

114TH CONGRESS
1ST SESSION

H. R. 981

To amend the Magnuson-Stevens Fishery Conservation and Management Act to improve the Gulf of Mexico Red Snapper fishery by providing flexibility for fishing managers and stability for fisherman, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2015

Mr. BYRNE (for himself, Mr. ROGERS of Alabama, Mrs. ROBY, and Mr. PALMER) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to improve the Gulf of Mexico Red Snapper fishery by providing flexibility for fishing managers and stability for fisherman, 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. SHORT TITLE.**

4 This Act may be cited as the “Red Snapper Regu-
5 latory Reform Act”.

1 **SEC. 2. REPEAL OF CATCH LIMITS REQUIREMENT FOR**
2 **GULF OF MEXICO RED SNAPPER FISHERY.**

3 Subsection (d) of section 407 of the Magnuson-Ste-
4 vens Fishery Conservation and Management Act (16
5 U.S.C. 1883) is repealed.

6 **SEC. 3. STATE JURISDICTION OVER FISHERIES IN THE**
7 **GULF OF MEXICO.**

8 Section 306(b) of the Magnuson-Stevens Fishery
9 Conservation and Management Act (16 U.S.C. 1856(b))
10 is amended by adding at the end the following:

11 “(3) Notwithstanding section 3(11) and subsection
12 (a) of this section, for purposes of managing fisheries in
13 the Gulf of Mexico, the seaward boundary of a coastal
14 State in the Gulf of Mexico is a line 9 nautical miles sea-
15 ward from the baseline from which the territorial sea of
16 the United States is measured.”.

17 **SEC. 4. STOCK ASSESSMENTS USED FOR FISHERIES MAN-**
18 **AGED UNDER GULF OF MEXICO COUNCIL’S**
19 **REEF FISH MANAGEMENT PLAN.**

20 (a) IN GENERAL.—Title IV of the Magnuson-Stevens
21 Fishery Conservation and Management Act (16 U.S.C.
22 1884) is amended by adding at the end the following:

1 **“SEC. 409. STOCK ASSESSMENTS USED FOR FISHERIES**
2 **MANAGED UNDER GULF OF MEXICO COUN-**
3 **CIL’S REEF FISH MANAGEMENT PLAN.**

4 “(a) IN GENERAL.—The Gulf States Marine Fish-
5 eries Commission shall conduct all fishery stock assess-
6 ments used for management purposes by the Gulf of Mex-
7 ico Fishery Management Council for the fisheries man-
8 aged under the Council’s Reef Fish Management Plan.

9 “(b) USE OF OTHER INFORMATION AND ASSETS.—

10 “(1) IN GENERAL.—Such fishery assessments
11 shall—

12 “(A) incorporate fisheries survey informa-
13 tion collected by university researchers; and

14 “(B) to the extent practicable, use State,
15 university, and private assets to conduct fish-
16 eries surveys.

17 “(2) SURVEYS AT ARTIFICIAL REEFS.—Any
18 such fishery stock assessment conducted after the
19 date of the enactment of the Strengthening Fishing
20 Communities and Increasing Flexibility in Fisheries
21 Management Act shall incorporate fishery surveys
22 conducted, and other relevant fisheries information
23 collected, on and around natural and artificial reefs.

24 “(c) CONSTITUENT AND STAKEHOLDER PARTICIPA-
25 TION.—Each such fishery assessment shall—

1 “(1) emphasize constituent and stakeholder
2 participation in the development of the assessment;

3 “(2) contain all of the raw data used in the as-
4 sessment and a description of the methods used to
5 collect that data; and

6 “(3) employ an assessment process that is
7 transparent and includes—

8 “(A) both dependent and independent data
9 collection methods;

10 “(B) a rigorous and independent scientific
11 review of the completed fishery stock assess-
12 ment; and

13 “(C) a panel of independent experts to re-
14 view the data and assessment and make rec-
15 ommendations on the most appropriate values
16 of critical population and management quan-
17 tities.

18 “(d) FUNDING.—

19 “(1) IN GENERAL.—The Secretary, subject to
20 the availability of appropriations, shall provide to the
21 Gulf of Mexico Marine Fisheries Commission appro-
22 priate funding for all necessary stock assessments
23 concerning the Gulf of Mexico red snapper fishery.

24 “(2) NO ADDITIONAL APPROPRIATIONS AU-
25 THORIZED.—This subsection shall not be construed

1 to increase the amount that is authorized to be ap-
2 propriated for any fiscal year.”.

3 **SEC. 5. DATA COLLECTION.**

4 Section 401(g)(3)(C) of the Magnuson-Stevens Fish-
5 ery Conservation and Management Act (16 U.S.C.
6 1881(g)(3)(G)) is amended by striking “and” after the
7 semicolon at the end of clause (iv), by striking the period
8 at the end of clause (v) and inserting “; and”, and by
9 adding at the end the following:

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

17 **SEC. 6. MEMBERSHIP OF GULF OF MEXICO FISHERY MAN-**
18 **AGEMENT COUNCIL.**

19 Section 302 of the Magnuson-Stevens Fishery Con-
20 servation and Management Act (16 U.S.C. 1852) is
21 amended—

22 (1) in subsection (a)(1), by striking subpara-
23 graph (E) and inserting the following:

24 “(E) GULF OF MEXICO COUNCIL.—

1 “(i) The Gulf of Mexico Fishery Man-
2 agement Council shall consist of the States
3 of Texas, Louisiana, Mississippi, Alabama,
4 and Florida and shall have authority over
5 the fisheries in the Gulf of Mexico seaward
6 of such States (except as provided in para-
7 graph (3)). The Gulf Council shall have 16
8 voting members, including—

9 “(I) 2 members appointed by the
10 Governor of each such State in ac-
11 cordance with the requirements that
12 apply under subsection (b)(2) with re-
13 spect to appointments by the Sec-
14 retary;

15 “(II) the principal State official
16 of each such State with marine fishery
17 management responsibility and exper-
18 tise in such State;

19 “(III) the regional director of the
20 National Marine Fisheries Service for
21 the Gulf of Mexico geographic area, or
22 the regional director’s designee; and

23 “(IV) 1 at-large member who
24 shall be appointed, on a rotating
25 basis, by the Governor of a State on

1 the Council, except that no governor
2 may make consecutive appointments
3 under this subclause.

4 “(ii) Except as provided in clauses
5 (iii), (iv), (v), and (vi), a governor shall
6 make appointments under this subpara-
7 graph in accordance with the requirements
8 that apply under subparagraph (C) of this
9 paragraph, paragraphs (2) and (3) of this
10 subsection, and subsection (b) with respect
11 to appointments by the Secretary.

12 “(iii) The following provisions of sub-
13 section (b)(2) shall not apply with respect
14 to appointments under this subparagraph:

15 “(I) The last sentence of sub-
16 paragraph (A).

17 “(II) Subparagraphs (C) and
18 (E), but a governor may not appoint
19 an individual who would not be eligi-
20 ble to be included in a list submitted
21 to the Secretary under those subpara-
22 graphs.

23 “(iv)(I) In making appointments
24 under this subparagraph, each Governor
25 must consider—

1 “(aa) at least 1 nominee each
2 from the commercial, recreational,
3 and charter fishing sectors; and

4 “(bb) at least 1 other individual
5 who is knowledgeable regarding the
6 conservation and management of fish-
7 eries resources in the jurisdiction of
8 the Gulf of Mexico Fishery Manage-
9 ment Council.

10 “(II) For purposes of clause (i) an in-
11 dividual who owns or operates a fish farm
12 outside of the United States shall not be
13 considered to be a representative of the
14 commercial or recreational fishing sector.

15 “(v) A governor shall notify the Sec-
16 retary before making each appointment
17 under this subparagraph. The Secretary
18 shall publish notice of such appointment by
19 not later than 45 days before the first day
20 on which the appointee takes office as a
21 member of the Council.

22 “(vi) Subsection (b)(3) shall be ap-
23 plied with respect to the Gulf of Mexico
24 Fishery Management Council by sub-
25 stituting ‘a Governor in accordance with

1 subsection (a)(1)(E)’ for ‘the Secretary in
2 accordance with paragraphs (2) and (5)’.’;’;
3 and
4 (2) in subsection (b)(2)—
5 (A) in subparagraph (B)(iii), by inserting
6 “(other than the Gulf of Mexico Fishery Man-
7 agement Council)” after “each Council”; and
8 (B) in subparagraph (C), in the first sen-
9 tence, by inserting “(other than the Gulf of
10 Mexico Fishery Management Council)” after
11 “each Council”.

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