

112TH CONGRESS  
1ST SESSION

# S. 1678

To amend the Magnuson-Stevens Fishery Conservation and Management Act to permit eligible fishermen to approve certain limited access privilege programs, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 11, 2011

Ms. AYOTTE (for herself and Mr. BROWN of Massachusetts) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to permit eligible fishermen to approve certain limited access privilege programs, 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 “Saving Fishing Jobs  
5 Act of 2011”.

1 **SEC. 2. APPROVAL OF CERTAIN LIMITED ACCESS PRIVI-**  
 2 **LEGE PROGRAMS.**

3 (a) **ELIGIBILITY TO SIGN PETITION.**—Section  
 4 303A(c)(6)(B) of the Magnuson-Stevens Fishery Con-  
 5 servation and Management Act (16 U.S.C.  
 6 1853a(c)(6)(B)) is amended by striking “For multispecies  
 7 permits” and all that follows through “this subpara-  
 8 graph.”.

9 (b) **INITIATION BY ELIGIBLE FISHERMEN UNDER**  
 10 **CERTAIN COUNCILS.**—Section 303A(c)(6)(D) of the Mag-  
 11 nuson-Stevens Fishery Conservation and Management Act  
 12 (16 U.S.C. 1853a(c)(6)(D)) is amended to read as follows:

13 “(D) **NEW ENGLAND, MID-ATLANTIC,**  
 14 **SOUTH ATLANTIC, AND GULF INITIATION.**—

15 “(i) **IN GENERAL.**—In the case of a  
 16 fishery under the authority of the New  
 17 England, Mid-Atlantic, South Atlantic, or  
 18 Gulf of Mexico Fishery Management Coun-  
 19 cil, a fishery management plan or an  
 20 amendment to a fishery management plan  
 21 that would establish a limited access privi-  
 22 lege program to harvest fish may not take  
 23 effect unless—

24 “(I) a petition requesting devel-  
 25 opment of such program is submitted

1 in accordance with clause (ii) and cer-  
2 tified under clause (iii);

3 “(II) the appropriate Council  
4 makes available to eligible fishermen  
5 an estimate of the amount of the fee  
6 that would be collected under section  
7 304(d)(2) if such program were estab-  
8 lished; and

9 “(III) not earlier than 90 days  
10 after the estimate required under sub-  
11 clause (II) has been made available,  
12 the proposed plan or amendment is  
13 approved by a vote of two-thirds of el-  
14 igible fishermen in the fishery for  
15 which the program would be estab-  
16 lished.

17 “(ii) PETITION.—A group of fisher-  
18 men constituting more than 50 percent of  
19 eligible fishermen in a fishery may submit  
20 a petition to the Secretary requesting the  
21 development of a limited access privilege  
22 program for the fishery. Any such petition  
23 shall clearly state the fishery to which the  
24 limited access privilege program would  
25 apply.

1                   “(iii) CERTIFICATION BY SEC-  
 2                   RETARY.—Upon the receipt of any such  
 3                   petition, the Secretary shall review all of  
 4                   the signatures on the petition and, if the  
 5                   Secretary determines that the signatures  
 6                   on the petition are those of more than 50  
 7                   percent of eligible fishermen in the fishery  
 8                   for which the program would be estab-  
 9                   lished, the Secretary shall certify the peti-  
 10                  tion.

11                   “(iv) DEFINITION OF ELIGIBLE FISH-  
 12                  ERMEN.—For purposes of this subpara-  
 13                  graph, the term ‘eligible fishermen’ means  
 14                  holders of permits issued under a fishery  
 15                  management plan.”.

16 **SEC. 3. TERMINATION OF CERTAIN LIMITED ACCESS PRIVI-**  
 17 **LEGE PROGRAMS.**

18                  Section 303A of the Magnuson-Stevens Fishery Con-  
 19                  servation and Management Act (16 U.S.C. 1853a) is  
 20                  amended by adding at the end the following:

21                  “(j) TERMINATION.—

22                         “(1) PROGRAMS IN EFFECT PRIOR TO 2012.—  
 23                         For any limited access privilege program for a fish-  
 24                         ery under the authority of the New England, Mid-  
 25                         Atlantic, South Atlantic, or Gulf of Mexico Fishery

1 Management Council that was in effect on the date  
2 of enactment of the Saving Fishing Jobs Act of  
3 2011, not later than 30 days after such date, the  
4 Secretary shall determine if the number of eligible  
5 fishermen in the fishery on such date is at least 15  
6 percent less than the number of eligible fishermen in  
7 the fishery in the year preceding the year in which  
8 the program was established.

9 “(2) OTHER PROGRAMS.—For any limited ac-  
10 cess privilege program for a fishery under the au-  
11 thority of the New England, Mid-Atlantic, South At-  
12 lantic, or Gulf of Mexico Fishery Management Coun-  
13 cil established after the date of the enactment of the  
14 Saving Fishing Jobs Act of 2011, 1 year after the  
15 date such program is established, the Secretary shall  
16 determine if the number of eligible fishermen in the  
17 fishery on the date that is 1 year after the date the  
18 program is established is at least 15 percent less  
19 than the number of eligible fishermen in the fishery  
20 in the year preceding the year in which the program  
21 was established.

22 “(3) TERMINATION.—If the Secretary deter-  
23 mines under paragraph (1) or (2) that the number  
24 of eligible fishermen in a fishery is at least 15 per-

1 cent less than the number of eligible fishermen pre-  
2 viously in the fishery—

3 “(A) the appropriate limited access privi-  
4 lege program shall terminate on the date that  
5 is 1 year after the date the Secretary made the  
6 determination; and

7 “(B) during the 1-year period referred to  
8 in subparagraph (A), the appropriate Council  
9 shall develop an alternative Fishery Manage-  
10 ment Plan for the fishery that shall be effective  
11 on the date of the termination of the program  
12 under subparagraph (A).

13 “(4) DEFINITION OF ELIGIBLE FISHERMEN.—  
14 In this subsection, the term ‘eligible fishermen’ has  
15 the meaning given the term in subsection  
16 (c)(6)(D)(iv).”.

17 **SEC. 4. FEES RECOVERED FOR CERTAIN LIMITED ACCESS**  
18 **PRIVILEGE PROGRAMS.**

19 Section 304(d)(2) of the Magnuson-Stevens Fishery  
20 Conservation and Management Act (16 U.S.C.  
21 1854(d)(2)) is amended by adding at the end the fol-  
22 lowing:

23 “(D) In the case of a fee collected under this  
24 paragraph for a limited access privilege program es-  
25 tablished under section 303A(c)(6)(D) after the date

1 of the enactment of the Saving Fishing Jobs Act of  
2 2011—

3 “(i) the fee shall be in an amount suffi-  
4 cient to recover all costs of such program, in-  
5 cluding observer costs; and

6 “(ii) the 3 percent limitation in subpara-  
7 graph (B) shall not apply with respect to such  
8 fee.”.

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