

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

10

AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 1335  
OFFERED BY MR. GRAVES OF LOUISIANA

Add at the end the following:

1 SEC. 29. TRANSFER TO STATES OF MANAGEMENT OF RED  
2 SNAPPER FISHERIES IN THE GULF OF MEX-  
3 ICO.

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

7 **“TITLE V—TRANSFER TO STATES**  
8 **OF MANAGEMENT OF RED**  
9 **SNAPPER FISHERIES IN THE**  
10 **GULF OF MEXICO**

11 “SEC. 501. SHORT TITLE.

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

14 “SEC. 502. DEFINITIONS.

15 “In this title:

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

1           “(A) shoreward of the baseline from which  
2           the territorial sea of the United States is meas-  
3           ured; and

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

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

9           “(A) Alabama.

10          “(B) Florida.

11          “(C) Louisiana.

12          “(D) Mississippi.

13          “(E) Texas.

14          “(3) GULF OF MEXICO FISHERY MANAGEMENT  
15          COUNCIL.—The term ‘Gulf of Mexico Fishery Man-  
16          agement Council’ means the Gulf of Mexico Fishery  
17          Management Council established under section  
18          302(a).

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

1           “(5) GULF STATES RED SNAPPER MANAGE-  
2           MENT AUTHORITY.—The term ‘Gulf States Red  
3           Snapper Management Authority’ and ‘GSRMSA’,  
4           means the Gulf States Red Snapper Management  
5           Authority established under section 503(a).

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

12          “(7) REEF FISH FEDERAL FISHERY MANAGE-  
13          MENT PLAN.—The term ‘Reef Fish Federal fishery  
14          management plan’ means the Fishery Management  
15          Plan for the Reef Fish Resources of the Gulf of  
16          Mexico, as amended, prepared by the Gulf of Mexico  
17          Fishery Management Council pursuant to title III  
18          and implemented under part 622 of title 50, Code  
19          of Federal Regulations (or similar successor regula-  
20          tion).

21          “(8) STATE TERRITORIAL WATERS.—The term  
22          ‘State territorial waters’, with respect to a Gulf  
23          coastal State, means the waters adjacent to such  
24          State seaward to the line three marine leagues sea-

1 ward from the baseline from which of the territorial  
2 sea of the United States is measured.

3 **"SEC. 503. MANAGEMENT OF GULF OF MEXICO RED SNAP-**  
4 **PER.**

5 **"(a) GULF STATES RED SNAPPER MANAGEMENT**  
6 **AUTHORITY.—**

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

13 **"(2) DUTIES.—**The duties of the GSRMSMA are  
14 as follows:

15 **"(A)** To review and approve red snapper  
16 fishery management plans, as set out in the  
17 Act.

18 **"(B)** To provide standards for each Gulf  
19 coastal State to use in developing fishery man-  
20 agement measures to sustainably manage Gulf  
21 of Mexico red snapper in the coastal waters ad-  
22 jacent to such State.

23 **"(C)** To the maximum extent practicable,  
24 make scientific data, stock assessments and  
25 other scientific information upon which fishery

1 management plans are based available to the  
2 public for inspection prior to meetings described  
3 in paragraph (c)(2).

4 “(b) REQUIREMENT FOR PLANS.—

5 “(1) DEADLINE FOR SUBMISSION OF PLANS.—

6 The GSRMSA shall establish a deadline for each  
7 Gulf coastal State to submit to the GSRMSA a red  
8 snapper fishery management plan for such State.

9 “(2) CONSISTENCY WITH FEDERAL FISHERY  
10 MANAGEMENT PLANS.—To the extent practicable,  
11 the Gulf Coastal States fishery management plans  
12 shall be consistent with the requirements in section  
13 303(a) of the Fishery Conservation and Manage-  
14 ment Act of 1976 (16 U.S.C. 1853(a)).

15 “(c) REVIEW AND APPROVAL OF PLANS.—

16 “(1) IN GENERAL.—Not later than 1 year after  
17 the date of the enactment of this title and not more  
18 than 60 days after one or more Gulf coastal States  
19 submits a red snapper fishery management plan and  
20 annually thereafter, the GSRMSA shall review and  
21 approve by majority vote the red snapper fishery  
22 management plan if such plan meets the require-  
23 ments of this title.

24 “(2) PUBLIC PARTICIPATION.—Prior to approv-  
25 ing a red snapper fishery management plan sub-

1 mitted by one or more Gulf coastal States, the  
2 GSRMSA shall provide an adequate opportunity for  
3 public participation, including—

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

6 “(B) procedures for submitting written  
7 comments to GSRMSA on the fishery manage-  
8 ment plan.

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

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

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

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

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

1           “(ii) during the 3-year period begin-  
2           ning on the date of enactment of this title  
3           and consistent with subsection (d), the  
4           GSRMSA shall not determine a quota ap-  
5           portioned to the commercial sector; and

6           “(iii) nothing in this Act shall be con-  
7           strued to change the individual quota  
8           shares currently in place in the commercial  
9           sector of the Gulf of Mexico red snapper  
10          fishery

11          “(4) REVIEW AND APPROVAL.—Not later than  
12          60 days after the date the GSRMSA receives a red  
13          snapper fishery management plan from one or more  
14          Gulf coastal State or States, the GSRMSA shall re-  
15          view and approve such plan if such plan satisfies the  
16          requirements of subsection (b).

17          “(d) CONTINUED MANAGEMENT BY THE SEC-  
18          RETARY.—During the 3-year period beginning on the date  
19          of the enactment of this title, the Secretary, in coordina-  
20          tion with the Gulf of Mexico Fishery Management Council,  
21          shall continue to manage the commercial sector of the Gulf  
22          of Mexico red snapper fishery.

23          “(e) REPORTING REQUIREMENTS.—

24                  “(1) REPORTS BY GULF COASTAL STATES.—  
25          Each Gulf coastal State shall submit to the

1 GSRMSMA an annual report on the status of the Gulf  
2 of Mexico red snapper fishery in coastal waters adja-  
3 cent to such State.

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

10 “(3) ANNUAL REPORT BY NATIONAL OCEANIC  
11 AND ATMOSPHERIC ADMINISTRATION.—The Admin-  
12 istrator of the National Oceanic and Atmospheric  
13 Administration shall submit to Congress an annual  
14 report on the implementation of this title.

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

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

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

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

4                   “(A) publish a notice in the Federal Reg-  
5                   ister revoking the regulations and portions of  
6                   the Reef Fish Federal fishery management plan  
7                   that are in conflict with any red snapper fishery  
8                   management plan approved by the GSR SMA;  
9                   and

10                   “(B) transfer management of Gulf of Mex-  
11                   ico red snapper to the GSR SMA.

12           “(b) IMPLEMENTATION.—

13                   “(1) IN GENERAL.—Upon the transfer of man-  
14                   agement described in subsection (a)(2)(B) and sub-  
15                   ject to section 503 (d), each Gulf coastal State shall  
16                   implement and enforce the red snapper fishery man-  
17                   agement plans approved under section 503 for the  
18                   Gulf of Mexico red snapper fishery in the coastal  
19                   waters adjacent to each Gulf coastal State.

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

1 "SEC. 505. OVERSIGHT OF GULF OF MEXICO RED SNAPPER  
2 MANAGEMENT.

3 "(a) IMPLEMENTATION AND ENFORCEMENT OF  
4 FISHERY MANAGEMENT PLANS.—Not later than Decem-  
5 ber 1 of the year following the transfer of management  
6 described in section 504(a)(2), and at any other time the  
7 GSR SMA considers appropriate after that date, the  
8 GSR SMA shall determine if—

9 "(1) each Gulf coastal State has fully adopted  
10 and implemented the red snapper fishery manage-  
11 ment plan approved under section 503 for such  
12 State;

13 "(2) each such plan continues to be in compli-  
14 ance with the standards for sustainability provided  
15 by the GSR SMA pursuant to section 503(a)(2); and

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

20 "(b) OVERFISHING AND REBUILDING PLANS.—

21 "(1) CERTIFICATION.—If the Gulf of Mexico  
22 red snapper in the coastal waters adjacent to a Gulf  
23 coastal State is experiencing overfishing or is subject  
24 to a rebuilding plan, such Gulf coastal State shall  
25 submit a certification to the GSR SMA showing that  
26 such State—

1           “(A) has implemented the necessary meas-  
2           ures to end overfishing or rebuild the fishery;  
3           and

4           “(B) in consultation with the National  
5           Oceanic and Atmospheric Administration, has  
6           implemented a program to provide for data col-  
7           lection adequate to monitor the harvest of Gulf  
8           of Mexico red snapper by such State.

9           “(2) NOTIFICATION TO SECRETARY.—If, after  
10          such time as determined by the GSRSSMA, a Gulf  
11          coastal State that submitted a certification under  
12          paragraph (1) has not implemented the measures  
13          and requirements described in subparagraphs (A)  
14          and (B) of such paragraph, the GSRSSMA shall vote  
15          on whether to notify the Secretary of a recommenda-  
16          tion of closure of the red snapper fishery in the  
17          waters adjacent to the State territorial waters of the  
18          Gulf coastal State.

19          “(c) CLOSURE OF THE GULF OF MEXICO RED SNAP-  
20          PER FISHERY.—

21          “(1) CONDITIONS FOR CLOSURE.—Not later  
22          than 60 days after the receipt of a notice under sub-  
23          section (b)(2) for a Gulf coastal State, the Secretary  
24          may declare a closure of the Gulf of Mexico red

1 snapper fishery within the waters adjacent to the  
2 State territorial waters of the Gulf coastal State.

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

7 “(3) ACTIONS PROHIBITED DURING CLO-  
8 SURE.—During a closure of the Gulf of Mexico red  
9 snapper fishery under paragraph (1), it is unlawful  
10 for any person—

11 “(A) to engage in fishing for Gulf of Mex-  
12 ico red snapper within the waters adjacent to  
13 the State territorial waters of the Gulf coastal  
14 State covered by the closure;

15 “(B) to land, or attempt to land, the Gulf  
16 of Mexico red snapper in the area of the clo-  
17 sure; or

18 “(C) to fail to return to the water any Gulf  
19 of Mexico red snapper caught in the area of the  
20 closure that are incidental to commercial har-  
21 vest or in the recreational fisheries.

22 “(4) CONSTRUCTION.—Nothing in this sub-  
23 section shall be construed to allow the Secretary to  
24 close the red snapper fishery in the State territorial  
25 waters of a Gulf coastal State.

1 "SEC. 506. GULF STATES MARINE FISHERIES COMMISSION.

2       “(a) FUNDING TO THE GULF STATES MARINE FISH-  
3 ERIES COMMISSION.—The Secretary shall provide all Fed-  
4 eral funding to the Gulf States Marine Fisheries Commis-  
5 sion for all necessary stock assessments, research, and  
6 management for the red snapper fishery.

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

12       “(c) NO ADDITIONAL APPROPRIATIONS AUTHOR-  
13 IZED.—Nothing in this section may be construed to in-  
14 crease the amount of Federal funds authorized to be ap-  
15 propriated for Gulf of Mexico red snapper fishery manage-  
16 ment.

17 "SEC. 507. NO EFFECT ON MANAGEMENT OF SHRIMP FISH-  
18                               **ERIES IN FEDERAL WATERS.**

19       “(a) BYCATCH REDUCTION DEVICES.—Nothing in  
20 this title may be construed to effect any requirement re-  
21 lated to the use of Gulf of Mexico red snapper bycatch  
22 reduction devices in the course of shrimp trawl fishing ac-  
23 tivity.

24       “(b) BYCATCH OF RED SNAPPER.—Nothing in this  
25 title shall be construed to apply to or affect in any manner  
26 the Federal management of commercial shrimp fisheries

1 in the Gulf of Mexico as in effect on the date of the enact-  
2 ment of this section, including any incidental catch of red  
3 snapper”.

4 (b) CONFORMING AMENDMENTS.—

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

12 “(vi) in the case of each fishery in the  
13 Gulf of Mexico, taking into consideration  
14 all data collection activities related to fish-  
15 ery effort that are undertaken by the ma-  
16 rine resources division of each relevant  
17 State of the Gulf of Mexico Fishery Man-  
18 agement Council.”.

19 (2) GULF STATE TERRITORIAL WATERS.—Sec-  
20 tion 306(b) of the Magnuson-Stevens Fishery Con-  
21 servation and Management Act (16 U.S.C. 1856(b))  
22 is amended by adding at the end the following:

23 “(4) Notwithstanding section 3(11) and sub-  
24 section (a) of this section, for purposes of managing  
25 fisheries in the Gulf of Mexico, the seaward bound-

1       ary of a coastal State in the Gulf of Mexico is a line  
2       three marine leagues seaward from the baseline from  
3       which the territorial sea of the United States is  
4       measured.”.

5       (c) CLERICAL AMENDMENT.—The table of contents  
6       in the first section of such Act is amended by adding at  
7       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.”.

