

(3) is determined by the Secretary to be a commercial fishery failure under section 1861a(a) of this title or a fishery resource disaster or section 4107(d) of this title.

(Pub. L. 94-265, title III, §315, as added Pub. L. 109-479, title I, §113(a), Jan. 12, 2007, 120 Stat. 3601.)

FISHERIES HURRICANE ASSISTANCE PROGRAM

Pub. L. 109-479, title I, §115, Jan. 12, 2007, 120 Stat. 3604, provided that:

“(a) IN GENERAL.—The Secretary of Commerce shall establish an assistance program for the Gulf of Mexico commercial and recreational fishing industry.

“(b) ALLOCATION OF FUNDS.—Under the program, the Secretary shall allocate funds appropriated to carry out the program among the States of Alabama, Louisiana, Florida, Mississippi, and Texas in proportion to the percentage of the fishery (including crawfish) catch landed by each State before August 29, 2005, except that the amount allocated to Florida shall be based exclusively on the proportion of such catch landed by the Florida Gulf Coast fishery.

“(c) USE OF FUNDS.—Of the amounts made available to each State under the program—

“(1) 2 percent shall be retained by the State to be used for the distribution of additional payments to fishermen with a demonstrated record of compliance with turtle excluder and bycatch reduction device regulations; and

“(2) the remainder of the amounts shall be used for—

“(A) personal assistance, with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs;

“(B) assistance for small businesses, including fishermen, fish processors, and related businesses serving the fishing industry;

“(C) domestic product marketing and seafood promotion;

“(D) State seafood testing programs;

“(E) the development of limited entry programs for the fishery;

“(F) funding or other incentives to ensure widespread and proper use of turtle excluder devices and bycatch reduction devices in the fishery; and

“(G) voluntary capacity reduction programs for shrimp fisheries under limited access programs.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce \$17,500,000 for each of fiscal years 2007 through 2012 to carry out this section.”

§ 1865. Bycatch reduction engineering program

(a) Bycatch reduction engineering program

Not later than 1 year after January 12, 2007, the Secretary, in cooperation with the Councils and other affected interests, and based upon the best scientific information available, shall establish a bycatch reduction program, including grants, to develop technological devices and other conservation engineering changes designed to minimize bycatch, seabird interactions, bycatch mortality, and post-release mortality in Federally managed fisheries. The program shall—

(1) be regionally based;

(2) be coordinated with projects conducted under the cooperative research and management program established under this chapter;

(3) provide information and outreach to fishery participants that will encourage adoption and use of technologies developed under the program; and

(4) provide for routine consultation with the Councils in order to maximize opportunities to

incorporate results of the program in Council actions and provide incentives for adoption of methods developed under the program in fishery management plans developed by the Councils.

(b) Incentives

Any fishery management plan prepared by a Council or by the Secretary may establish a system of incentives to reduce total bycatch and seabird interactions, amounts, bycatch rates, and post-release mortality in fisheries under the Council's or Secretary's jurisdiction, including—

(1) measures to incorporate bycatch into quotas, including the establishment of collective or individual bycatch quotas;

(2) measures to promote the use of gear with verifiable and monitored low bycatch and seabird interactions, rates; and

(3) measures that, based on the best scientific information available, will reduce bycatch and seabird interactions, bycatch mortality, post-release mortality, or regulatory discards in the fishery.

(c) Coordination on seabird interactions

The Secretary, in coordination with the Secretary of¹ Interior, is authorized to undertake projects in cooperation with industry to improve information and technology to reduce seabird bycatch, including—

(1) outreach to industry on new technologies and methods;

(2) projects to mitigate for seabird mortality; and

(3) actions at appropriate international fishery organizations to reduce seabird interactions in fisheries.

(d) Report

The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources that—

(1) describes funding provided to implement this section;

(2) describes developments in gear technology achieved under this section; and

(3) describes improvements and reduction in bycatch and seabird interactions associated with implementing this section, as well as proposals to address remaining bycatch or seabird interaction problems.

(Pub. L. 94-265, title III, §316, as added Pub. L. 109-479, title I, §116(a), Jan. 12, 2007, 120 Stat. 3605.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(2), 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 set out under section 1801 of this title and Tables.

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

¹ So in original. Probably should be “of the”.

IMPROVING DISCARD MORTALITY DATA

Pub. L. 116-340, §4, Jan. 13, 2021, 134 Stat. 5129, provided that:

“(a) AGREEMENT.—Not later than 60 days after the date of the enactment of this Act [Jan. 13, 2021], the Secretary shall enter into an agreement with the National Academy of Sciences to conduct a study and produce a report on discard mortality in the Gulf of Mexico reef fish fisheries. The study shall include—

- “(1) assessment of gaps and biases in reporting of discards and associated discard mortality;
- “(2) assessment of uncertainty and likely impacts of such uncertainty in discard mortality;
- “(3) assessment of the effectiveness and usage rates of barotrauma-reducing devices;
- “(4) recommendations for future research priorities; and
- “(5) recommendations for standardized reporting and quantification of discards in the same metric as landings for fisheries under the Gulf of Mexico Reef Fish Fishery Management Plan.

“(b) DEADLINES.—Not later than 2 years after the date of the enactment of this Act, the National Academy of Sciences shall complete the study required under subsection (a) and transmit the final report to the Secretary. Not later than 3 months after receiving the study and report in accordance with this subsection, the Secretary shall submit the study and report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

“(c) PLAN.—Not later than 1 year after the Secretary receives the study and report required under subsection (a), Secretary and the Gulf of Mexico Fishery Management Council shall develop—

- “(1) guidance for minimum standards for quantifying and reporting discards and associated mortality in the Gulf of Mexico Reef Fish Fishery Management Plan; and
- “(2) a plan to assess and monitor the effectiveness and usage of barotrauma-reducing devices and the impact on discard mortality rates in Gulf of Mexico reef fish fisheries.

“(d) FOLLOW-UP REPORT.—Not later than 3 years after developing minimum standards and developing the assessment and monitoring plan under subsection (c), the Secretary shall provide a detailed report on implementation to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.”

§ 1866. Shark feeding

Except to the extent determined by the Secretary, or under State law, as presenting no public health hazard or safety risk, or when conducted as part of a research program funded in whole or in part by appropriated funds, it is unlawful to introduce, or attempt to introduce, food or any other substance into the water to attract sharks for any purpose other than to harvest sharks within the Exclusive Economic Zone seaward of the State of Hawaii and of the Commonwealths, territories, and possessions of the United States in the Pacific Ocean Area.

(Pub. L. 94-265, title III, §317, as added Pub. L. 109-479, title I, §119, Jan. 12, 2007, 120 Stat. 3607.)

§ 1867. Cooperative research and management program**(a) In general**

The Secretary of Commerce, in consultation with the Councils, shall establish a cooperative research and management program to address needs identified under this chapter and under any other marine resource laws enforced by the

Secretary. The program shall be implemented on a regional basis and shall be developed and conducted through partnerships among Federal, State, and Tribal managers and scientists (including interstate fishery commissions), fishing industry participants (including use of commercial charter or recreational vessels for gathering data), and educational institutions.

(b) Eligible projects

The Secretary shall make funds available under the program for the support of projects to address critical needs identified by the Councils in consultation with the Secretary. The program shall promote and encourage efforts to utilize sources of data maintained by other Federal agencies, State agencies, or academia for use in such projects.

(c) Funding

In making funds available the Secretary shall award funding on a competitive basis and based on regional fishery management needs, select programs that form part of a coherent program of research focused on solving priority issues identified by the Councils, and shall give priority to the following projects:

- (1) Projects to collect data to improve, supplement, or enhance stock assessments, including the use of fishing vessels or acoustic or other marine technology.
- (2) Projects to assess the amount and type of bycatch or post-release mortality occurring in a fishery.
- (3) Conservation engineering projects designed to reduce bycatch, including avoidance of post-release mortality, reduction of bycatch in high seas fisheries, and transfer of such fishing technologies to other nations.
- (4) Projects for the identification of habitat areas of particular concern and for habitat conservation.
- (5) Projects designed to collect and compile economic and social data.

(d) Experimental permitting process

Not later than 180 days after January 12, 2007, the Secretary, in consultation with the Councils, shall promulgate regulations that create an expedited, uniform, and regionally-based process to promote issuance, where practicable, of experimental fishing permits.

(e) Guidelines

The Secretary, in consultation with the Councils, shall establish guidelines to ensure that participation in a research project funded under this section does not result in loss of a participant's catch history or unexpended days-at-sea as part of a limited entry system.

(f) Exempted projects

The procedures of this section shall not apply to research funded by quota set-asides in a fishery.

(Pub. L. 94-265, title III, §318, as added Pub. L. 109-479, title II, §204, Jan. 12, 2007, 120 Stat. 3614.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), 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,