partnership Council to: (a) monitor specific Federal activities affecting aquatic systems and the recreational fisheries they support;

(b) review and evaluate the relation of Federal policies and activities to the status and conditions of recreational fishery resources; and

(c) prepare an annual report of its activities, findings, and recommendations for submission to the Coordination Council.

SEC. 6. *Judicial Review.* This order is intended only to improve the internal management of the executive branch and it is not intended to create any right, benefit or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any other person.

EX. ORD. NO. 13921. PROMOTING AMERICAN SEAFOOD COMPETITIVENESS AND ECONOMIC GROWTH

Ex. Ord. No. 13921, May 7, 2020, 85 F.R. 28471, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to strengthen the American economy; improve the competitiveness of American industry; ensure food security; provide environmentally safe and sustainable seafood; support American workers; ensure coordinated, predictable, and transparent Federal actions; and remove unnecessary regulatory burdens, it is hereby ordered as follows:

SECTION 1. Purpose. America needs a vibrant and competitive seafood industry to create and sustain American jobs, put safe and healthy food on American tables, and contribute to the American economy. Despite America's bountiful aquatic resources, by weight our Nation imports over 85 percent of the seafood consumed in the United States. At the same time, illegal, unreported, and unregulated fishing undermines the sustainability of American and global seafood stocks, negatively affects general ecosystem health, and unfairly competes with the products of law-abiding fishermen and seafood industries around the world. More effective permitting related to offshore aquaculture and additional streamlining of fishery regulations have the potential to revolutionize American seafood production, enhance rural prosperity, and improve the quality of American lives. By removing outdated and unnecessarily burdensome regulations; strengthening efforts to combat illegal, unreported, and unregulated fishing; improving the transparency and efficiency of environmental reviews; and renewing our focus on long-term strategic planning to facilitate aquaculture projects, we can protect our aquatic environments; revitalize our Nation's seafood industry; get more Americans back to work; and put healthy, safe food on our families' tables.

SEC. 2. Policy. It is the policy of the Federal Government to:

(a) identify and remove unnecessary regulatory barriers restricting American fishermen and aquaculture producers;

(b) combat illegal, unreported, and unregulated fishing;

(c) provide good stewardship of public funds and stakeholder time and resources, and avoid duplicative, wasteful, or inconclusive permitting processes;

(d) facilitate aquaculture projects through regulatory transparency and long-term strategic planning;

(e) safeguard our communities and maintain a healthy aquatic environment;

(f) further fair and reciprocal trade in seafood products; and

(g) continue to hold imported seafood to the same food-safety requirements as domestically produced products.

SEC. 3. Definitions. For purposes of this order:

(a) "Aquaculture" means the propagation, rearing, and harvesting of aquatic species in controlled or selected environments;

(b) "Aquaculture facility" means any land, structure, or other appurtenance that is used for aquaculture;

(c) "Aquaculture project" means a project to develop the physical assets designed to provide or support services to activities in the aquaculture sector, including projects for the development or construction of an aquaculture facility;

(d) "Exclusive economic zone of the United States" means the zone established in Proclamation 5030 of March 10, 1983 (Exclusive Economic Zone of the United States of America) [16 U.S.C. 1453 note];

(e) "Lead agency" has the meaning given that term in the regulations of the Council on Environmental Quality, contained in title 40, Code of Federal Regulations, that implement the procedural provisions of the National Environmental Policy Act [of 1969] (NEPA) (42 U.S.C. 4321 et seq.);

(f) "Maritime domain" means all areas and things of, on, under, relating to, adjacent to, or bordering on a sea, ocean, or other navigable waterway, including all maritime-related activities, infrastructure, people, cargo, and vessels and other conveyances;

(g) "Maritime domain awareness" means the effective understanding of anything associated with the

global maritime domain that could affect the security, safety, economy, or environment of the United States; and

(h) "Project sponsor" means an entity, including any private, public, or public-private entity, that seeks an authorization for an aquaculture project.

SEC. 4. Removing Barriers to American Fishing. (a) The Secretary of Commerce shall request each Regional Fishery Management Council to submit, within 180 days of the date of this order [May 7, 2020], a prioritized list of recommended actions to reduce burdens on domestic fishing and to increase production within sustainable fisheries, including a proposal for initiating each recommended action within 1 year of the date of this order.

(i) Recommended actions may include changes to regulations, orders, guidance documents, or other similar agency actions.

(ii) Recommended actions shall be consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); the Marine Mammal Protection Act [of 1972] (16 U.S.C. 1361 et seq.); and other applicable laws.

(iii) Consistent with section 302(f) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(f)), and within existing appropriations, the Secretary of Commerce shall provide administrative and technical support to the Regional Fishery Management Councils to carry out this subsection.

(b) The Secretary of Commerce shall review and, as appropriate and to the extent permitted by law, update the Department of Commerce's contribution to the Unified Regulatory Agenda based on an evaluation of the lists received pursuant to subsection (a) of this section.

(c) Within 1 year of the date of this order, the Secretary of Commerce shall submit to the Director of the Office of Management and Budget, the Assistant to the President for Economic Policy, the Assistant to the President for Domestic Policy, and the Chair of the Council on Environmental Quality a report evaluating the recommendations described in subsection (a) of this section and describing any actions taken to implement those recommendations. This report shall be updated annually for the following 2 years.

SEC. 5. Combating Illegal, Unreported, and Unregulated Fishing. (a) Within 90 days of the date of this order, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration (NOAA), shall issue, as appropriate and consistent with applicable law, a notice of proposed rulemaking further implementing the United Nations Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing, which entered into force on June 5, 2016 (the Port State Measures Agreement).

(b) The Secretary of State, the Secretary of Commerce, the Secretary of Homeland Security, and the heads of other appropriate executive departments and agencies (agencies) shall, to the extent permitted by law, encourage public-private partnerships and promote interagency, intergovernmental, and international cooperation in order to improve global maritime domain awareness, cooperation concerning at-sea transshipment activities, and the effectiveness of fisheries law enforcement.

(c) The Secretary of State, the Secretary of Commerce, the Secretary of Health and Human Services, and the Secretary of Homeland Security shall, consistent with applicable law and available appropriations, prioritize training and technical assistance in key geographic areas to promote sustainable fisheries management; to strengthen and enhance existing enforcement capabilities to combat illegal, unreported, and unregulated fishing; and to promote implementation of the Port State Measures Agreement.

SEC. 6. Removing Barriers to Aquaculture Permitting. (a) For aquaculture projects that require environmental

review or authorization by two or more agencies in order to proceed with the permitting of an aquaculture facility, when the lead agency has determined that it will prepare an environmental impact statement (EIS) under NEPA, the agencies shall undertake to complete all environmental reviews and authorization decisions within 2 years, measured from the date of the publication of a notice of intent to prepare an EIS to the date of issuance of the Record of Decision (ROD), and shall use the “One Federal Decision” process enhancements described in section 5(b) of Executive Order 13807 of August 15, 2017 (Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects) [42 U.S.C. 4370m note], and in subsections (a)(ii) and (iii) of this section. For such projects:

(i) NOAA is designated as the lead agency for aquaculture projects located outside of the waters of any State or Territory and within the exclusive economic zone of the United States and shall be responsible for navigating the project through the Federal environmental review and authorization process, including the identification of a primary point of contact at each cooperating and participating agency;

(ii) Consistent with the “One Federal Decision” process enhancements, all cooperating and participating agencies shall cooperate with the lead agency and shall respond to requests for information from the lead agency in a timely manner;

(iii) Consistent with the “One Federal Decision” process enhancements, the lead agency and all cooperating and participating agencies shall record all individual agency decisions in one ROD, unless the project sponsor requests that agencies issue separate NEPA documents, the NEPA obligations of a cooperating or participating agency have already been satisfied, or the lead agency determines that a single ROD would not best promote completion of the project’s environmental review and authorization process; and

(iv) The lead agency, in consultation with the project sponsor and all cooperating and participating agencies, shall prepare a permitting timetable for the project that includes the completion dates for all federally required environmental reviews and authorizations and for issuance of a ROD, and shall make the permitting timetable publicly available on its website.

(b) Within 90 days of the date of this order, the Secretary of the Army, acting through the Assistant Secretary of the Army for Civil Works, in consultation with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Homeland Security, the Administrator of the Environmental Protection Agency, other appropriate Federal officials, and appropriate State officials, shall:

(i) develop and propose for public comment, as appropriate and consistent with applicable law, a proposed United States Army Corps of Engineers nationwide permit authorizing finfish aquaculture activities in marine and coastal waters out to the limit of the territorial sea and in ocean waters beyond the territorial sea within the exclusive economic zone of the United States;

(ii) assess whether to develop a United States Army Corps of Engineers nationwide permit authorizing finfish aquaculture activities in other waters of the United States;

(iii) develop and propose for public comment, as appropriate and consistent with applicable law, a proposed United States Army Corps of Engineers nationwide permit authorizing seaweed aquaculture activities in marine and coastal waters out to the limit of the territorial sea and in ocean waters beyond the territorial sea within the exclusive economic zone of the United States;

(iv) assess whether to develop a United States Army Corps of Engineers nationwide permit authorizing seaweed aquaculture activities for other waters of the United States;

(v) develop and propose for public comment, as appropriate and consistent with applicable law, a proposed

United States Army Corps of Engineers nationwide permit authorizing multi-species aquaculture activities in marine and coastal waters out to the limit of the territorial sea and in ocean waters beyond the territorial sea within the exclusive economic zone of the United States; and

(vi) assess whether to develop a United States Army Corps of Engineers nationwide permit authorizing multi-species aquaculture activities for other waters of the United States.

SEC. 7. *Aquaculture Opportunity Areas.* (a) The Secretary of Commerce, in consultation with the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Homeland Security, the Administrator of the Environmental Protection Agency, other appropriate Federal officials, and appropriate Regional Fishery Management Councils, and in coordination with appropriate State and tribal governments, shall:

(i) within 1 year of the date of this order [May 7, 2020], identify at least two geographic areas containing locations suitable for commercial aquaculture and, within 2 years of identifying each area, complete a programmatic EIS for each area to assess the impact of siting aquaculture facilities there; and

(ii) for each of the following 4 years, identify two additional geographic areas containing locations suitable for commercial aquaculture and, within 2 years of identifying each area, complete a programmatic EIS for each area to assess the impact of siting aquaculture facilities there.

(b) A programmatic EIS completed pursuant to subsection (a) of this section may include the identification of suitable species for aquaculture in those particular locations, suitable gear for aquaculture in such locations, and suitable reporting requirements for owners and operators of aquaculture facilities in such locations.

(c) In identifying specific geographic areas under subsection (a) of this section, the Secretary of Commerce shall solicit and consider public comment and seek to minimize unnecessary resource use conflicts as appropriate, including conflicts with military readiness activities or operations; navigation; shipping lanes; commercial and recreational fishing; oil, gas, renewable energy, or other marine mineral exploration and development; essential fish habitats, under the Magnuson-Stevens Fishery Conservation and Management Act; and species protected under the Endangered Species Act of 1973 or the Marine Mammal Protection Act.

SEC. 8. *Improving Regulatory Transparency for Aquaculture.* (a) Within 240 days of the date of this order, the Secretary of Commerce, in consultation with other appropriate Federal and State officials, shall prepare and place prominently on the appropriate NOAA web page a single guidance document that:

(i) describes the Federal regulatory requirements and relevant Federal and State agencies involved in aquaculture permitting and operations; and

(ii) identifies Federal grant programs applicable to aquaculture siting, research, development, and operations.

(b) The Secretary of Commerce, acting through the Administrator of NOAA, shall update this guidance as appropriate, but not less than once every 18 months.

SEC. 9. *Updating National Aquaculture Development Plan.* (a) Within 180 days of the date of this order, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce, in consultation with the Joint Subcommittee on Aquaculture, established pursuant to the National Aquaculture Act of 1980 (16 U.S.C. 2801 et seq.), shall assess whether to revise the National Aquaculture Development Plan, consistent with 16 U.S.C. 2803(a)(2) and (d), in order to strengthen our Nation’s domestic aquaculture production and improve the efficiency and predictability of aquaculture permitting, including permitting for aquaculture projects located outside of the waters of any State or Territory and within the exclusive economic zone of the United States.

(b) In making any revisions to the National Aquaculture Development Plan as a result of this assessment, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce shall, as appropriate:

(i) include the elements described at 16 U.S.C. 2803(b) and (c) and the appropriate determinations described at 16 U.S.C. 2803(d);

(ii) include programs to analyze, and formulate proposed resolutions of, the legal or regulatory constraints that may affect aquaculture, including any impediments to establishing security of tenure—that is, use rights with a specified duration tied to a particular location—for aquaculture operators, owners, and investors; and

(iii) consider whether to include a permitting framework, including a delineation of agency responsibilities for permitting and associated agency operations, consistent with section 6 of this order and with the “One Federal Decision” Framework Memorandum issued on March 20, 2018, by the Office of Management and Budget and the Council on Environmental Quality, pursuant to Executive Order 13807 [42 U.S.C. 4370m note].

(c) The Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce, in consultation with the Subcommittee on Aquaculture, shall subsequently assess, not less than once every 3 years, whether to revise the National Aquaculture Development Plan, as appropriate and consistent with 16 U.S.C. 2803(d) and (e). If the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce decide not to revise the National Aquaculture Development Plan, they shall within 15 days of such decision submit to the Assistant to the President for Economic Policy and the Assistant to the President for Domestic Policy a report explaining their reasoning.

SEC. 10. *Promoting Aquatic Animal Health.* (a) Within 30 days of the date of this order, the Secretary of Agriculture, in consultation with the Secretary of the Interior, the Secretary of Commerce, other appropriate Federal officials, and States, as appropriate, shall consider whether to terminate the 2008 National Aquatic Animal Health Plan and to replace it with a new National Aquatic Animal Health Plan.

(b) Any new National Aquatic Animal Health Plan shall be completed, consistent with applicable law, within 180 days of the date of this order.

(c) Any new National Aquatic Animal Health Plan shall include additional information about aquaculture, including aquaculture projects located outside of the waters of any State or Territory and within the exclusive economic zone of the United States, and shall incorporate risk-based management strategies as appropriate.

(d) If adopted, the Plan described in subsections (b) and (c) of this section shall subsequently be updated, as appropriate, but not less than once every 2 years, by the Secretary of Agriculture, in consultation with the Secretary of the Interior, the Secretary of Commerce, other appropriate Federal officials, and States, as appropriate.

SEC. 11. *International Seafood Trade.* (a) In furtherance of fair and reciprocal trade in seafood products, within 30 days of the date of this order, the Secretary of Commerce shall establish an Interagency Seafood Trade Task Force (Seafood Trade Task Force) to be co-chaired by the Secretary of Commerce and the United States Trade Representative (Co-Chairs), or their designees. The Secretary of Commerce shall, to the extent permitted by law and within existing appropriations, provide administrative support and funding for the Seafood Trade Task Force.

(b) In addition to the Co-Chairs, the Seafood Trade Task Force shall include the following members, or their designees:

- (i) the Secretary of State;
- (ii) the Secretary of the Interior;
- (iii) the Secretary of Agriculture;
- (iv) the Secretary of Homeland Security;
- (v) the Director of the Office of Management and Budget;

(vi) the Assistant to the President for Economic Policy;

(vii) the Assistant to the President for Domestic Policy;

(viii) the Chairman of the Council of Economic Advisers;

(ix) the Under Secretary of Commerce for International Trade;

(x) the Commissioner of Food and Drugs;

(xi) the Administrator of NOAA; and

(xii) the heads of such other agencies and offices as the Co-Chairs may designate.

(c) Within 90 days of the date of this order, the Seafood Trade Task Force shall provide recommendations to the Office of the United States Trade Representative in the preparation of a comprehensive interagency seafood trade strategy that identifies opportunities to improve access to foreign markets through trade policy and negotiations, resolves technical barriers to United States seafood exports, and otherwise supports fair market access for United States seafood products.

(d) Within 90 days of the date on which the Seafood Trade Task Force provides the recommendations described in subsection (c) of this section, the Office of the United States Trade Representative, in consultation with the Trade Policy Staff Committee and the Seafood Trade Task Force, shall submit to the President, through the Assistant to the President for Economic Policy and the Assistant to the President for Domestic Policy, the comprehensive interagency seafood trade strategy described in subsection (c) of this section.

SEC. 12. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

§ 1802. Definitions

As used in this chapter, unless the context otherwise requires—

(1) The term “anadromous species” means species of fish which spawn in fresh or estuarine waters of the United States and which migrate to ocean waters.

(2) The term “bycatch” means fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards. Such term does not include fish released alive under a recreational catch and release fishery management program.

(3) The term “charter fishing” means fishing from a vessel carrying a passenger for hire (as defined in section 2101(30) of title 46) who is engaged in recreational fishing.

(4) The term “commercial fishing” means fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter or trade.

(5) The term “conservation and management” refers to all of the rules, regulations, conditions, methods, and other measures (A) which are required to rebuild, restore, or