

of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

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.)

Editorial Notes

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, 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.

§ 1868. Herring study**(a) In general**

The Secretary may conduct a cooperative research program to study the issues of abundance, distribution and the role of herring as forage fish for other commercially important fish stocks in the Northwest Atlantic, and the potential for local scale depletion from herring harvesting and how it relates to other fisheries in the Northwest Atlantic. In planning, designing, and implementing this program, the Secretary shall engage multiple fisheries sectors and stakeholder groups concerned with herring management.

(b) Report

The Secretary shall present the final results of this study to Congress within 3 months following the completion of the study, and an interim report at the end of fiscal year 2008.

(c) Authorization of appropriations

There are authorized to be appropriated \$2,000,000 for fiscal year 2007 through fiscal year 2009 to conduct this study.

(Pub. L. 94-265, title III, § 319, as added Pub. L. 109-479, title II, § 205, Jan. 12, 2007, 120 Stat. 3615.)

§ 1869. Restoration study**(a) In general**

The Secretary may conduct a study to update scientific information and protocols needed to improve restoration techniques for a variety of coast habitat types and synthesize the results in a format easily understandable by restoration practitioners and local communities.

(b) Authorization of appropriations

There are authorized to be appropriated \$500,000 for fiscal year 2007 to conduct this study.

(Pub. L. 94-265, title III, § 320, as added Pub. L. 109-479, title II, § 206, Jan. 12, 2007, 120 Stat. 3615.)

§ 1870. Required possession of descending devices**(a) Require gear in the Gulf reef fish fishery**

It shall be unlawful for a person on board a commercial or recreational vessel to fish for Gulf reef fish in the Gulf of Mexico Exclusive Economic Zone without possessing on board the vessel a venting tool or a descending device that is rigged and ready for use while fishing is occurring.

(b) Savings clause

No provision of this section shall be interpreted to affect any program or activity carried out by the Gulf Coast Ecosystem Restoration

Council established by the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (33 U.S.C. 1321 note), or any project contained in an approved Restoration Plan developed by any Natural Resources Damage Assessment Trustee Implementation Group to reduce post-release mortality from barotrauma in Gulf of Mexico Reef Fish Recreational Fisheries.

(c) Definitions

In this section:

(1) Descending device

The term “descending device” means an instrument that—

(A) will release fish at a depth sufficient for the fish to be able to recover from the effects of barotrauma;

(B) is a weighted hook, lip clamp, or box that will hold the fish while it is lowered to depth, or another device determined to be appropriate by the Secretary; and

(C) is capable of—

(i) releasing the fish automatically;

(ii) releasing the fish by actions of the operator of the device; or

(iii) allowing the fish to escape on its own.

(2) Venting tool

The term “venting tool” has the meaning given to it by the Gulf of Mexico Fishery Management Council.

(3) Gulf reef fish

The term “Gulf reef fish” means any fish chosen by the Gulf of Mexico Fishery Management Council that is in the reef Fishery Management Plan for the purposes of this chapter.

(Pub. L. 94-265, title III, § 321, as added Pub. L. 116-340, § 3(a), Jan. 13, 2021, 134 Stat. 5128.)

DELAYED EFFECTIVE DATE AND TERMINATION OF SECTION

For delayed effective date of section and for termination of section five years after Jan. 13, 2021, see Effective and Termination Dates notes below.

Editorial Notes

REFERENCES IN TEXT

The Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012, referred to in subsec. (b), is subtitle F (§1601 et seq.) of Pub. L. 112-141, div. A, title I, July 6, 2012, 126 Stat. 588, which is set out as a note under section 1321 of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Tables.

This chapter, referred to in subsec. (c)(3), was in the original “this Act”, meaning Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, 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.

Statutory Notes and Related Subsidiaries

EFFECTIVE AND TERMINATION DATES

Section effective 1 year after Jan. 13, 2021, see section 3(c) of Pub. L. 116-340, set out as an Effective and Ter-