

**Legislation to Amend/Reauthorize the Magnuson-Stevens Act  
and Gulf of Mexico or Red Snapper Specific Provisions**

**I. Authorization Legislation that Contains Provisions Directly Affecting Gulf of Mexico Fisheries or the Red Snapper Fishery:**

**H.R. 981, the Red Snapper Regulatory Reform Act.** Introduced by Congressman Byrne (R-Alabama) on March 16, 2015. Referred to the House Natural Resources Committee.

The major provisions of the bill would repeal section 407(d), would expand State waters to 9 miles in the Gulf of Mexico for the purposes of fisheries management, would transfer stock assessment authority to the Gulf States Marine Fisheries Commission, would require additional data collection requirements, and would make changes to the appointment process for the Gulf of Mexico Fishery Management Council.

The bill would amend the Magnuson-Stevens Fishery Conservation and Management Act but would not reauthorize the Act.

**H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act.** Introduced by Congressman Young (R-Alaska) on March 4, 2015. The bill was referred to the House Natural Resources Committee.

The bill passed the House on June 1, 2015 and has been referred to the Senate Commerce, Science and Transportation Committee.

The major provisions of the bill would provide flexibility in rebuilding overfished fisheries, provide exemptions to the requirement to establish annual catch limits, distinguish between overfished and depleted, require increased transparency and public participation, require more comprehensive fishery impact statements to replace some existing NEPA requirements, limit the implementation of new catch share programs in four regions, require a referendum prior to the approval of any new catch share programs, require a report on the collection of fees under the Act and how they are used, require guidance on the use of electronic monitoring and authorize the use of electronic monitoring including through the use of pilot projects, changes in the protection of confidential data, requirement for a plan regarding the use of cooperative research, the addition of liaison seats for two councils, new research and stock assessment requirements for the Gulf of Mexico and in particular the red snapper fishery, clarifications of authorities for the North Pacific Council, clarification on the roles of the Magnuson-Stevens Act in relation to the National Marine Sanctuaries act, the Antiquities Act and the Endangered Species Act, a provision to require two National Academy of Sciences reports on recreational fishing and on allocations in the South Atlantic and Gulf of Mexico, require a new State recreational fisheries grant program, requires a new stock assessment plan and schedule for the South Atlantic and the

Gulf of Mexico, provisions dealing with fisheries disaster relief, expansion of State waters in the Gulf of Mexico for the recreational component of the red snapper fishery, new requirements for subsistence fishing, a prohibition on inter-sector trading of quota shares in any Gulf of Mexico catch share, requirement to create a new Arctic community development quota program, require the hiring of higher education students for certain data collection purposes, requirements to review allocations in the South Atlantic and Gulf of Mexico and regular reviews of the benefits and costs of any catch share programs, require a plan for updating stock assessments for all fisheries managed under an FMP, require guidelines on the use of data from non-governmental sources and require the use of such information, require a review of monitoring and enforcement programs and potential costs reduction measures, authority to use alternative fishery management measures in recreational fisheries, and reauthorize the Act through Fiscal Year 2019 at the current levels.

The bill would amend the Magnuson-Stevens Fishery Conservation and Management Act and would reauthorize the Act.

**H.R. 1826, the Fishing Economy Improvement Act.** Introduced by Congressman Sablan (D-CNMI) on April 15, 2015. The bill was referred to the House Natural Resources Committee.

The major provisions of the bill would add new definitions to the Magnuson-Stevens Act, would make changes to the Council appointment requirements, would increase transparency and public participation, would add new requirements for Councils regarding artisanal fishing, would provide for new guidance on the use of electronic monitoring, would require a new plan for the increased use of cooperative research, would require increased data collection and assessments for the Gulf of Mexico region, would require new partnerships with States for recreational data collection and require a new study on recreational data collection by the National Academy of Sciences, would require a report on marine aquaculture, would create a new Shoreside Commercial Fishing Support grant program, would change the way the duties collected under the Saltonstall-Kennedy Act are used, would require timely decisions on fishery disaster requests, would require a new agreement with the U.S. Digital Service to modernize and streamline data collection, processing, analysis, and storage, and would reauthorize the Act for 6 years.

The bill would amend the Magnuson-Stevens Fishery Conservation and Management Act and would reauthorize the Act as well as amend several other statutes.

**H.R. 3094, the Gulf States Red Snapper Management Authority Act.** Introduced by Congressman Graves (R-Louisiana) on August 4, 2015. The bill was referred to the House Natural Resources Committee.

The bill would amend the Magnuson-Stevens Fishery Conservation and Management Act to create a new management regime for the Gulf of Mexico red snapper fishery by creating a new Gulf States Red Snapper Management Authority (GSRMSA) which would review and approve fishery management plan or plans submitted by Gulf coast States and ensure compliance with

any approved plans by the Gulf coastal States. The bill would allow Gulf coastal States to develop and submit fishery management plans for the Gulf red snapper fishery to the GSRMSA and would require the States to comply with any approved plans. The bill would create a process for reviewing compliance with the red snapper fishery management plan(s) and establish a process for dealing with States that are not in compliance with a plan. The bill would transfer stock assessment authority for red snapper to the Gulf States Marine Fisheries Commission and authorize the Commission to allocate funds to the Gulf coastal States for management of the fishery. The bill would place limits on the ability of the GSRMSA to make changes to the commercial sector's allocation for a specific time period and clarify that nothing in the bill would change existing commercial IFQ shares. The bill would not affect the shrimp fishery. The bill would extend State waters in the Gulf of Mexico out to 9 nautical miles and allow GSRMSA-approved plans to transfer authority for managing and enforcing the Gulf red snapper fishery to Gulf coastal States out to 200 miles.

The bill would amend the Magnuson-Stevens Fishery Conservation and Management Act but would not reauthorize the Act.

**H.R. 3282, the Protecting Honest Fishermen Act of 2015.** Introduced by Congressman Farenthold (R-Texas) on July 29, 2015. The bill was referred to four House Committees - the primary referral was to the Energy and Commerce Committee with a subsequent referrals to the Natural Resources Committee, the Agriculture Committee, and the Ways and Means Committee.

The bill primarily deals with seafood inspection and seafood fraud issues regarding imported seafood; however, the bill could have an effect on fisheries in which imported products are commingled with domestically-caught seafood. The bill would require new labeling on seafood products at the retail level in addition to other requirements.

The bill does not amend or reauthorize the Magnuson-Stevens Fishery Conservation and Management Act; however, the bill does reference Magnuson-Stevens Act enforcement and penalty provisions.

**H.R.3521, the Gulf Red Snapper Data Improvement Act.** Introduced by Congressman Jolly (R-Florida) on September 16, 2015. The bill was referred to the House Natural Resources Committee.

The bill would create a new data collection grant program, would require the Secretary to improve stock assessments for the Gulf red snapper fishery, would seek to improve communications with stakeholders, would require a report to Congress on actions to improve communications with stakeholders, would require an additional report to Congress on data collection efforts using cooperative research, and would authorize an additional \$10 million.

The bill would not amend or reauthorize the Magnuson-Stevens Fishery Conservation and Management Act.

**S. 55, the Offshore Fairness Act.** Introduced by Senator Vitter (R- Louisiana) on January 7, 2015. The bill was referred to the Senate Energy and Natural Resources Committee.

The bill would amend the Submerged Lands Act to convey the submerged lands to Gulf States and the States in the South Atlantic region (as far north as Virginia).out to 9 nautical miles. The bill primarily deals with oil and gas issues; however, by extending State waters in the Gulf of Mexico it will affect fisheries management in the Gulf. In addition, the bill would extend exclusive management authority for the Gulf red snapper fishery out to 200 miles upon the approval of a fishery management plan for red snapper by the Gulf coastal states and would require the Secretary to fund stock assessment and data collection activities by the States.

This bill will not amend or reauthorize the Magnuson-Stevens Fishery Conservation and Management Act.

**S. 105, the Red Snapper Management Improvement Act.** Introduced by Senator Vitter (R-Louisiana) on January 7, 2015. The bill was referred to Senate Commerce, Science, and Transportation Committee.

The bill would extend exclusive management authority for the Gulf red snapper fishery out to 200 miles upon the approval of a fishery management plan for Gulf red snapper by the Gulf coastal states, would waive the provisions of the Magnuson-Stevens Fishery Conservation and Management Act, and would require the Secretary to fund stock assessment and data collection activities by the States.

The bill would not amend or reauthorize the Magnuson-Stevens Fishery Conservation and Management Act.

**S. 1403, the Florida Fisheries Improvement Act.** Introduced by Senator Rubio (R-Florida) on May 20, 2015. The bill was referred to the Senate Commerce, Science, and Transportation Committee.

The bill was ordered to be reported on June 25, 2015 (the report has not yet been filed).

The bill would modify the nomination process for the Gulf of Mexico and the South Atlantic Fishery Management Councils, would require increased transparency and public participation, would allow Councils to use alternative management measures in recreational fisheries or the recreational component of mixed-use fisheries, would provide exemptions to the requirement to set ACLs in limited situations, would allow fines and penalties collected under marine resource statutes to be used for data collection and stock assessment purposes, would make changes to the Capital Construction Fund program, would require more timely decision on fishery disaster

requests, would require the Gulf of Mexico and the South Atlantic Fishery Management Councils to review the allocations of fishing privileges among the commercial, recreational, and charter components of a fishery at least once every five years (with some flexibility), would require the Secretary to contract with the National Academy of Sciences to provide guidance and potential criteria for allocating fishing privileges among the different sectors of fisheries, would require new stock assessments for all fishery stocks managed under a fishery management plan and require a schedule for updating all stock assessments, require greater incorporation of data, analysis, and stock assessments from non-governmental sources, would change the way the duties collected under the Saltonstall-Kennedy Act are used, and would repeal section 407 of the Magnuson-Stevens Fishery Conservation and Management Act.

The bill amends the Magnuson-Stevens Fishery Conservation and Management Act, but does not reauthorize the Act.

## **II. Authorization Legislation that Amends the Magnuson-Stevens Act:**

**H.R. 1207, the Healthy Fisheries Through Better Science Act.** Introduced by Congressman Wittman (R-Virginia) on March 23, 2015. The bill was referred to the House Natural Resources Committee.

The bill would require new stock assessments for all fishery stocks managed under a fishery management plan and require a schedule for updating all stock assessments, would require greater incorporation of data, analysis, and stock assessments from non-governmental sources, would require guidelines for the incorporation of data, analyses, and stock assessments from non-governmental sources and requires the Secretary to establish a registry of such non-governmental sources, would require that Councils and the Secretary explain how information from non-governmental sources was used in management decisions and why information provided by such non-governmental sources was not used in management decisions, would require the Secretary to report to Congress to identify the goals of monitoring and enforcement programs and to identify methods for accomplishing those goals in a more cost-effective manner, and would prohibit the Secretary from collecting any fees before preparing a analysis that identifies the costs that will be recovered by the fees and the costs that cannot be recovered by the fees.

The bill amends the Magnuson-Stevens Fishery Conservation and Management Act, but does not reauthorize the Act.

**H.R. 1888, the Fluke Fairness Act.** Introduced by Congressman Zeldin (R- New York) on April 16, 2015. The bill was referred to the House Natural Resources Committee.

The bill is identical to S. 1107.

The bill includes a number of Congressional findings and definitions and would require that within one year, the Mid-Atlantic Fishery Management Council to submit to the Secretary of Commerce a modified fishery management plan for the commercial and recreational management of summer flounder. The bill would allow the Secretary to approve such a modification. The amendment would be required to be based on best scientific information available, reflect the changes in distribution, abundance and location of summer flounder, consider regional or other management measures for summer flounder that comply with the National Standards of the Magnuson-Stevens Act, and prohibit the allocation of commercial or recreational catch quotas on a State-by-State basis using historical landings data. The bill would require the Council to consult with the Atlantic States Marine Fisheries Commission in the preparation of the modification. The bill would require the Secretary to prepare and approve a modification to the management plan if the Council does not submit a plan. The bill would require a report to Congress by the Comptroller General of the United States, within one year of the approval of the modification, on the implementation of the modified plan including an assessment of whether the plan implementation complies with the National Standards.

The bill does not amend the Magnuson-Stevens Fishery Conservation and Management Act, but it does reference the Act and use definitions from the Act. The bill does not reauthorize the Act.

**H.R. 2012, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize competitive grants to support programs that address needs of fishing communities.** Introduced by Congressman Keating (D-Massachusetts) on May 26, 2015. The bill was referred to the House Natural Resources Committee.

The bill would create a new Shoreside Commercial Fishing Support grant program to address the needs of fishing communities pursuant to National Standard 8. The bill would establish eligibility criteria for programs and individuals that would be eligible to receive grants under the program. The bill would require the Secretary to conduct a new demographic study of fishermen and their families to identify the needs of fishing communities. The bill would authorize \$8 million for each of 10 years.

The bill amends the Magnuson-Stevens Act to create a new grant program, but does not reauthorize the Act.

**H.R. 2106, the Fisheries Investment and Regulatory Relief Act of 2015.** Introduced by Congressman Guinta (R- New Hampshire) on April 29, 2015. Referred to the House Natural Resources Committee.

The bill would require each Council to create a fishery investment committee to develop a regional investment plan and to review grant applications. The bill would create a new annual, competitive grant program to provide funds for projects, activities and research to advance the regional priorities included in each Council's regional fishery investment plans. The grant program would be funded by a percentage of the duties collected under the Saltonstall-Kennedy

Act. Additionally, a percentage of the duties collected would be allocated to the regional fishery management councils and the commissions based on a formula in the bill.

While the bill does not directly amend the Magnuson-Stevens Fishery Conservation and Management Act, a number of the provisions would add requirements to the regional fishery management councils and the bill references a number of provisions of the Act with reference to requirements of the new grant program.

**H.R. 2541, the Rhode Island Fishermen’s Fairness Act.** Introduced by Congressman Langevin (D-Rhode Island) on June 16, 2015. The bill was referred to the House Natural Resources Committee.

The bill is identical to S. 1414.

The bill would amend the Magnuson-Stevens Fishery Conservation and Management Act to add the State of Rhode Island to the Mid-Atlantic Council and add two additional seats to the Council for that State – one to be appointed by the Secretary from nominations received from the Governor of Rhode Island and one for the principle marine resource official of the State of Rhode Island.

The bill amends but does not reauthorize the Magnuson-Stevens Fishery Conservation and Management Act.

**S. 1107, the Fluke Fairness Act of 2015.** Introduced by Senator Schumer (D- New York) on April 28, 2015. The bill was referred to the Commerce, Science, and Transportation Committee.

The bill is identical to H.R. 1888 (see above).

**S. 1414, the Rhode Island Fishermen’s Fairness Act.** Introduced by Senator Reed (D- Rhode Island) on May 21, 2015. The bill was referred to the Senate Commerce, Science, and Transportation Committee.

This legislation is identical to H.R. 2541 (see above).

### **III. Appropriations Legislation:**

**H.R. 2578, the Commerce, Justice, Science, and Related Agencies Appropriations Act for Fiscal Year 2016.** Introduced by Congressman Culbertson (R-Texas) on May 27, 2015. The bill was referred to the House Appropriations Committee. The bill has passed the House of Representatives and has been reported by the Senate Appropriations Committee. The full Senate has not yet acted on this legislation.

The bill contains legislative language relating to the Gulf of Mexico red snapper fishery and both the House and Senate reports to accompany the legislation include a number of provisions regarding Gulf of Mexico fisheries conservation and management and the red snapper fishery.

#### **IV. IUU and International Fisheries Legislation:**

##### **H.R. 774, the Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015.**

Introduced by Congresswoman Bordallo (R-Guam) on February 5, 2015. The bill was referred to the House Natural Resources Committee.

The bill passed the House on July 27, 2015 and referred to the Senate Commerce, Science, and Transportation Committee.

**H.R. 3269, the North Pacific Fisheries Convention Implementation Act.** Introduced by Congressman Young (R-Alaska) on July 28, 2015. The bill was referred to the House Natural Resources Committee.

**S. 1251, the Northwest Atlantic Fisheries Convention Amendments Act.** Introduced by Senator Markey (D-Massachusetts) on May 7, 2015. The bill was referred to the Senate Commerce, Science, and Transportation Committee.

The bill was ordered reported by the Senate Commerce, Science, and Transportation Committee on August 28, 2015 and placed on the Senate Legislative Calendar.

##### **S. 1334, the Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015.**

Introduced by Senator Murkowski (R-Alaska) on May 13, 2015. The bill was referred to the Senate Commerce, Science, and Transportation Committee.

The bill was reported by the Senate Commerce, Science, and Transportation Committee on July 28, 2015 with an amendment and placed on the Senate Legislative Calendar.

**S. 1336, the South Pacific Fisheries Convention Implementation Act.** Introduced by Senator Schatz (D-Hawaii) on May 13, 2015. The bill was referred to the Senate Commerce, Science, and Transportation Committee.

The bill was ordered reported by the Senate Commerce, Science, and Transportation Committee on May 20, 2015.