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

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 Man-
agement 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 \textit{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 ‘GSRSMA’, 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 sea-
ward 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 GSRSMA 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 man-
agement measures to sustainably manage Gulf
of Mexico red snapper in the coastal waters ad-
jacent 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 GSRSMA shall establish a deadline for each
Gulf coastal State to submit to the GSRSMA 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 Manage-
ment 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 GSRSMA shall review and
approve by majority vote the red snapper fishery
management plan if such plan meets the require-
ments of this title.

“(2) PUBLIC PARTICIPATION.—Prior to approv-
ing a red snapper fishery management plan sub-
mitted by one or more Gulf coastal States, the
GSRSMA 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 GSRSMA on the fishery manage-
ment 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
GSRSMA 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 GSRSMA 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 GSRSMA receives a red snapper fishery management plan from one or more Gulf coastal State or States, the GSRSMA 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 manage-
ment plan approved under section 503 for such
State;
“(2) each such plan continues to be in compli-
ance 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 bound-
ary 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.”.