

105TH CONGRESS
2D SESSION

H. R. 3735

To disapprove a rule requiring the use of bycatch reduction devices in the shrimp fishery of the Gulf of Mexico.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 1998

Mr. PAUL (for himself, Mr. LIVINGSTON, Mr. TAUZIN, Mr. BRADY, Mr. COOKSEY, Mr. ORTIZ, Mr. TAYLOR of Mississippi, Mr. CALLAHAN, Mr. SCARBOROUGH, Mr. JOHN, and Mr. BONILLA) introduced the following bill; which was referred to the Committee on Resources

A BILL

To disapprove a rule requiring the use of bycatch reduction devices in the shrimp fishery of the Gulf of Mexico.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DISAPPROVAL OF RULE.**

4 (a) FINDINGS.—The Congress finds the following:

5 (1) The National Marine Fisheries Service ap-
6 proved Amendment 9 to the Fishery Management
7 Plan for the Shrimp Fishery of the Gulf of Mexico
8 on July 30, 1997, and issued a final rule implement-
9 ing the amendment on April 14, 1998.

1 (2) Such approval is inconsistent with the re-
2 quirements of the Magnuson-Stevens Fishery Con-
3 servaion and Management Act and the provisions
4 popularly known as the Administrative Procedure
5 Act on several grounds, including but not limited to
6 the following:

7 (A) Amendment 9 is not based on the best
8 available scientific and commercial information.

9 (B) The economic information used as a
10 basis for the approval is inaccurate and incom-
11 plete and significantly understates the negative
12 impact on the shrimp fishery and coastal com-
13 munities.

14 (C) The National Marine Fisheries Service
15 failed to establish that bycatch reduction de-
16 vices are practicable or that approved devices in
17 fact reduce juvenile red snapper mortality by
18 the amounts required to obtain any positive
19 change in the fishery.

20 (b) DISAPPROVAL OF RULE.—The rule issued by the
21 National Marine Fisheries Service on April 14, 1998,
22 making amendments to part 622 of title 50, Code of Fed-
23 eral Regulations, to implement Amendment 9 to the Fish-

- 1 ery Management Plan for the Shrimp Fishery of the Gulf
- 2 of Mexico, shall have no force or effect.

