

112TH CONGRESS
1ST SESSION

S. 632

To amend the Magnuson-Stevens Fishery Conservation and Management Act to extend the authorized period for rebuilding of certain overfished fisheries, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2011

Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mrs. HAGAN, and Mr. BURR) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to extend the authorized period for rebuilding of certain overfished fisheries, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Flexibility in Rebuild-
5 ing American Fisheries Act of 2011”.

1 **SEC. 2. EXTENSION OF PERIOD FOR REBUILDING CERTAIN**2 **OVERFISHED FISHERIES.**

3 Section 304(e) of the Magnuson-Stevens Fishery

4 Conservation and Management Act (16 U.S.C. 1854(e))

5 is amended—

6 (1) in paragraph (4)(A)—

7 (A) in clause (i) by striking “possible” and
8 inserting “practicable”; and9 (B) by amending clause (ii) to read as fol-
10 lows:11 “(ii) not exceed 10 years, except in
12 cases in which—13 “(I) the biology of the stock of
14 fish, other environmental conditions,
15 or management measures under an
16 international agreement in which the
17 United States participates dictate oth-
18 erwise;19 “(II) the Secretary determines
20 that such 10-year period should be ex-
21 tended because the cause of the fish-
22 ery decline is outside the jurisdiction
23 of the Council or the rebuilding pro-
24 gram cannot be effective only by lim-
25 iting fishing activities;

1 “(III) the Secretary determines
2 that such 10-year period should be ex-
3 tended to provide for the sustained
4 participation of fishing communities
5 or to minimize the economic impacts
6 on such communities, provided that
7 there is evidence that the stock of fish
8 is on a positive rebuilding trend;

9 “(IV) the Secretary determines
10 that such 10-year period should be ex-
11 tended for one or more stocks of fish
12 of a multi-species fishery, provided
13 that there is evidence that those
14 stocks are on a positive rebuilding
15 trend;

16 “(V) the Secretary determines
17 that such 10-year period should be ex-
18 tended because of a substantial
19 change to the biomass rebuilding tar-
20 get for the stock of fish concerned
21 after the rebuilding plan has taken ef-
22 fect; or

23 “(VI) the Secretary determines
24 that such 10-year period should be ex-
25 tended because the biomass rebuilding

1 target exceeds the highest abundance
2 of the stock of fish during the 25-year
3 period preceding the date the rebuild-
4 ing plan has taken effect and there is
5 evidence that the stock is on a positive
6 rebuilding trend;”;

21 (3) by adding at the end the following:

22 “(8) If the Secretary determines that extended

23 rebuilding time is warranted under subclause (III),

24 (IV), (V), or (VI) of paragraph (4)(A)(ii), the max-

25 imum time allowed for rebuilding the stock of fish

1 concerned may not exceed the sum of the following
2 time periods:

3 “(A) The initial 10-year rebuilding period.

4 “(B) The expected time to rebuild such
5 stock absent any fishing mortality and under
6 prevailing environmental conditions.

7 “(C) The mean generation time of such
8 stock.

9 “(9) In this subsection, the term ‘on a positive
10 rebuilding trend’ means, with respect to a stock of
11 fish, that the biomass of the stock of fish has shown
12 a substantial increase in abundance since the imple-
13 mentation of the rebuilding plan.”.

