

105TH CONGRESS  
2D SESSION

# S. 2417

To provide for allowable catch quota for red snapper in the Gulf of Mexico,  
and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 31, 1998

Mr. SESSIONS introduced the following bill; which was read twice and referred  
to the Committee on Commerce, Science, and Transportation

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## A BILL

To provide for allowable catch quota for red snapper in  
the Gulf of Mexico, and for other purposes.

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. RED SNAPPER ALLOWABLE CATCH QUOTAS.**

4 (a) DEFINITIONS.—

5 (1) EXCLUSIVE ECONOMIC ZONE.—The term  
6 “exclusive economic zone” means the zone estab-  
7 lished by Presidential Proclamation No. 5030, dated  
8 March 10, 1983, and that is the area adjacent to the  
9 United States that, except where modified to accom-  
10 modate international boundaries, encompasses all

1 waters from the seaward boundary of each of the  
 2 coastal States to a line on which each point is 200  
 3 nautical miles from the baseline from which the ter-  
 4 ritorial sea of the United States is measured.

5 (2) GULF RED SNAPPER.—The term “Gulf red  
 6 snapper” means red snapper of the Gulf of Mexico.

7 (b) IN GENERAL.—Notwithstanding any other provi-  
 8 sion of law, including part 622 of title 50, Code of Federal  
 9 Regulations, the total allowable catch quotas for commer-  
 10 cial and recreational fisheries for Gulf red snapper shall  
 11 be determined under subsection (c).

12 (c) QUOTAS.—

13 (1) AGGREGATE ALLOWABLE CATCH QUOTAS.—  
 14 For each of the calendar years 1998 through 2001,  
 15 the aggregate allowable catch quota for Gulf red  
 16 snapper shall be 9,120,000 pounds.

17 (2) QUOTA FOR COMMERCIAL FISHERIES.—For  
 18 each calendar year specified in paragraph (1), the  
 19 allowable catch quota applicable to persons who har-  
 20 vest Gulf red snapper under commercial vessel per-  
 21 mits shall be 51 percent of the aggregate allowable  
 22 catch quota specified in that paragraph.

23 (3) RECREATIONAL QUOTA.—For each calendar  
 24 year specified in paragraph (1), the allowable catch  
 25 quota applicable to persons who harvest Gulf red

1       snapper other than under commercial vessel permits  
2       shall be 49 percent of the aggregate allowable catch  
3       quota specified in that paragraph.

4       (d) LIMITATION ON CONDITIONS.—Notwithstanding  
5 any other provision of law, the harvesting of Gulf red  
6 snapper in accordance with the quotas specified under  
7 subsection (c) shall not be subject to any condition relat-  
8 ing to the performance of bycatch reduction devices that  
9 would reduce the amounts of red snapper that may be har-  
10 vested under an applicable catch quota specified in sub-  
11 section (c).

12       (e) RECREATIONAL BAG LIMIT.—Notwithstanding  
13 any other provision of law, including part 622.39 of title  
14 50, Code of Federal Regulations, during the period begin-  
15 ning on the date of enactment of this Act and ending on  
16 December 31, 2001, the bag limit for daily catch of Gulf  
17 red snapper applicable to a person who harvests red snap-  
18 per other than under a commercial vessel permit shall be  
19 4 fish, except that any member of the crew of a for-hire  
20 vessel used for such recreational fishing shall be prohibited  
21 from catching any Gulf red snapper while aboard that ves-  
22 sel during the period of time that vessel is used for-hire  
23 for that purpose.

24       (f) MINIMUM SIZE LIMIT.—Notwithstanding any  
25 other provision of law, including part 622.37 of title 50,

1 Code of Federal Regulations, during the period beginning  
2 on the date of enactment of this Act and ending on De-  
3 cember 31, 2001, the minimum size limit for Gulf red  
4 snapper shall be 15 inches (38.1 cm), total length.

5 (g) PROHIBITION.—During the period specified in  
6 subsection (c)(1), the Secretary of Commerce, acting  
7 through the Director of the National Marine Fisheries  
8 Service, may not establish any fishery closing date de-  
9 signed for the preservation of Gulf red snapper that is in-  
10 consistent with a recommendation of the Gulf of Mexico  
11 Fishery Management Council established under section  
12 302 of the Magnuson-Stevens Fishery Management Act  
13 (16 U.S.C. 1852).

14 (h) EXPEDITED REVIEW OF TEDS.—Not later than  
15 December 31, 1998, the Secretary of Commerce, acting  
16 through the Director of the National Marine Fisheries  
17 Service, shall—

18 (1) take such actions as may be necessary to  
19 complete the review of turtle excluding devices (com-  
20 monly referred to as “TEDs”) to determine whether  
21 those devices may serve effectively as functioning by-  
22 catch reduction devices; and

23 (2) if upon completion of that review, the Sec-  
24 retary, acting through the Director, determines that  
25 turtle excluding devices may serve effectively as

1 functioning bycatch reduction devices, certify those  
2 devices as functioning bycatch reduction devices.

3 (i) STUDY.—

4 (1) IN GENERAL.—The Secretary of Commerce,  
5 acting through the Director of the National Marine  
6 Fisheries Service, shall conduct a study to provide  
7 an estimate of the bycatch reduction achieved in the  
8 Gulf of Mexico by bycatch reduction devices, includ-  
9 ing the devices described in subsection (h).

10 (2) COMMENCEMENT AND COMPLETION DATES  
11 OF STUDY.—The Secretary of Commerce, acting  
12 through the Director of the National Marine Fish-  
13 eries Service, shall commence the study under para-  
14 graph (1) on May 1, 2001, and shall complete that  
15 study not later than August 31, 2001.

16 (3) PEER REVIEW.—In conducting the study  
17 under this section, the Secretary of Commerce, act-  
18 ing through the Director of the National Marine  
19 Fisheries Service, shall provide for a process of peer  
20 review of the results of the study. Under that proc-  
21 ess, the Secretary of Commerce, acting through the  
22 Director of the National Marine Fisheries Service,  
23 shall make the results of the study available for re-  
24 view by individuals with recognized scientific or

1       other research expertise that the Secretary, acting  
2       through the Director, determines to be appropriate.

3           (4) REPORT.—Upon completion of the study  
4       under this subsection, the Secretary of Commerce,  
5       acting through the Director of the National Marine  
6       Fisheries Service, shall prepare and submit to the  
7       Committee on Commerce, Science, and Transpor-  
8       tation of the Senate and the Committee on Re-  
9       sources of the House of Representatives, a report  
10      that contains the results of the study.

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