

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1335**

**OFFERED BY \_\_\_\_\_**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Fishing Economy Im-  
3 provement Act”.

**4 SEC. 2. REFERENCES.**

5       Except as otherwise specifically provided, whenever in  
6 this Act an amendment or repeal is expressed in terms  
7 of an amendment to, or repeal of, a provision, the ref-  
8 erence shall be considered to be made to a provision of  
9 the Magnuson-Stevens Fishery Conservation and Manage-  
10 ment Act (16 U.S.C. 1801 et seq.).

**11 SEC. 3. AMENDMENTS TO DEFINITIONS.**

12       Section 3 (16 U.S.C. 1802) is amended—

13           (1) by inserting after paragraph (1) the fol-  
14 lowing:

15           “(1a) The term ‘artisanal fishing’ means sub-  
16 sistence or small scale traditional fishing involving  
17 fishing households (as opposed to commercial com-  
18 panies)—

1           “(A) using a relatively small amount of  
2           capital and energy and relatively small fishing  
3           vessels (if any);

4           “(B) making short fishing trips, close to  
5           shore; and

6           “(C) mainly for local consumption.”;

7           (2) by inserting after paragraph (27) the fol-  
8           lowing:

9           “(27a) The term ‘marine aquaculture’ means  
10          the propagation and rearing of aquatic species in  
11          controlled or selected environments in the exclusive  
12          economic zone.”; and

13          (3) in paragraph (16), by adding at the end the  
14          following: “Such term does not include marine aqua-  
15          culture.”.

16 **SEC. 4. TRANSPARENCY AND PUBLIC PROCESS.**

17          (a) **ADVICE.**—Section 302(g)(1)(B) (16 U.S.C.  
18 1852(g)(1)(B)) is amended by adding at the end the fol-  
19 lowing: “Each scientific and statistical committee shall de-  
20 velop such advice in a transparent manner and allow for  
21 public involvement in the process.”.

22          (b) **MEETINGS.**—Section 302(i)(2) (16 U.S.C.  
23 1852(i)(2)) is amended by adding at the end the following:

24                   “(G) Each Council shall make available on  
25                   the Internet website of the Council—

1           “(i) to the extent practicable, a Web  
2           cast or a live audio or video broadcast of  
3           each meeting of the Council, and of the  
4           Council Coordination Committee estab-  
5           lished under subsection (l), that is not  
6           closed in accordance with paragraph (3);  
7           and

8           “(ii) an audio or video recording (if  
9           the meeting was in person or by video con-  
10          ference), or a searchable audio recording  
11          or written transcript, of each meeting of  
12          the Council and of the meetings of commit-  
13          tees referred to in section 302(g)(1)(B) of  
14          the Council, by not later than 30 days  
15          after the conclusion of the meeting.

16          “(H) The Secretary shall maintain and  
17          make available to the public an archive of  
18          Council and scientific and statistical committee  
19          meeting audios, videos, and transcripts made  
20          available under clauses (i) and (ii) subpara-  
21          graph (G).”.

1 **SEC. 5. INCLUSION OF ARTISANAL FISHING SECTORS IN**  
2 **FISHERY MANAGEMENT PLANS.**

3 Section 303(a)(13) (16 U.S.C. 1853(a)(13)) is  
4 amended by inserting “artisanal,” after “include a de-  
5 scription of the commercial, recreational,”.

6 **SEC. 6. IMPROVING FISHERIES DATA COLLECTION.**

7 (a) **ELECTRONIC MONITORING.**—

8 (1) **ISSUANCE OF GUIDANCE.**—

9 (A) **REQUIREMENT.**—The Secretary of  
10 Commerce shall issue guidance regarding the  
11 use of electronic monitoring for the purposes of  
12 monitoring fisheries that are subject to the  
13 Magnuson-Stevens Fishery Conservation and  
14 Management Act (16 U.S.C. 1801 et seq.).

15 (B) **CONTENT.**—The guidance shall—

16 (i) distinguish between monitoring for  
17 data collection and research purposes and  
18 monitoring for compliance and enforcement  
19 purposes; and

20 (ii) include minimum criteria, objec-  
21 tives, or performance standards for elec-  
22 tronic monitoring.

23 (C) **PROCESS.**—In issuing the guidance the  
24 Secretary shall—

1 (i) consult with the Regional Fishery  
2 Management Councils and interstate fish-  
3 ery management commissions;

4 (ii) publish the proposed guidance;  
5 and

6 (iii) provide an opportunity for the  
7 submission by the public of comments on  
8 the proposed guidance.

9 (2) IMPLEMENTATION OF MONITORING.—

10 (A) IN GENERAL.—Subject to subpara-  
11 graph (B), and after the issuance of the final  
12 guidance, a Council, or the Secretary for fish-  
13 eries referred to in section 302(a)(3) of the  
14 Magnuson-Stevens Fishery Conservation and  
15 Management Act (16 U.S.C. 1852(a)(3)), may,  
16 in accordance with the guidance, on a fishery-  
17 by-fishery basis and consistent with the existing  
18 objectives and management goals of a fishery  
19 management plan and the Act for a fishery  
20 issued by the Council or the Secretary, respec-  
21 tively, amend such plan—

22 (i) to incorporate electronic moni-  
23 toring as an alternative tool for data col-  
24 lection and monitoring purposes or for

1 compliance and enforcement purposes (or  
2 both); and

3 (ii) to allow for the replacement of a  
4 percentage of on-board observers with elec-  
5 tronic monitoring.

6 (B) COMPARABILITY.—Subparagraph (A)  
7 shall apply to a fishery only if the Council or  
8 Secretary, respectively, determines that such  
9 monitoring will yield comparable data collection  
10 and compliance results.

11 (3) PILOT PROJECTS.—Before the issuance of  
12 final guidance, a Council, or the Secretary for fish-  
13 eries referred to in section 302(a)(3) of the Magnu-  
14 son-Stevens Fishery Conservation and Management  
15 Act (16 U.S.C. 1852(a)(3)), may, subject to the re-  
16 quirements of such Act, on a fishery-by-fishery  
17 basis, and consistent with the existing objectives and  
18 management goals of a fishery management plan for  
19 a fishery issued by the Council or the Secretary, re-  
20 spectively, conduct a pilot project for the use of elec-  
21 tronic monitoring for the fishery.

22 (4) DEADLINE.—The Secretary shall issue final  
23 guidance under this subsection by not later than 12  
24 months after the date of enactment of this Act.

1 (b) VIDEO AND ACOUSTIC SURVEY TECH-  
2 NOLOGIES.—The Secretary shall work with the Regional  
3 Fishery Management Councils and nongovernmental enti-  
4 ties to develop and implement the use pursuant to the  
5 Magnuson-Stevens Fishery Conservation and Manage-  
6 ment Act (16 U.S.C. 1801 et seq.) of video survey tech-  
7 nologies and expanded use of acoustic survey technologies.

8 **SEC. 7. COOPERATIVE RESEARCH AND MANAGEMENT PRO-**  
9 **GRAM.**

10 (a) PLAN.—Section 318 (16 U.S.C. 1867) is amend-  
11 ed—

12 (1) in subsection (a), by inserting “(1)” before  
13 the first sentence, and by adding at the end the fol-  
14 lowing:

15 “(2) Within one year after the date of enactment of  
16 the Fishing Economy Improvement Act, and after con-  
17 sultation with the Councils, the Secretary shall publish a  
18 plan for implementing and conducting the program estab-  
19 lished in paragraph (1). Such plan shall identify and de-  
20 scribe critical regional fishery management and research  
21 needs, including for data-poor stocks for which limited sci-  
22 entific or commercial information is available, possible  
23 projects that may address those needs, and estimated  
24 costs for such projects. The plan shall be revised and up-  
25 dated every 5 years, and updated plans shall include a

1 brief description of projects that were funded in the prior  
2 5-year period and the research and management needs  
3 that were addressed by those projects.”;

4 (2) in subsection (b), by striking “in consulta-  
5 tion with the Secretary.” and inserting “. Each  
6 Council shall provide a list of such needs to the Sec-  
7 retary on an annual basis, identifying and  
8 prioritizing such needs.”;

9 (3) in subsection (c)—

10 (A) in the heading, by striking “FUNDING”  
11 and inserting “PRIORITIES”; and

12 (B) in paragraph (1), by striking all after  
13 “including” and inserting an em dash, followed  
14 on the next line by the following:

15 “(A) the use of fishing vessels or acoustic  
16 or other marine technology;

17 “(B) expanding the use of electronic catch  
18 reporting programs and technology; and

19 “(C) improving monitoring and observer  
20 coverage through the expanded use of electronic  
21 monitoring devices and satellite tracking sys-  
22 tems such as vessel monitoring systems (VMS)  
23 on small vessels.”; and

24 (4) by adding at the end the following:



1       “(g) ACCEPTANCE OF FUNDING.—The Secretary  
2 may, using the authority established under section 208 of  
3 Public Law 109–479 (16 U.S.C. 1891b), accept and use  
4 funding from other Federal agencies, academic institu-  
5 tions, persons, including fishery participants, and non-  
6 governmental organizations to expand cooperative fish-  
7 eries research and management efforts, including efforts  
8 to improve data collection in recreational fisheries, for the  
9 purposes of improving management certainty and out-  
10 comes.”.

11       (b) ALLOCATION EXCEPTION.—

12           (1) IN GENERAL.—Section 208 of the Magnu-  
13 son-Stevens Fishery Conservation and Management  
14 Reauthorization Act of 2006 (16 U.S.C. 1891b) is  
15 amended—

16           (A) in the section heading, by inserting  
17       **“ZEKE GRADER”** before **“FISHERIES CON-**  
18 **SERVATION AND MANAGEMENT FUND”**;

19           (B) in subsection (a), by inserting “Zeke  
20 Grader” before “Fisheries Conservation and  
21 Management Fund”;

22           (C) in subsection (c), by striking “Fishery  
23 Conservation and Management Fund” each  
24 place it appears and inserting “Zeke Grader

1 Fisheries Conservation and Management  
2 Fund”; and

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

4 “(f) ALLOCATION EXCEPTION.—Notwithstanding  
5 subsection (d), the Secretary may apportion monies from  
6 the Fund to a specific project or region if such monies  
7 were identified by the Council that designated them for  
8 inclusion in the Fund under subsection (c)(1), or by the  
9 appropriation Act, State, public source, or nonprofit or or-  
10 ganization from which received under subsection (c)(2), as  
11 being deposited for that specific project or region.”.

12 (2) CLERICAL AMENDMENT.—The table of con-  
13 tents is amended by striking the item relating to sec-  
14 tion 208 and inserting the following:

“Sec. 208. Zeke Grader Fisheries Conservation and Management Fund.”.

15 (3) REFERENCES.—Any reference in a law,  
16 map, regulation, document, paper, or other record of  
17 the United States to the “Fisheries Conservation  
18 and Management Fund” is deemed to be a reference  
19 to the “Zeke Grader Fisheries Conservation and  
20 Management Fund”.

21 **SEC. 8. GULF OF MEXICO FISHERIES COOPERATIVE RE-**  
22 **SEARCH AND RED SNAPPER MANAGEMENT.**

23 (a) REPORTING AND DATA COLLECTION PRO-  
24 GRAM.—The Secretary of Commerce shall—

1           (1) in conjunction with the States, the Gulf of  
2 Mexico Fishery Management Council, and the rec-  
3 reational fishing sectors, develop and implement a  
4 real-time reporting and data collection program for  
5 the Gulf of Mexico red snapper fishery using avail-  
6 able technology; and

7           (2) make implementation of this subsection a  
8 priority for funds received by the Secretary and allo-  
9 cated to the Gulf of Mexico region under section 2  
10 of the Act of August 11, 1939 (commonly known as  
11 the “Saltonstall-Kennedy Act”) (15 U.S.C. 713c–3).

12       (b) STOCK SURVEYS AND STOCK ASSESSMENTS.—  
13 The Secretary of Commerce, acting through the National  
14 Marine Fisheries Service Regional Administrator of the  
15 Southeast Regional Office, shall for purposes of the Mag-  
16 nuson-Stevens Fishery Conservation and Management Act  
17 (16 U.S.C. 1801 et seq.)—

18           (1) develop a schedule of stock surveys and  
19 stock assessments for the Gulf of Mexico Region and  
20 the South Atlantic Region for the 5-year period be-  
21 ginning on the date of the enactment of this Act and  
22 for every 5-year period thereafter;

23           (2) direct the Southeast Science Center Direc-  
24 tor to implement such schedule; and

25           (3) in such development and implementation—

1 (A) give priority to those stocks that are  
2 commercially or recreationally important; and

3 (B) ensure that each such important stock  
4 is surveyed at least every 5 years.

5 (c) USE OF FISHERIES INFORMATION IN STOCK AS-  
6 SESSMENTS.—The Southeast Science Center Director  
7 shall ensure that fisheries information made available  
8 through fisheries programs funded under Public Law  
9 112–141 is incorporated as soon as possible into any fish-  
10 eries stock assessments conducted after the date of the  
11 enactment of this Act.

12 **SEC. 9. RECREATIONAL FISHING DATA.**

13 (a) RECREATIONAL DATA COLLECTION.—Section  
14 401(g) (16 U.S.C. 1881(g)) is amended by redesignating  
15 paragraph (4) as paragraph (5), and by inserting after  
16 paragraph (3) the following:

17 “(4) FEDERAL-STATE PARTNERSHIPS.—

18 “(A) ESTABLISHMENT.—The Secretary  
19 shall establish partnerships with States to de-  
20 velop best practices for implementation of State  
21 programs that are exempted under paragraph  
22 (2).

23 “(B) GUIDANCE.—The Secretary shall de-  
24 velop guidance, in cooperation with the States,  
25 that details best practices for administering

1 State programs that are exempted under para-  
2 graph (2), and provide such guidance to the  
3 States.

4 “(C) BIENNIAL REPORT.—The Secretary  
5 shall submit to the Congress and publish bien-  
6 nial reports that include—

7 “(i) the estimated accuracy of the reg-  
8 istry program established under paragraph  
9 (1) and of State programs that are ex-  
10 empted under paragraph (2);

11 “(ii) priorities for improving rec-  
12 reational fishing data collection; and

13 “(iii) an explanation of any use of in-  
14 formation collected by such State programs  
15 and by the Secretary, including a descrip-  
16 tion of any consideration given to the in-  
17 formation by the Secretary.

18 “(D) STATE GRANT PROGRAM.—The Sec-  
19 retary shall make grants to States to improve  
20 implementation of State programs consistent  
21 with this subsection. The Secretary shall  
22 prioritize such grants based on the ability of the  
23 grant to improve the quality and accuracy of  
24 such programs.”.

25 (b) STUDY OF RECREATIONAL FISHERIES DATA.—

1           (1) IN GENERAL.—Not later than 60 days after  
2           the date of the enactment of this Act, the Secretary  
3           of Commerce shall enter into an agreement with the  
4           National Research Council of the National Academy  
5           of Sciences to study the implementation of the pro-  
6           grams described in section 401 of the Magnuson-  
7           Stevens Fishery Conservation and Management Act  
8           (16 U.S.C. 1881). The study shall—

9                   (A) provide an updated assessment of rec-  
10                  reational survey methods established or im-  
11                  proved since the publication of the Council’s re-  
12                  port entitled “Review of Recreational Fisheries  
13                  Survey Methods (2006)”;

14                  (B) evaluate the extent to which the rec-  
15                  ommendations made in that report were imple-  
16                  mented pursuant to subsection (g)(3)(B) of  
17                  that section; and

18                  (C) examine any limitations of the Marine  
19                  Recreational Fishery Statistics Survey and the  
20                  marine recreational information program estab-  
21                  lished under subsection (g)(3)(A) of that sec-  
22                  tion.

23           (2) REPORT.—Not later than 1 year after en-  
24           tering into an agreement under paragraph (1) the

1 Secretary shall submit a report to Congress on the  
2 results of the study under paragraph (1).

3 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 4 (16 U.S.C. 1803) is amended—

5 (1) by striking “this Act” and all that follows  
6 through “(7)” and inserting “this Act”; and

7 (2) by striking “fiscal year 2013” and inserting  
8 “each of fiscal years 2016 through 2021”.

