

104TH CONGRESS
1ST SESSION

S. 432

To amend the Magnuson Fishery Conservation and Management Act to require the Secretary of Commerce to prepare conservation and management measures for the northeast multispecies (groundfish) fishery under negotiated rulemaking procedures, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 16 (legislative day, JANUARY 30), 1995

Ms. SNOWE introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Magnuson Fishery Conservation and Management Act to require the Secretary of Commerce to prepare conservation and management measures for the northeast multispecies (groundfish) fishery under negotiated rulemaking procedures, 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,*

1 **SECTION 1. REQUIREMENT TO INITIATE PREPARATION OF**
2 **CONSERVATION AND MANAGEMENT MEAS-**
3 **URES.**

4 (a) DEFINITIONS.—Unless the context implies other-
5 wise, for the purposes of this section, the following defini-
6 tions shall apply:

7 (1) CONSENSUS.—The term “consensus” has
8 the same meaning as in section 562(2) of title 5,
9 United States Code.

10 (2) NORTHEAST MULTISPECIES FISHERY.—The
11 term “northeast multispecies fishery” means the
12 New England groundfish fishery.

13 (3) SECRETARY.—The term “Secretary” means
14 the Secretary of Commerce.

15 (b) REQUIREMENT TO ESTABLISH CONSERVATION
16 AND MANAGEMENT MEASURES.—Subject to subsection
17 (c), not later than 60 days after the date of enactment
18 of this Act, in order to establish conservation and manage-
19 ment measures for the northeast multispecies fishery, the
20 Secretary shall, in accordance with this section and section
21 304(c) of the Magnuson Fishery Conservation and Man-
22 agement Act (16 U.S.C. 1854(c)), commence—

23 (1) the preparation of—

24 (A) a fishery management plan; or

25 (B) an amendment to an existing fishery
26 management plan that is in effect under the

1 Magnuson Fishery Conservation and Manage-
2 ment Act (16 U.S.C. 1801 et seq.) on the date
3 on which the amendment is prepared; and

4 (2) the issuance of proposed regulations to im-
5 plement the plan or amendment.

6 (c) PROCEDURES FOR THE PREPARATION OF PLAN
7 OR AMENDMENT.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (3), in preparing a fishery management plan
10 or amendment under subsection (b) and in issuing
11 proposed regulations under such subsection, the Sec-
12 retary shall comply with the procedural requirements
13 for negotiated rulemaking under subchapter III of
14 chapter 5 of title 5, United States Code.

15 (2) PROCEDURES INCLUDED.—In carrying out
16 paragraph (1), the Secretary shall, not later than 60
17 days after the date of enactment of this Act—

18 (A) establish a negotiated rulemaking com-
19 mittee in accordance with subchapter III of
20 chapter 5 of title 5, United States Code; and

21 (B) publish a notice under section 564(a)
22 of title 5, United States Code.

23 (3) PROVISIONS THAT ARE INAPPLICABLE.—
24 Notwithstanding any other provision of law, with re-
25 spect to the preparation of a fishery management

1 plan or amendment under subsection (b) and the is-
2 suance of proposed regulations under such sub-
3 section, the Secretary shall not be required to com-
4 ply with—

5 (A) subparagraphs (A) and (B) of section
6 304(c)(1);

7 (B) the second sentence of section 563(a)
8 of title 5, United States Code; or

9 (C) section 565(a)(2) of title 5, United
10 States Code.

11 (d) SUBMISSION TO NEW ENGLAND FISHERY MAN-
12 AGEMENT COUNCIL.—If a negotiated rulemaking commit-
13 tee established under subsection (c)(2)(A) reaches a con-
14 sensus on a fishery management plan or amendment pre-
15 pared under subsection (b) and proposed regulations is-
16 sued under such subsection, the Secretary may, pursuant
17 to the requirements of section 304(c)(2) of the Magnuson
18 Fishery Conservation Act (16 U.S.C. 1854(c)(2)) (includ-
19 ing notice and publication requirements), submit the plan
20 or amendment, together with proposed regulations, to the
21 New England Fishery Management Council for consider-
22 ation and comment by the Council in the same manner
23 as is provided for the submission by the Secretary, and
24 consideration and comment by the Council, of a plan or
25 amendment prepared by, and proposed regulations issued

1 by, the Secretary under section 304(c)(1) of such Act (16
2 U.S.C. 1854(c)(1)).

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