

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1335) TO AMEND THE
MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT
TO PROVIDE FLEXIBILITY FOR FISHERY MANAGERS AND STABILITY FOR
FISHERMEN, AND FOR OTHER PURPOSES

MAY 19, 2015.—Referred to the House Calendar and ordered to be printed

Mr. BYRNE, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 274]

The Committee on Rules, having had under consideration House Resolution 274, by a record vote of 8 to 3, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-16 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before action thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. The resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes a waiver of clause 3(e)(1) of rule XIII (“Ramseyer”), requiring a committee report accompanying a bill amending or repealing statutes to show, by typographical device, parts of statute affected. The waiver is provided because the submission provided by the committee was insufficient to meet the standards established by the rule in its current form. The Committee on Rules continues to work with the House Office of Legislative Counsel and committees to determine the steps necessary to comply with the updated rule.

Although the resolution waives all points of order against the amendment in the nature of a substitute made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 54

Motion by Ms. Slaughter to report an open rule. Defeated: 3–8

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Cole	Nay	Mr. McGovern	Yea
Mr. Woodall	Nay	Mr. Hastings of Florida	Yea
Mr. Burgess	Nay	Mr. Polis
Mr. Stivers	Nay		
Mr. Collins	Nay		
Mr. Byrne	Nay		
Mr. Newhouse	Nay		
Mr. Sessions, Chairman		

Rules Committee record vote No. 55

Motion by Mr. Cole to report the rule. Adopted: 8–3

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Yea	Ms. Slaughter	Nay
Mr. Cole	Yea	Mr. McGovern	Nay
Mr. Woodall	Yea	Mr. Hastings of Florida	Nay
Mr. Burgess	Yea	Mr. Polis
Mr. Stivers	Yea		
Mr. Collins	Yea		
Mr. Byrne	Yea		
Mr. Newhouse	Yea		
Mr. Sessions, Chairman		

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Dingell (MI): Eliminates the requirement to fast-track analyses under the National Environmental Policy Act. (10 minutes)

2. Farr (CA): Allows the use of vessel information under Executive Order 13547 to aid in restoring fisheries habitat at the Secretary's discretion. (10 minutes)

3. Keating (MA), Lynch (MA), Moulton (MA): Amends Section 10(3) Use of Asset Forfeiture Fund for Fishery Independent Data Collection to include fishery research and independent stock assessments, conservation gear engineering, at-sea and shoreside monitoring, fishery impact statements, and other priorities established by the Council as necessary to rebuild or maintain sustainable fisheries, ensure healthy ecosystems, and maintain fishing communities. (10 minutes)

4. Lowenthal (CA): Allows the National Ocean Council, operating under Executive Order 13547, to develop a process for decommissioning oil and gas rigs that eliminates harm to the red snapper stock and improves habitat. (10 minutes)

5. Young, Don (AK): Provides for additional information for stock assessments, the use of students to collect marine recreational fishing data and clarifies information for Council reviews. (10 minutes)

6. Graves, Garret (LA): Confers management of snapper fisheries to Gulf of Mexico states similar to the management of Atlantic Striped Bass to Atlantic states. Seeks to improve the science of snapper fisheries monitoring. (10 minutes)

7. Wittman (VA): Gives NOAA the authority to use alternative fishery management measures. (10 minutes)

8. Huffman (CA): SUBSTITUTE Reauthorizes the Magnuson-Stevens Fishery Conservation and Management Act and improves fisheries management and data collection. (20 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DINGELL OF MICHIGAN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Beginning at page 14, strike line 15 and all that follows through page 16, line 3 and insert closing quotation marks and a following period.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FARR OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 26, line 19, after "enhancing national security" insert ", restoring fishery habitat,".

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KEATING OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 28, line 7, strike "and".

Page 28, line 11, strike the period and insert "; and".

Page 28, after line 11, insert the following:

"(C) fishery research and independent stock assessments, conservation gear engineering, at-sea and shoreside monitoring, fishery impact statements, and other priorities established by the Council as necessary to rebuild or maintain sustainable fisheries, ensure healthy ecosystems, and maintain fishing communities.".

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LOWENTHAL OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of section 13 (page 34, after line 22), add the following:

(h) PROCESS FOR DECOMMISSIONING OIL AND GAS PLATFORMS AND DRILLING RIGS.—The National Ocean Council, operating under Executive Order 13547, shall convene a meeting of representatives of the National Oceanic and Atmospheric Administration, the Bureau of Safety and Environmental Enforcement, the States represented on the Gulf of Mexico Fishery Management Council, and stakeholders, to develop a process for decommissioning oil and gas platforms and drilling rigs that eliminates harm to the Gulf of Mexico red snapper stock of fish and enhances conservation of habitat of such stock.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YOUNG OF ALASKA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 46, strike lines 5 through 9 and insert the following:

“(4) The Secretary shall, to the extent practicable, when hiring individuals to collect information regarding marine recreational fishing under this subsection, give preference to students studying fisheries conservation and management, water resource issues, or other relevant subjects at an institution of higher education in the United States.”.

Page 46, beginning at line 19, strike “Regional Fishery” and all that follows through line 22 and insert “the South Atlantic Fishery Management Council and Gulf of Mexico Fishery Management Council on criteria that”.

Page 47, after line 22, insert the following:

SEC. ____ . REQUIREMENTS FOR LIMITED ACCESS PRIVILEGES.

Section 3303A(c)(1)(G) (16 U.S.C. 1853a(c)(1)(G)) is amended to read as follows:

“(G) include provisions for a formal and detailed review 5 years after the implementation of the program, and thereafter the regular monitoring and review by the Council and the Secretary of the operations and impacts of the program, to coincide with scheduled Council review of the relevant fishery management plan (but no less frequently than once every 7 years) including—

“(i) determining progress in meeting the goals of the program and this Act;

“(ii) delineating the positive and negative economic effects of the program on fishermen and processors who are part of the program and the coastal communities in which they reside; and

“(iii) any necessary modification of the program to meet those goals, including a formal schedule for action to be taken within 2 years;”.

SEC. ____ . HEALTHY FISHERIES THROUGH BETTER SCIENCE.

(a) DEFINITION OF STOCK ASSESSMENT.—Section 3 (16 U.S.C. 1802), as amended by section 23(a) of this Act, is further amended

by redesignating the paragraphs after paragraph (42) in order as paragraphs (44) through (53), and by inserting after paragraph (42) the following:

“(43) The term ‘stock assessment’ means an evaluation of the past, present, and future status of a stock of fish, that includes—

“(A) a range of life history characteristics for such stock, including—

“(i) the geographical boundaries of such stock; and

“(ii) information on age, growth, natural mortality, sexual maturity and reproduction, feeding habits, and habitat preferences of such stock; and

“(B) fishing for the stock.”.

(b) STOCK ASSESSMENT PLAN.—

(1) IN GENERAL.—Section 404 (16 U.S.C. 1881c), as amended by section 10(d) of this Act, is further amended by adding at the end the following:

“(f) STOCK ASSESSMENT PLAN.—

“(1) IN GENERAL.—The Secretary shall develop and publish in the Federal Register, on the same schedule as required for the strategic plan required under subsection (b) of this section, a plan to conduct stock assessments for all stocks of fish for which a fishery management plan is in effect under this Act.

“(2) CONTENTS.—The plan shall—

“(A) for each stock of fish for which a stock assessment has previously been conducted—

“(i) establish a schedule for updating the stock assessment that is reasonable given the biology and characteristics of the stock; and

“(ii) subject to the availability of appropriations, require completion of a new stock assessment, or an update of the most recent stock assessment—

“(I) every 5 years; or

“(II) within such other time period specified and justified by the Secretary in the plan;

“(B) for each stock of fish for which a stock assessment has not previously been conducted—

“(i) establish a schedule for conducting an initial stock assessment that is reasonable given the biology and characteristics of the stock; and

“(ii) subject to the availability of appropriations, require completion of the initial stock assessment within 3 years after the plan is published in the Federal Register unless another time period is specified and justified by the Secretary in the plan; and

“(C) identify data and analysis, especially concerning recreational fishing, that, if available, would reduce uncertainty in and improve the accuracy of future stock assessments, including whether such data and analysis could be provided by fishermen, fishing communities, universities, and research institutions.

“(3) WAIVER OF STOCK ASSESSMENT REQUIREMENT.—Notwithstanding subparagraphs (A)(ii) and (B)(ii), a stock assessment is not required for a stock of fish in the plan if the Secretary determines that such a stock assessment is not necessary and

justifies such determination in the Federal Register notice required by this subsection.”.

(2) DEADLINE.—Notwithstanding paragraph (1) of section 404(f) of the Magnuson-Stevens Fishery Conservation and Management Act, as amended by this section, the Secretary of Commerce shall issue the first stock assessment plan under such section by not later than 2 years after the date of enactment of this Act.

(c) IMPROVING SCIENCE.—

(1) INCORPORATION OF INFORMATION FROM WIDE VARIETY OF SOURCES.—Section 2(a)(8) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801) is amended by adding at the end the following: “Fisheries management is most effective when it incorporates information provided by governmental and nongovernmental sources, including State and Federal agency staff, fishermen, fishing communities, universities, and research institutions. As appropriate, such information should be considered the best scientific information available and form the basis of conservation and management measures as required by this Act.”.

(2) IMPROVING DATA COLLECTION AND ANALYSIS.—Section 404 (16 U.S.C. 1881c), as amended by this section, is further amended by adding at the end the following:

“(g) IMPROVING DATA COLLECTION AND ANALYSIS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Councils acting in reliance on their science and statistical committees established under section 302(g), shall develop and publish in the Federal Register guidelines that will facilitate greater incorporation of data, analysis, and stock assessments from nongovernmental sources, including fishermen, fishing communities, universities, and research institutions, into fisheries management decisions.

“(2) CONTENT.—The guidelines shall—

“(A) identify types of data and analysis, especially concerning recreational fishing, that can be reliably used as the basis for establishing conservation and management measures as required by section 303(a)(1), including setting standards for the collection and use of such data and analysis in stock assessments and for other purposes; and

“(B) provide specific guidance for collecting data and performing analyses identified as necessary to reduce the uncertainty referred to in section 404(f)(2)(C).

“(3) ACCEPTANCE AND USE OF DATA AND ANALYSES.—The Secretary and Regional Fishery Management Councils shall—

“(A) use all data and analyses that meet the guidelines published under paragraph (1) as the best scientific information available for purposes of this Act in fisheries management decisions, unless otherwise determined by the science and statistical committee of the Councils established pursuant to section 302(g) of the Act; and

“(B) explain in the Federal Register notice announcing the fishery management decision how such data and analyses have been used to establish conservation and management measures.”.

(3) DEADLINE.—The Secretary of Commerce shall develop and publish guidelines under the amendment made by paragraph (2) by not later than 1 year after the date of enactment of this Act.

(d) COST REDUCTION REPORT.—Within 1 year after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Regional Fishery Management Councils, shall submit a report to Congress that, with respect to each fishery governed by a fishery management plan in effect under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)—

(1) identifies the goals of the applicable programs governing monitoring and enforcement of fishing that is subject to such plan;

(2) identifies methods to accomplish those goals, including human observers, electronic monitoring, and vessel monitoring systems;

(3) certifies which such methods are most cost-effective for fishing that is subject to such plan; and

(4) explains why such most-cost-effective methods are not required, if applicable.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRAVES OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

SEC. 29. TRANSFER TO STATES OF MANAGEMENT OF RED SNAPPER FISHERIES IN THE GULF OF MEXICO.

(a) IN GENERAL.—The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) is amended by adding at the end the following:

“TITLE V—TRANSFER TO STATES OF MANAGEMENT OF RED SNAPPER FISHERIES IN THE GULF OF MEXICO

“SEC. 501. SHORT TITLE.

“This title may be cited as the ‘Gulf States Red Snapper Management Authority Act’.

“SEC. 502. DEFINITIONS.

“In this title:

“(1) COASTAL WATERS.—The term ‘coastal waters’ means all waters of the Gulf of Mexico—

“(A) shoreward of the baseline from which the territorial sea of the United States is measured; and

“(B) seaward from the baseline described in subparagraph (A) to the outer boundary of the exclusive economic zone.

“(2) GULF COASTAL STATES.—The term ‘Gulf coastal State’ means each of the following States:

“(A) Alabama.

“(B) Florida.

“(C) Louisiana.

“(D) Mississippi.

“(E) Texas.

“(3) GULF OF MEXICO FISHERY MANAGEMENT COUNCIL.—The term ‘Gulf of Mexico Fishery Management Council’ means the Gulf of Mexico Fishery Management Council established under section 302(a).

“(4) GULF OF MEXICO RED SNAPPER.—The term ‘Gulf of Mexico red snapper’ means members of stocks or populations of the species *Lutjanus campechanus*, which ordinarily are found within the waters of the exclusive economic zone and adjacent territorial waters of the Gulf of Mexico.

“(5) GULF STATES RED SNAPPER MANAGEMENT AUTHORITY.—The term ‘Gulf States Red Snapper Management Authority’ and ‘GSR SMA’, means the Gulf States Red Snapper Management Authority established under section 503(a).

“(6) RED SNAPPER FISHERY MANAGEMENT PLAN.—The term ‘red snapper fishery management plan’ means a plan created by one or more Gulf coastal States to manage Gulf of Mexico red snapper in the coastal waters adjacent to such State or States, respectively.

“(7) REEF FISH FEDERAL FISHERY MANAGEMENT PLAN.—The term ‘Reef Fish Federal fishery management plan’ means the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico, as amended, prepared by the Gulf of Mexico Fishery Management Council pursuant to title III and implemented under part 622 of title 50, Code of Federal Regulations (or similar successor regulation).

“(8) STATE TERRITORIAL WATERS.—The term ‘State territorial waters’, with respect to a Gulf coastal State, means the waters adjacent to such State seaward to the line three marine leagues seaward from the baseline from which of the territorial sea of the United States is measured.

“SEC. 503. MANAGEMENT OF GULF OF MEXICO RED SNAPPER.

“(a) GULF STATES RED SNAPPER MANAGEMENT AUTHORITY.—

“(1) REQUIREMENT TO ESTABLISH.—Not later than 60 days after the date of the enactment of this title, the Secretary shall establish a Gulf States Red Snapper Management Authority that consists of the principal fisheries manager of each of the Gulf coastal States.

“(2) DUTIES.—The duties of the GSR SMA are as follows:

“(A) To review and approve red snapper fishery management plans, as set out in the Act.

“(B) To provide standards for each Gulf coastal State to use in developing fishery management measures to sustainably manage Gulf of Mexico red snapper in the coastal waters adjacent to such State.

“(C) To the maximum extent practicable, make scientific data, stock assessments and other scientific information upon which fishery management plans are based available to the public for inspection prior to meetings described in paragraph (c)(2).

“(b) REQUIREMENT FOR PLANS.—

“(1) DEADLINE FOR SUBMISSION OF PLANS.—The GSR SMA shall establish a deadline for each Gulf coastal State to submit

to the GRSMA a red snapper fishery management plan for such State.

“(2) CONSISTENCY WITH FEDERAL FISHERY MANAGEMENT PLANS.—To the extent practicable, the Gulf Coastal States fishery management plans shall be consistent with the requirements in section 303(a) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1853(a)).

“(c) REVIEW AND APPROVAL OF PLANS.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this title and not more than 60 days after one or more Gulf coastal States submits a red snapper fishery management plan and annually thereafter, the GRSMA shall review and approve by majority vote the red snapper fishery management plan if such plan meets the requirements of this title.

“(2) PUBLIC PARTICIPATION.—Prior to approving a red snapper fishery management plan submitted by one or more Gulf coastal States, the GRSMA shall provide an adequate opportunity for public participation, including—

“(A) at least 1 public hearing held in each respective Gulf coastal State; and

“(B) procedures for submitting written comments to GRSMA on the fishery management plan.

“(3) PLAN REQUIREMENTS.—A red snapper fishery management plan submitted by one or more Gulf coastal States shall—

“(A) contain standards and procedures for the long-term sustainability of Gulf of Mexico red snapper based on the best available science;

“(B) comply with the standards described in subsection (a)(2)(B); and

“(C) determine quotas for the red snapper fishery in the coastal waters adjacent to such Gulf coastal State or States, respectively, based on stock assessments, and—

“(i) any recommendation by the GRSMA to reduce quota apportioned to the commercial sector by more than 10 percent shall be reviewed and approved by the Gulf Fishery Management Council;

“(ii) during the 3-year period beginning on the date of enactment of this title and consistent with subsection (d), the GRSMA shall not determine a quota apportioned to the commercial sector; and

“(iii) nothing in this Act shall be construed to change the individual quota shares currently in place in the commercial sector of the Gulf of Mexico red snapper fishery

“(4) REVIEW AND APPROVAL.—Not later than 60 days after the date the GRSMA receives a red snapper fishery management plan from one or more Gulf coastal State or States, the GRSMA shall review and approve such plan if such plan satisfies the requirements of subsection (b).

“(d) CONTINUED MANAGEMENT BY THE SECRETARY.—During the 3-year period beginning on the date of the enactment of this title, the Secretary, in coordination with the Gulf of Mexico Fishery

Management Council, shall continue to manage the commercial sector of the Gulf of Mexico red snapper fishery.

“(e) REPORTING REQUIREMENTS.—

“(1) REPORTS BY GULF COASTAL STATES.—Each Gulf coastal State shall submit to the GSRsMA an annual report on the status of the Gulf of Mexico red snapper fishery in coastal waters adjacent to such State.

“(2) REPORT BY THE GSRsMA.—Not less often than once every 5 years, the GSRsMA shall use the information submitted in the annual reports required by paragraph (1) to prepare and submit to the Secretary a report on the status of the Gulf of Mexico red snapper fishery.

“(3) ANNUAL REPORT BY NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The Administrator of the National Oceanic and Atmospheric Administration shall submit to Congress an annual report on the implementation of this title.

“SEC. 504. STATE IMPLEMENTATION OF THE RED SNAPPER FISHERY MANAGEMENT PLANS.

“(a) ALLOCATION OF MANAGEMENT TO THE GULF STATES.—

“(1) CERTIFICATION OF APPROVED PLANS.—The GSRsMA shall certify to the Secretary that a red snapper fishery management plan is approved under section 503 for each of the Gulf coastal States.

“(2) TRANSFER OF MANAGEMENT.—Upon receipt of the certification described in paragraph (1) and subject to section 503 (d), the Secretary shall—

“(A) publish a notice in the Federal Register revoking the regulations and portions of the Reef Fish Federal fishery management plan that are in conflict with any red snapper fishery management plan approved by the GSRsMA; and

“(B) transfer management of Gulf of Mexico red snapper to the GSRsMA.

“(b) IMPLEMENTATION.—

“(1) IN GENERAL.—Upon the transfer of management described in subsection (a)(2)(B) and subject to section 503 (d), each Gulf coastal State shall implement and enforce the red snapper fishery management plans approved under section 503 for the Gulf of Mexico red snapper fishery in the coastal waters adjacent to each Gulf coastal State.

“(2) FAILURE TO TRANSFER MANAGEMENT.—If the certification described in subsection (a)(1) is not made the transfer of management described in subsection (a)(2)(B) may not be accomplished and the Secretary shall remain responsible for management of the Gulf of Mexico red snapper.

“SEC. 505. OVERSIGHT OF GULF OF MEXICO RED SNAPPER MANAGEMENT.

“(a) IMPLEMENTATION AND ENFORCEMENT OF FISHERY MANAGEMENT PLANS.—Not later than December 1 of the year following the transfer of management described in section 504(a)(2), and at any other time the GSRsMA considers appropriate after that date, the GSRsMA shall determine if—

“(1) each Gulf coastal State has fully adopted and implemented the red snapper fishery management plan approved under section 503 for such State;

“(2) each such plan continues to be in compliance with the standards for sustainability provided by the GSRsMA pursuant to section 503(a)(2); and

“(3) the enforcement of the plan by each Gulf coastal State is satisfactory to maintain the long-term sustainability and abundance of Gulf of Mexico red snapper.

“(b) OVERFISHING AND REBUILDING PLANS.—

“(1) CERTIFICATION.—If the Gulf of Mexico red snapper in the coastal waters adjacent to a Gulf coastal State is experiencing overfishing or is subject to a rebuilding plan, such Gulf coastal State shall submit a certification to the GSRsMA showing that such State—

“(A) has implemented the necessary measures to end overfishing or rebuild the fishery; and

“(B) in consultation with the National Oceanic and Atmospheric Administration, has implemented a program to provide for data collection adequate to monitor the harvest of Gulf of Mexico red snapper by such State.

“(2) NOTIFICATION TO SECRETARY.—If, after such time as determined by the GSRsMA, a Gulf coastal State that submitted a certification under paragraph (1) has not implemented the measures and requirements described in subparagraphs (A) and (B) of such paragraph, the GSRsMA shall vote on whether to notify the Secretary of a recommendation of closure of the red snapper fishery in the waters adjacent to the State territorial waters of the Gulf coastal State.

“(c) CLOSURE OF THE GULF OF MEXICO RED SNAPPER FISHERY.—

“(1) CONDITIONS FOR CLOSURE.—Not later than 60 days after the receipt of a notice under subsection (b)(2) for a Gulf coastal State, the Secretary may declare a closure of the Gulf of Mexico red snapper fishery within the waters adjacent to the State territorial waters of the Gulf coastal State.

“(2) CONSIDERATIONS.—Prior to making a declaration under paragraph (2), the Secretary shall consider the comments of such Gulf coastal State and the GSRsMA.

“(3) ACTIONS PROHIBITED DURING CLOSURE.—During a closure of the Gulf of Mexico red snapper fishery under paragraph (1), it is unlawful for any person—

“(A) to engage in fishing for Gulf of Mexico red snapper within the waters adjacent to the State territorial waters of the Gulf coastal State covered by the closure;

“(B) to land, or attempt to land, the Gulf of Mexico red snapper in the area of the closure; or

“(C) to fail to return to the water any Gulf of Mexico red snapper caught in the area of the closure that are incidental to commercial harvest or in the recreational fisheries.

“(4) CONSTRUCTION.—Nothing in this subsection shall be construed to allow the Secretary to close the red snapper fishery in the State territorial waters of a Gulf coastal State.

“SEC. 506. GULF STATES MARINE FISHERIES COMMISSION.

“(a) FUNDING TO THE GULF STATES MARINE FISHERIES COMMISSION.—The Secretary shall provide all Federal funding to the Gulf States Marine Fisheries Commission for all necessary stock assessments, research, and management for the red snapper fishery.

“(b) FUNDING TO THE GULF COASTAL STATES.—The Gulf States Marine Fisheries Commission shall be responsible for administering the Federal funds referred to in paragraph (1) to each of the Gulf coastal States for proper management of the red snapper fishery.

“(c) NO ADDITIONAL APPROPRIATIONS AUTHORIZED.—Nothing in this section may be construed to increase the amount of Federal funds authorized to be appropriated for Gulf of Mexico red snapper fishery management.

“SEC. 507. NO EFFECT ON MANAGEMENT OF SHRIMP FISHERIES IN FEDERAL WATERS.

“(a) BYCATCH REDUCTION DEVICES.—Nothing in this title may be construed to effect any requirement related to the use of Gulf of Mexico red snapper bycatch reduction devices in the course of shrimp trawl fishing activity.

“(b) BYCATCH OF RED SNAPPER.—Nothing in this title shall be construed to apply to or affect in any manner the Federal management of commercial shrimp fisheries in the Gulf of Mexico as in effect on the date of the enactment of this section, including any incidental catch of red snapper”.

(b) CONFORMING AMENDMENTS.—

(1) DATA COLLECTION.—Section 401(g)(3)(C) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881(g)(3)(G)) is amended by striking “and” after the semicolon at the end of clause (iv), by striking the period at the end of clause (v) and inserting “; and”, and by adding at the end the following:

“(vi) in the case of each fishery in the Gulf of Mexico, taking into consideration all data collection activities related to fishery effort that are undertaken by the marine resources division of each relevant State of the Gulf of Mexico Fishery Management Council.”.

(2) GULF STATE TERRITORIAL WATERS.—Section 306(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1856(b)) is amended by adding at the end the following:

“(4) Notwithstanding section 3(11) and subsection (a) of this section, for purposes of managing fisheries in the Gulf of Mexico, the seaward boundary of a coastal State in the Gulf of Mexico is a line three marine leagues seaward from the baseline from which the territorial sea of the United States is measured.”.

(c) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by adding at the end the following:

“TITLE V—TRANSFER TO STATES OF MANAGEMENT OF RED SNAPPER FISHERIES IN THE GULF OF MEXICO

“Sec. 501. Short title.

“Sec. 502. Definitions.

“Sec. 503. Management of Gulf of Mexico red snapper.

“Sec. 504. State implementation of the red snapper fishery management plans.

“Sec. 505. Oversight of Gulf of Mexico red snapper management.

“Sec. 506. Gulf States Marine Fisheries Commission.

“Sec. 507. No effect on management of shrimp fisheries in Federal waters.”.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WITTMAN OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following:

SEC. 29. AUTHORITY TO USE ALTERNATIVE FISHERY MANAGEMENT MEASURES.

Section 302(h) (16 U.S.C. 1852(h)) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7), the following:

“(8) have the authority to use alternative fishery management measures in a recreational fishery (or the recreational component of a mixed-use fishery), including extraction rates, fishing mortality targets, and harvest control rules, in developing a fishery management plan, plan amendment, or proposed regulations.”.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUFFMAN OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Strike all and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fishing Economy Improvement Act”.

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision, the reference shall be considered to be made to a provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 3. AMENDMENTS TO DEFINITIONS.

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

(1) by inserting after paragraph (1) the following:

“(1a) The term ‘artisanal fishing’ means subsistence or small scale traditional fishing involving fishing households (as opposed to commercial companies)—

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

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

“(C) mainly for local consumption.”;

(2) by inserting after paragraph (27) the following:

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

(3) in paragraph (16), by adding at the end the following:

“Such term does not include marine aquaculture.”.

SEC. 4. TRANSPARENCY AND PUBLIC PROCESS.

(a) **ADVICE.**—Section 302(g)(1)(B) (16 U.S.C. 1852(g)(1)(B)) is amended by adding at the end the following: “Each scientific and statistical committee shall develop such advice in a transparent manner and allow for public involvement in the process.”.

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

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

“(i) to the extent practicable, a Web cast or a live audio or video broadcast of each meeting of the Council, and of the Council Coordination Committee established under subsection (1), that is not closed in accordance with paragraph (3); and

“(ii) an audio or video recording (if the meeting was in person or by video conference), or a searchable audio recording or written transcript, of each meeting of the Council and of the meetings of committees referred to in section 302(g)(1)(B) of the Council, by not later than 30 days after the conclusion of the meeting.

“(H) The Secretary shall maintain and make available to the public an archive of Council and scientific and statistical committee meeting audios, videos, and transcripts made available under clauses (i) and (ii) subparagraph (G).”.

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

Section 303(a)(13) (16 U.S.C. 1853(a)(13)) is amended by inserting “artisanal,” after “include a description of the commercial, recreational,”.

SEC. 6. IMPROVING FISHERIES DATA COLLECTION.

(a) **ELECTRONIC MONITORING.—**

(1) **ISSUANCE OF GUIDANCE.—**

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

(B) **CONTENT.**—The guidance shall—

(i) distinguish between monitoring for data collection and research purposes and monitoring for compliance and enforcement purposes; and

(ii) include minimum criteria, objectives, or performance standards for electronic monitoring.

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

(i) consult with the Regional Fishery Management Councils and interstate fishery management commissions;

(ii) publish the proposed guidance; and

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

(2) **IMPLEMENTATION OF MONITORING.—**

(A) **IN GENERAL.**—Subject to subparagraph (B), and after the issuance of the final guidance, a Council, or the Secretary for fisheries referred to in section 302(a)(3) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(3)), may, in accordance with the guidance, on a fishery-by-fishery basis and consistent with the existing objectives and management goals of a fishery

management plan and the Act for a fishery issued by the Council or the Secretary, respectively, amend such plan—

(i) to incorporate electronic monitoring as an alternative tool for data collection and monitoring purposes or for compliance and enforcement purposes (or both); and

(ii) to allow for the replacement of a percentage of on-board observers with electronic monitoring.

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

(3) PILOT PROJECTS.—Before the issuance of final guidance, a Council, or the Secretary for fisheries referred to in section 302(a)(3) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(3)), may, subject to the requirements of such Act, on a fishery-by-fishery basis, and consistent with the existing objectives and management goals of a fishery management plan for a fishery issued by the Council or the Secretary, respectively, conduct a pilot project for the use of electronic monitoring for the fishery.

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

(b) VIDEO AND ACOUSTIC SURVEY TECHNOLOGIES.—The Secretary shall work with the Regional Fishery Management Councils and nongovernmental entities to develop and implement the use pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) of video survey technologies and expanded use of acoustic survey technologies.

SEC. 7. COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM.

(a) PLAN.—Section 318 (16 U.S.C. 1867) is amended—

(1) in subsection (a), by inserting “(1)” before the first sentence, and by adding at the end the following:

“(2) Not later than one year after the date of enactment of the Fishing Economy Improvement Act, and after consultation with the Councils, the Secretary shall publish a plan for implementing and conducting the program established in paragraph (1). Such plan shall identify and describe critical regional fishery management and research needs, including for data-poor stocks for which limited scientific or commercial information is available, possible projects that may address those needs, and estimated costs for such projects. The plan shall be revised and updated every 5 years, and updated plans shall include a brief description of projects that were funded in the prior 5-year period and the research and management needs that were addressed by those projects.”;

(2) in subsection (b), by striking “in consultation with the Secretary.” and inserting “. Each Council shall provide a list of such needs to the Secretary on an annual basis, identifying and prioritizing such needs.”; and

(3) in subsection (c)—

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

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

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

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

“ (C) improving monitoring and observer coverage through the expanded use of electronic monitoring devices and satellite tracking systems such as vessel monitoring systems (VMS) on small vessels.”.

(b) **ZEKE GRADER FISHERIES CONSERVATION AND MANAGEMENT FUND.**—

(1) **IN GENERAL.**—Section 208 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (16 U.S.C. 1891b) is amended—

(A) in the section heading, by inserting “**ZEKE GRADER**” before “**FISHERIES CONSERVATION AND MANAGEMENT FUND**”;

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

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

(2) **CLERICAL AMENDMENT.**—The table of contents is amended by striking the item relating to section 208 and inserting the following:

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

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

SEC. 8. GULF OF MEXICO FISHERIES COOPERATIVE RESEARCH AND RED SNAPPER MANAGEMENT.

(a) **REPORTING AND DATA COLLECTION PROGRAM.**—The Secretary of Commerce shall—

(1) in conjunction with the States, the Gulf of Mexico Fishery Management Council, and the recreational fishing sectors, develop and implement a real-time reporting and data collection program for the Gulf of Mexico red snapper fishery using available technology; and

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

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

(1) develop a schedule of stock surveys and stock assessments for the Gulf of Mexico Region and the South Atlantic

Region for the 5-year period beginning on the date of the enactment of this Act and for every 5-year period thereafter;

(2) direct the Southeast Science Center Director to implement such schedule; and

(3) in such development and implementation—

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

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

(c) **USE OF FISHERIES INFORMATION IN STOCK ASSESSMENTS.**—The Southeast Science Center Director shall ensure that fisheries information made available through fisheries programs funded under Public Law 112–141 is incorporated as soon as possible into any fisheries stock assessments conducted after the date of the enactment of this Act.

SEC. 9. RECREATIONAL FISHING DATA.

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

“(4) **FEDERAL-STATE PARTNERSHIPS.**—

“(A) **ESTABLISHMENT.**—The Secretary shall establish partnerships with States to develop best practices for implementation of State programs that are exempted under paragraph (2).

“(B) **GUIDANCE.**—The Secretary shall develop guidance, in cooperation with the States, that details best practices for administering State programs that are exempted under paragraph (2), and provide such guidance to the States.

“(C) **BIENNIAL REPORT.**—The Secretary shall submit to the Congress and publish biennial reports that include—

“(i) the estimated accuracy of the registry program established under paragraph (1) and of State programs that are exempted under paragraph (2);

“(ii) priorities for improving recreational fishing data collection; and

“(iii) an explanation of any use of information collected by such State programs and by the Secretary, including a description of any consideration given to the information by the Secretary.

“(D) **STATE GRANT PROGRAM.**—The Secretary shall make grants to States to improve implementation of State programs consistent with this subsection. The Secretary shall prioritize such grants based on the ability of the grant to improve the quality and accuracy of such programs.”.

(b) **STUDY OF RECREATIONAL FISHERIES DATA.**—

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

(A) provide an updated assessment of recreational survey methods established or improved since the publication

of the Council's report entitled "Review of Recreational Fisheries Survey Methods (2006)";

(B) evaluate the extent to which the recommendations made in that report were implemented pursuant to subsection (g)(3)(B) of that section; and

(C) examine any limitations of the Marine Recreational Fishery Statistics Survey and the marine recreational information program established under subsection (g)(3)(A) of that section.

(2) REPORT.—Not later than 1 year after entering into an agreement under paragraph (1) the Secretary shall submit a report to Congress on the results of the study under paragraph (1).

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

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

(1) by striking "this Act" and all that follows through "(7)" and inserting "this Act"; and

(2) by striking "fiscal year 2013" and inserting "each of fiscal years 2016 through 2021".

