

**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 ‘GSR SMA’,
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 GSRSMA 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 GSR SMA 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 GSR SMA receives a red
13 snapper fishery management plan from one or more
14 Gulf coastal State or States, the GSR SMA 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 receipt 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 GSRMSA considers appropriate after that date, the
8 GSRMSA 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 GSRMSA 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 GSRMSA 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 GSR SMA, 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 GSR SMA 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.”.

