

112TH CONGRESS
1ST SESSION

S. 238

To amend the Magnuson-Stevens Fishery Conservation and Management Act to require that fishery impact statements be updated each year and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2011

Mr. BROWN of Massachusetts 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 require that fishery impact statements be updated each year 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 TITLES.**

4 This Act may be cited as the “Fishing Impact State-
5 ment Honesty Act of 2011” or as the “FISH Act of
6 2011”.

1 **SEC. 2. FISHERY IMPACT STATEMENTS.**

2 Section 303 of the Magnuson-Stevens Fishery Con-
3 servation and Management Act (16 U.S.C. 1853) is
4 amended by adding at the end the following:

5 “(d) FISHERY IMPACT STATEMENT.—

6 “(1) ANNUAL UPDATES.—Each fishery impact
7 statement prepared pursuant to subsection (a)(9)
8 shall be updated and republished—

9 “(A) in the case of a fishery management
10 plan or amendment submitted to the Secretary
11 under section 304(a) after the date of the en-
12 actment of the Fishing Impact Statement Hon-
13 esty Act of 2011—

14 “(i) 6 months after the date the plan
15 or amendment takes effect;

16 “(ii) 1 year after such date; and

17 “(iii) once each year thereafter; and

18 “(B) in the case of a fishery management
19 plan or plan amendment submitted to the Sec-
20 retary under section 304(a) prior to such date,
21 once each year.

22 “(2) PREPARATION OF STATEMENT.—Each
23 fishery impact statement prepared pursuant to para-
24 graph (1) shall be prepared by an objective person
25 who is—

1 “(A) not an officer, employee, or entity of
2 the United States Government; and

3 “(B) selected by the Comptroller General
4 of the United States.

5 “(3) DETERMINATIONS.—Each fishery impact
6 statement prepared pursuant to paragraph (1) or
7 subsection (a)(9) shall determine if the fishery man-
8 agement plan or amendment is consistent with sec-
9 tion 301(a)(8), including if the conservation and
10 management measures in the plan or amendment
11 provide for the sustained participation of fishing
12 communities and, to the extent practicable, minimize
13 adverse economic impacts on such communities.

14 “(4) MITIGATION PLAN.—Not later than 60
15 days after the date on which a statement is pub-
16 lished pursuant to paragraph 1, the Secretary shall
17 prepare, publish, and begin implementation of a
18 comprehensive mitigation plan to—

19 “(A) address any negative economic or so-
20 cial impacts identified in a fishery impact state-
21 ment prepared pursuant to paragraph (1); and

22 “(B) correct any inconsistencies deter-
23 mined pursuant to paragraph (3).”.

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