

S. 55, the Offshore Fairness Act

Sponsor – Senator Vitter (R-Louisiana)

Note – information in bold indicates a provision that would affect Council operations or affect Gulf fisheries.

Section	Summary	Impacts	Relation to Other Bills
Section 2 – Definitions	Would define “coast line”, “existing interest”, “expanded seaward boundary”, “expanded submerged land”, “interest owner”, “Secretary”, and “State”.		
Section 3 – Seaward Boundaries of Certain States	Would amend the Submerged Lands Act to extend the seaward boundaries out to 3 marine leagues (9 miles) for the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia. This provision would take effect one day prior to the enactment of this legislation.	Because this legislation deals with issues beyond fisheries management including the transfer of oil and gas leases, it will be referred to different committees and may face different obstacles than other bills transferring management of fisheries in the Gulf.	Similar language to extend state jurisdiction (over fisheries management only) are included in H.R. 981, H.R. 1335, H.R. 3094, and S. 105.
Section 4 – Conveyance	Would require the Secretary of the Interior, within 120 days, to notify each State of the right to request the conveyance of the applicable interest of the United States to the expanded submerged land, and at the request of a State, the Secretary would be required to convey such interests, and would require the Secretary of the Interior to transfer to the Governor of the State the authority to exercise the powers and duties of the Secretary under the existing terms. Would require the State to indemnify the United States from any liability to any interest owner for the taking of property interests or breach of contract arising from the conveyance.		

<p>Section 5 – Effect</p>	<p>Would ensure that this Act would not affect any valid existing rights in and to the expanded submerged lands and would require that the submerged land within the seaward boundaries of a State be: subject to Federal oil, gas, and mineral rights to the extent provided by law; considered to be part of the Federal outer continental shelf for purposes of the Outer Continental Shelf Lands Act (OCSLA); subject to leasing and the distribution of revenues under the OCSLA and subject to any other applicable laws to leasing of Federal oil and gas resources.</p> <p>Would ensure that changes made as a result of this Act would not affect any Federal oil and gas lease that was in effect on the date of the conveyance of the submerged lands.</p> <p>Would allow a State to exercise all of the sovereign powers of taxation within the entire extent of the seaward boundaries of the State, but clarifies that nothing in this subsection will affect the authority of a State to tax any Federal oil and gas lease in effect on the date of enactment.</p>		
<p>Section 6 – Jurisdiction of Gulf Coastal States with Respect to Gulf of Mexico Red Snapper</p>	<p>Defines “Exclusive Economic Zone” and “Gulf coastal state”.</p> <p>Would give exclusive authority for the conservation and management of Gulf of Mexico red snapper to the Gulf coastal states upon the approval of a fishery management plan that provides for the sustainability of the Gulf of Mexico red snapper by each of the Gulf coastal states. The authority for state management would apply in the coastal waters adjacent to the Gulf coastal states and extending through the exclusive economic zone.</p> <p>Would require the Administrator of NOAA to provide financial assistance</p>		<p>Similar language to transfer management of the Gulf red snapper fishery is included in H.R. 3094 and S. 105.</p> <p>Similar language regarding the Secretary providing funding for other entities to conduct stock assessments is included in H.R. 981, H.R. 1335, H.R. 3094, and S.</p>

	to the Gulf coastal states for the conduct of any necessary stock assessments and data collection relating to the conservation and management plan for Gulf of Mexico red snapper.		105.
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