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# Issue Brief for Congress

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## **Fishery, Aquaculture, and Marine Mammal Legislation in the 107<sup>th</sup> Congress**

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### SUMMARY

Fish and marine mammals are important resources in the open ocean and nearshore coastal areas. A diverse body of laws and regulations guides the management of these resources by a multitude of federal agencies.

Reauthorization of major legislation in this issue area — the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) and the Marine Mammal Protection Act (MMPA) — is on the agenda of the 107<sup>th</sup> Congress, since the authorization of appropriations for both laws expired at the end of FY1999. In the 107<sup>th</sup> Congress, oversight hearings have been held and reauthorization bills introduced in the House — H.R. 2570 and H.R. 4749 on the MSFCMA, and H.R. 4781 on the MMPA. H.R. 4749 has been ordered reported, while H.R. 4781 has been marked up in Subcommittee.

Commercial and sport fishing are jointly managed by the federal government and individual states. States manage fishery resources in inshore waters where 30% to 40% of the annual U.S. commercial harvest is taken. Beyond state jurisdiction and out to 200 miles, the federal government manages fisheries under the authority of the MSFCMA through the actions of eight regional fishery management councils. Beyond 200 miles, the United States participates in a multitude of international agreements relating to specific areas or species.

Legislation related to commercial and sport fisheries enacted so far by the 107<sup>th</sup> Congress provides funding for capacity reduction programs for New England fisheries, modifies terms of the American Fisheries Act, extends state authority to manage West Coast

Dungeness crab, requires a report on efforts to expand the promotion, marketing, and purchasing of pouched and canned salmon harvested and processed in the United States, authorizes a feasibility study of fish passage at Chiloquin Dam, OR, authorizes the waiver of state fishing regulations at military facilities, and extends the interstate compact relating to Atlantic salmon restoration for 20 years.

Aquaculture — the farming of fish, shellfish, and other aquatic animals and plants in a controlled environment — is expanding rapidly, both in the United States and abroad. In the United States, important species cultured include catfish, salmon, crawfish, shellfish, and trout. Legislation related to aquaculture enacted by the 107<sup>th</sup> Congress extends authorization for aquaculture research facilities, reauthorizes the National Aquaculture Act, defines what fish may be labeled and advertized as catfish, and requires the labeling of both farm-raised and wild fish as to country of origin and to distinguish between wild and farm-raised fish.

Marine mammals are provided extensive protection under the MMPA. This Act authorizes restricted use (“take”) of marine mammals and addresses specific situations of concern, such as dolphin mortality primarily associated with the eastern tropical Pacific tuna fishery.

Legislation enacted by the 107<sup>th</sup> Congress related to marine mammals requires the National Park Service to prepare an environmental impact statement on vessel entries to Glacier Bay National Park to assess possible impacts on whale populations.

## MOST RECENT DEVELOPMENTS

*On September 26, 2002, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on H.Con.Res. 427, regarding sanctions by the International Commission for the Conservation of Atlantic Tunas on nations undermining the effectiveness of conservation and management measures for Atlantic marlin. On September 26, 2002, the House, acting on the conference report of H.R. 2215, passed H.Con.Res. 488 to incorporate language of H.R. 5348 as Title V of H.R. 2215 to extend Chapter 12 of bankruptcy laws to family fishermen. On September 26, 2002, S. 2928, Lake Champlain restoration, was ordered reported by the Senate Committee on Environment and Public Works. On September 24, 2002, the House passed H.R. 5099, relating to endangered fish recovery programs for the Upper Colorado and San Juan River Basins. On September 19, 2002, the Senate Committee on Commerce, Science, and Transportation ordered H.R. 1989, miscellaneous fisheries reauthorizations, reported (amended). On September 18, 2002, the Senate passed S. 1308 that would establish the Quinault Permanent Fisheries Fund to manage funds received from the settlement of claims. On September 12, 2002, the House Committee on Resources ordered H.R. 4966, modifying the organization of coastal and ocean resources within NOAA, reported (amended). (Members and staff may request e-mail notification of new CRS reports in the areas of marine and freshwater fisheries, aquaculture, and marine mammal issues by contacting gbuck@crs.loc.gov and requesting to be added to his notification list.)*

## BACKGROUND AND ANALYSIS

### **Commercial and Sport Fisheries: Background and Issues**

Historically, coastal states managed marine sport and commercial fisheries in nearshore waters, where most seafood was caught. However, as fishing techniques improved, fishermen ventured farther offshore. The enactment of the Fishery Conservation and Management Act (FCMA) in 1976 (later renamed the Magnuson Fishery Conservation and Management Act after the late Senator Warren G. Magnuson, and more recently the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) [<http://www.nmfs.noaa.gov/sfa/magact/>] after Senator Ted Stevens) ushered in a new era of federal marine fishery management. The FCMA was signed into law on April 13, 1976, after several years of debate. On March 1, 1977, marine fishery resources within 200 miles of all U.S. coasts, but outside state jurisdiction, came under federal jurisdiction, and an entirely new multifaceted regional management system began allocating fishing rights, with priority given to domestic enterprise. Primary federal management authority was vested in NOAA Fisheries (formerly the National Marine Fisheries Service) [<http://www.nmfs.noaa.gov/>] within the National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce. The 200-mile fishery conservation zone was superseded by an Exclusive Economic Zone (EEZ), proclaimed by President Reagan on March 10, 1983 (Presidential Proclamation 5030).

Eight Regional Fishery Management Councils were created by the FCMA [<http://www.nmfs.noaa.gov/councils/>]. Council members are appointed by the Secretary of Commerce from lists of candidates knowledgeable of fishery resources, provided by coastal state Governors. The Councils prepare fishery management plans (FMPs) for those fisheries that they determine require active federal management. After public hearings, revised FMPs are submitted to the Secretary of Commerce for approval. Approved plans are implemented through regulations published in the *Federal Register*. The MSFCMA was last reauthorized in 1996 by P.L. 104-297, the Sustainable Fisheries Act [<http://www.nmfs.noaa.gov/sfa/sfaguide/>]. This authorization of appropriations expired on September 30, 1999.

Today, individual states manage marine fisheries in inshore and coastal waters (generally within 3 miles of the coast). Interstate coordination occurs through three regional (Atlantic, Gulf, and Pacific) interstate marine fishery commissions, created by congressionally approved compacts. Beyond state waters, out to 200 miles, the federal government manages fish and shellfish resources for which FMPs have been developed under the MSFCMA. Individual states manage fishermen operating state-registered vessels under state regulations consistent with any existing federal FMP when fishing in inshore state waters and, in the absence of a federal FMP, wherever they fish.

## Magnuson Act Reauthorization

**Background.** The MSFCMA was last reauthorized in 1996 by P.L. 104-297, the Sustainable Fisheries Act [<http://www.nmfs.noaa.gov/sfa/>]; authorization for appropriations expired on September 30, 1999. The 1996 amendments established fish conservation initiatives directing NOAA Fisheries and regional councils to protect essential fish habitat, minimize incidental fish bycatch, and restore overfished stocks. In addition, a host of modifications to regional council management procedures and federal management policy were enacted. NOAA Fisheries contends that implementation of the 1996 amendments has met many of the Act's objectives [<http://www.publicaffairs.noaa.gov/releases99/jan99/noaa99-4.html>]; fishing industry and environmental groups have criticized NOAA Fisheries and regional council implementation efforts. While environmental groups have expressed concerns that NOAA Fisheries and regional councils have not been as responsive as needed on conservation measures, fishing industry representatives are concerned that too stringent an application of conservation measures may cripple commercial fishing and bankrupt many fishermen. A key issue in any reauthorization debate in the 107<sup>th</sup> Congress may be seeking a balance between conserving fish and maintaining a viable commercial fishing industry.

**Congressional Action.** At issue for the 107<sup>th</sup> Congress will be the terms and conditions of provisions designed to reauthorize and amend the MSFCMA to address the concerns of various interest groups. For additional information on reauthorization issues in the 107<sup>th</sup> Congress, see CRS Report RL30215, *The Magnuson-Stevens Fishery Conservation and Management Act: Reauthorization Issues for the 107<sup>th</sup> Congress*. For a side-by-side comparison of the three bills introduced in the 106<sup>th</sup> Congress to reauthorize the MSFCMA, see CRS Report RS20788, *Legislation in the 106<sup>th</sup> Congress to Amend and Reauthorize the Magnuson-Stevens Fishery Conservation and Management Act*.

**Hearings.** On January 16, 2001, the Senate Committee on Commerce, Science, and Transportation held a field hearing in Newport, OR, on the decline of the west coast groundfish fishery. On April 4, 2001, the House Resources Subcommittee on Fisheries

Conservation, Wildlife, and Oceans held an oversight hearing on implementation of the Sustainable Fisheries Act and the Reauthorization of the MSFCMA. On May 2, 2001, the Senate Commerce Subcommittee on Oceans and Fisheries held a hearing on S. 637 and individual fishing quota (IFQ) systems. On May 10, 2001, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held an oversight hearing on capacity reduction programs, federal investments in fisheries, and reauthorization of the MSFCMA. On June 14, 2001, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held an oversight hearing on ecosystem-based fishery management. On July 19, 2001, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on the Western Alaska and Western Pacific Community Development Quota Programs and on H.R. 553. On August 2, 2001, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on H.R. 1367, authorizing actions to conserve and rebuild overfished stocks of Atlantic highly migratory species. On December 11, 2001, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held an oversight field hearing in Ocean City, MD, on cooperative research issues as they affect reauthorization of the MSFCMA. On February 13, 2002, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held an oversight hearing on individual fishing quotas. On May 2, 2002, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held an oversight hearing on proposed draft legislation to amend the Magnuson-Stevens Act. On May 9, 2002, the Senate Commerce Subcommittee on Oceans, Atmosphere, and Fisheries held an oversight hearing on management issues facing NMFS. On May 23, 2002, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on marine protected areas as a fishery management tool. On September 26, 2002, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on H.Con.Res. 427, regarding sanctions by the International Commission for the Conservation of Atlantic Tunas on nations undermining the effectiveness of conservation and management measures for Atlantic marlin.

*Bills.* H.R. 2570 and H.R. 4749 are the only bills introduced in the 107<sup>th</sup> Congress proposing reauthorization and extensive amendment of the MSFCMA; the House Resources Committee ordered H.R. 4749 reported (amended) on July 10, 2002. Other bills deal with single issues. H.R. 108 proposes a moratorium on bottom trawling and the use of other mobile fishing gear on the seabed in certain areas off the coasts of the United States. H.R. 470 would prohibit commercial harvesting of striped bass. H.R. 553 would modify the western Alaska community development quota program. On July 19, 2001, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on H.R. 553. H.R. 644 would approve a governing international fishery agreement with Estonia. H.R. 1367 would authorize actions to conserve and rebuild overfished stocks of Atlantic highly migratory species; the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on H.R. 1367 on August 2, 2001. S. 637 would authorize the establishment of individual fishery quota (IFQ) systems. S. 973 and H.R. 2376 would expedite assistance to address the commercial fishery failure in the Pacific Coast groundfish fishery. H.R. 2673 would amend the MSFCMA to prohibit offering for sale, selling, or purchasing shark fins. H.R. 4003 and S. 2593 would prohibit certain types of bottom trawling gear. H.R. 4618 would prohibit pelagic longline fishing in the EEZ off the Pacific coast. H.R. 4895 would establish an NMFS program for pelagic longline highly migratory species bycatch and mortality reduction research. H.Con.Res. 427 expresses congressional interest in increased attention to international aspects of Atlantic marlin

management. H.R. 5030 would modify the definition of essential fish habitat. S. 2627 would prohibit gillnet fisheries offshore of Georgia. S. 1314, H.R. 3104, and H.R. 3547 would place limits on the federal government's ability under the Magnuson Act to promulgate regulations that would close areas to recreational fishing. S. 2972 would establish a national cooperative research and management program. No action has been taken on any of these measures.

P.L. 107-171 included §10107 appropriating "such sums as are necessary" to support a voluntary fishing capacity reduction program for the New England multispecies commercial fishery, within one year of this measure's enactment. P.L. 107-206 included 1) language to make Fisheries Finance Program Account funds available to subsidize gross obligations for the principal amount of direct loans not to exceed \$5,000,000 for Individual Fishing Quota loans, and not to exceed \$19,000,000 for traditional loans; 2) \$11 million in economic assistance to New England fishermen and fishing communities (§210); 3) \$5 million of direct economic assistance to New England fishermen and communities to support port security (§211); and 4) a \$0.5 million loan guarantee for a \$50 million capacity reduction program for the West Coast groundfish fishery (§212).

Section 2202 of P.L. 107-20 (H.R. 2216, FY2001 Supplemental Appropriations Act) amended the American Fisheries Act to alter provisions relating to the applicability of U.S. ownership standards to banks holding commercial fishing vessel mortgages. P.L. 107-77 extends state authority to manage the West Coast Dungeness crab fishery through FY2006 (§624(a)) and amends the American Fisheries Act (AFA) to delete a sunset provision and make permanent a prohibition on direct pollock fishing by non-AFA catcher/processors (§211). In addition, §205 of P.L. 107-117 amends the AFA, making the entire \$100 million for the fishing capacity reduction program available as a loan under Title XI of the Merchant Marine Act, 1936.

## Pacific Salmon

**Background.** Five species of salmon spawn in Pacific coastal rivers and lakes, after which juveniles migrate to North Pacific ocean waters where they mature. Since these fish may cross several state and national boundaries during their life spans, management is complicated. Threats to salmon include hydropower dams blocking rivers and creating reservoirs, sport and commercial harvest, habitat modification by competing resource industries and human development, and hatcheries seeking to supplement natural production but sometimes unintentionally causing genetic or developmental concerns. In response to declining salmon populations in Washington, Oregon, Idaho, and California, discrete population units have been listed as endangered or threatened species under the Endangered Species Act. For background on this issue, see CRS Report 91-267 ENR, *Pacific Salmon and Steelhead: Potential Impacts of Endangered Species Act Listings*, CRS Report 98-666 ENR, *Pacific Salmon and Anadromous Trout: Management Under the Endangered Species Act*, and CRS Issue Brief IB10072, *Endangered Species: Difficult Choices*.

To address some of these concerns, the United States and Canada negotiated a bilateral agreement on Pacific salmon in 1985. However, by the mid-1990s, controversy stalled renegotiations to adjust cooperative management of these fish, and U.S.-Canada relations [<http://radio.cbc.ca/news/fish/>] became more antagonistic, including the blockade of an Alaska state ferry by British Columbia fishermen in Prince Rupert, BC, in July 1997. This

deadlock was resolved in June 1999 when a new accord was concluded. For additional information on the Pacific Salmon Treaty and new agreement, see CRS Report RL30234, *The Pacific Salmon Treaty: The 1999 Agreement in Historical Perspective*.

**Congressional action.** H.R. 1157 and S. 1825 would authorize the Secretary of Commerce to provide financial assistance to Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects. H.R. 1157 was reported on June 12, 2001 (H.Rept. 107-95), and was passed, amended, by the House on June 13, 2001, by a vote of 418-6. On May 14, 2002, the Senate Commerce Subcommittee on Oceans, Atmosphere, and Fisheries held a hearing on S. 1825. H.R. 2409 would amend the Endangered Species Act to transfer responsibility for anadromous (e.g., salmon and steelhead trout) and catadromous fish to the Secretary of the Interior; no action has been taken on this measure. On March 21, 2001, the Senate Energy and Natural Resources Subcommittee on Water and Power held an oversight hearing on the Klamath Project in Oregon. H.R. 2573 proposes to direct NOAA Fisheries to seek peer review and conduct studies on the impacts of Columbia River basin federal dams on salmon and steelhead trout; no action has been taken on this measure. On March 15, 2002, the House Committee on The Budget reported H.Con.Res. 353, wherein §406(b) expresses the sense of Congress that Pacific Northwest salmon recovery is a high-priority item for funding in the FY2003 federal budget (H.Rept. 107-376); this measure was passed by the House on March 20, 2002. Section 103 of S. 2535 and §104 of H.R. 4948 would designate “salmon restoration areas” in northern California. Section 421 of H.R. 5428 would require a feasibility study of fish passage improvements in Oregon. Section 212 of S. 2711 would declare that the Trinity River Mainstem Fishery Restoration record of decision complies with all provisions of law; this measure was reported (amended) by the Senate Committee on Indian Affairs on August 28, 2002 (S.Rept. 107-247). Section 139 of H.R. 5093 would require mass marking of salmon produced at federal hatcheries; this measure was reported July 11, 2002 (H.Rept. 107-564) and passed by the House on July 17, 2002. Section 10902 of P.L. 107-171 requires the Secretary of Agriculture to report to Congress on efforts to expand the promotion, marketing, and purchasing of pouched and canned salmon harvested and processed in the United States under food and nutrition programs administered by the Secretary.

## Other Miscellaneous Issues

**Country of Origin.** On December 4, 2001, the Senate Finance Committee amended S. 1209, adding §1001 that would require all fish and shellfish sold in the United States to be labeled with their country of origin; this measure was reported (amended) on February 4, 2002 (S.Rept. 107-134). P.L. 107-171 contained §10816 requiring the labeling of both farm-raised and wild fish as to country of origin and to distinguish between wild and farm-raised fish. Regulations to implement this language are required by September 30, 2004. For additional information on this subject, see CRS Report 97-508, *Country-of-Origin Labeling for Foods: Current Law and Proposed Changes*. Section 208 of P.L. 107-206 modified the definition of “wild fish” contained in P.L. 107-171. Country of origin language that was included as §1001 of H.R. 3009, as passed by the Senate, was deleted in conference and did not appear in P.L. 101-210.

**Agriculture and Fish.** Section 5 in both H.R. 2202 and S. 1148 would require fish protection devices for the Lower Yellowstone Irrigation Project; the House Resources Subcommittee on Water and Power held a hearing on H.R. 2202 on June 5, 2002. H.R.



1985, H.R. 3208, H.R. 4657, S. 976, and S. 1768 would authorize an “environmental water account” for the CALFED project to provide water for protection and recovery of fish; H.R. 3208 was reported (amended) by the House Committee on Resources on February 14, 2002 (H.Rept. 107-360, Part I), and S. 1768 was reported (amended) by the Senate Committee on Energy and Natural Resources on June 24, 2002 (S.Rept. 107-171). Section 302 of H.R. 2404 would establish performance objectives for fish population management under the California Bay-Delta Project, and require an annual report to Congress. On July 26, 2001, the House Resources Subcommittee on Water and Power held a hearing on H.R. 2404. Section 10905 of P.L. 107-171 authorizes the Secretary of the Interior to study the feasibility of providing for fish passage at Chiloquin Dam, Oregon.

**Atlantic Salmon.** Section 10812 of P.L. 107-171 extends, for an additional 20 years, the consent of Congress to the interstate compact relating to restoration of Atlantic salmon in the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission. S.Res. 277 would express the sense of the Senate regarding the policy of the United States at the 19th Annual Meeting of the North Atlantic Salmon Conservation Organization; no action has been taken on this measure.

**Military Waiver from State Fishing Regulations.** Section §2811(a)(2) of P.L. 107-107 authorizes waiver of state fishing regulations, including the authority to extend but not reduce seasons, at military installations.

**Hydropower and Fish.** Section 6403 of H.R. 4 and §404 of H.R. 2436 propose to study and implement increased operational efficiencies at hydroelectric power projects. H.R. 2436 was reported by the House Committee on Resources on July 25, 2001 (H.Rept. 107-160, Part 1). Section 701(b) of S. 597, §401 in both H.R. 4 and H.R. 2587, §16 of H.R. 3800, and §301(b) of S. 1766 would allow federal hydropower licensees to propose alternative fishways to any required by the Federal Energy Regulatory Commission as long as the alternative is based on sound science and will result in equal or greater fish passage. Section §4(a)(2)(D) of H.R. 2460, §1403(a)(8) of S. 597, §1221(b)(8) of S. 1766, §2004(a)(2)(D) of H.R. 4, §101(a)(6) of H.R. 2478, and §102(a)(6) of H.R. 2324 would establish a federal hydropower technology goal of developing, with industry, a new generation of turbine technologies that are less damaging to fish and aquatic ecosystems. H.R. 2587 was reported on July 25, 2001 (H.Rept. 107-162, Part 1), with a supplemental report on August 1, 2001 (H.Rept. 107-162, Part II). H.R. 2460 was reported (amended) on July 31, 2001 (H.Rept. 107-177). H.R. 4 was passed by the House, amended, on August 2, 2001, and passed the Senate, amended to contain much of the language of S. 1766, on April 25, 2002. A conference committee has deliberated on H.R. 4. The Senate Committee on Energy and Natural Resources has held an extensive series of hearings on S. 597. Section 2(a) of H.R. 1832, §4(a) of S. 71, and §724(a) in both S. 388 and S. 389 propose to modify the federal licensing process to increase hydroelectric power generation by altering how factors are to be considered before requiring fishways under the Federal Power Act. Hearings were held on S. 71 by the Committee on Energy and Natural Resources on July 19, 2001, while an extensive series of hearings has been held by the same Committee on S. 388.

**Aquatic Invasive Species.** H.R. 2732 proposes to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to direct the Secretary of the Interior to prevent westward spread of aquatic nuisance species across the 100th meridian, monitor water bodies, and provide rapid response capacity in Western States. H.R. 5395 would

establish marine and freshwater research, development, and demonstration programs to prevent, control, and eradicate invasive species. H.R. 5396 would reauthorize the Nonindigenous Aquatic Nuisance Prevention and Control Act through FY2007 and amend this Act to expand programs to address aquatic invasive species control. Section 6 of H.R. 3389 and §5 of S. 2428 would authorize priority funding of \$5 million annually to the National Sea Grant College Program for FY2003-2008 for competitive grants in each of the following areas: 1) zebra mussel biology and control; 2) oyster diseases, oyster restoration, and oyster-related human health risks; and 3) the biology, prevention, and forecasting of harmful algal blooms, including *Pfiesteria piscicida*. H.R. 3389 was reported (amended) by the House Resources Committee on March 7, 2002 (H.Rept. 107-369, Part I), reported (amended) by the House Science Committee on April 15, 2002 (H.Rept. 107-369, Part II), and passed (amended) by the House on June 19, 2002, with the priority funding language in §7; S. 2428 was reported by the Senate Committee on Commerce, Science, and Transportation on June 27, 2002 (S.Rept. 107-187). H.R. 3558 would authorize a state native species protection assessment grant program, a native heritage grant program, refuge system demonstration projects, and a rapid response capability address harmful nonnative species concerns: three House Resources Committee Subcommittees held a joint hearing on H.R. 3558 on March 14, 2002. This measure was reported (amended) on June 18, 2002 (H.Rept. 107-512). No action has been taken on any of the other measures.

**Vessel Safety.** S. 162 and H.R. 2419 propose to amend the Internal Revenue Code to provide a business credit against income for the purchase of fishing vessel safety equipment; no action has been taken on either bill. H.R. 2228 would authorize assistance to families of fishermen involved in disasters; the House Transportation and Infrastructure's Subcommittee on Coast Guard and Maritime Transportation held a hearing on this measure on June 12, 2002. Section 301 of H.R. 1099, §401 of S. 951, and §331 of H.R. 3507 would extend the authorization of the U.S. Coast Guard's Commercial Fishing Industry Vessel Safety Advisory Committee through FY2005. Section 308 of S. 951 and §430 of H.R. 3507 would authorize Coast Guard support for fishing vessel safety training. H.R. 1099 was passed by the House on March 22, 2001, by a vote of 415-0; S. 951 was reported by the Senate Committee on Commerce, Science, and Transportation on October 31, 2001 (S.Rept. 107-89). H.R. 3507 was called up and passed by the House on December 20, 2001. On June 4, 2002, the House amended S. 1214 to include the language of H.R. 3507, and passed the amended S. 1214. Section 558 of P.L. 107-217 authorizes the donation of forfeited vessels to educational institutions with a commercial fishing vessel safety program or other vessel safety, education and training program.

**Fishery Trade.** S. 1813 would require the U.S. Trade Representative to inform key House and Senate Committees with respect to negotiations and agreements on fish and shellfish; no action has been taken on this measure. S. 1100 and Title V of S. 1209/H.R. 3670/S.2737 would authorize a program for trade adjustment assistance to fishermen; S. 1209 was reported (amended) on February 4, 2002, by the Senate Committee on Finance (S.Rept. 107-134). Section 3103(b)(4) of P.L. 107-210 established a general rule for tuna imported from Bolivia, Colombia, Ecuador, and Peru to 1) include a U.S. or Andean flagged vessel rule of origin requirement; and 2) authorize the President to grant duty-free treatment for Andean exports of tuna packed in foil containers weighing not more than 6.8 kg. In addition, §3106 modified calculation of the MFN tariff-rate quota on tuna to be based on 4.8% of apparent domestic consumption of tuna in airtight containers rather than domestic

production. Language that would have provided trade adjustment assistance to fishermen, added by the Senate, was deleted in conference.

**Coral.** H.R. 2272 would amend the Foreign Assistance Act of 1961 to provide debt relief to developing countries that take action to protect coral reef habitat; this measure was passed (amended) by the House on October 16, 2001. Section 209 of P.L. 107-206 directs that \$2.5 million be expended for a cooperative agreement with the National Defense Center of Excellence for Research in Ocean Sciences to conduct coral mapping in the waters of the Hawaiian Islands. On June 27, 2002, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held an oversight hearing on the Coral Reef Conservation Act of 2000, Executive Order 13089, and the oceanic conditions contributing to coral reef decline.

**Miscellaneous Reauthorizations.** H.R. 1989 proposes to reauthorize 1) the Interjurisdictional Fisheries Act, 2) the Anadromous Fish Conservation Act, 3) the Atlantic Striped Bass Conservation Act, 4) the Atlantic Coastal Fisheries Cooperative Management Act, 5) the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act, 6) the Atlantic Tunas Convention Act of 1975, and 7) the Northwest Atlantic Fisheries Convention Act of 1995. All authorizations would be extended through FY2006. The House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on this measure on June 7, 2001. This measure was reported, amended, on October 3, 2001 (H.Rept. 107-227); H.R. 1989 passed the House (amended) on December 11, 2001. On September 19, 2002, H.R. 1989 was ordered reported (amended) by the Senate Committee on Commerce, Science, and Transportation.

**International Fisheries.** H.R. 1646 and S. 1401 would extend authorizations for international fishery commissions through FY2003, clarify that authority under the Fishermen's Protective Act resides with the Secretary of State, and modify travel provided for Great Lakes Fishery Commission advisory committee members. H.R. 1646 was reported by the Committee on International Relations on May 4, 2001 (H.Rept. 107-57) and passed by the House on May 16, 2001. On May 1, 2002, the Senate passed H.R. 1646, amended, without the fishery measures. A conference report on H.R. 1646 was filed on September 23, 2002 (H.Rept. 107-671), with the fisheries provisions included; both the House (September 25) and Senate (September 26) agreed to the conference report. S. 1401 was reported by the Senate Committee on Foreign Relations on September 4, 2001 (S.Rept. 107-60). S.Res. 311 expresses the sense of the Senate that the United States, at the World Summit on Sustainable Development and in binding international agreements, support and pursue means to 1) reduce global fishing fleet overcapacity to sustainable levels; 2) reduce bycatch and protecting endangered migratory species, such as sea turtles, marine mammals, and sea birds; 3) address the international aspects of marine debris; 4) combat the degradation and destruction of coral reefs; and 5) reduce land-based pollution such as sewage and other nutrients.

**Bankruptcy.** On March 15, 2001, S. 420 was amended in §1007 to include similar provisions for family fishermen as currently apply to family farmers under Chapter 12 of the bankruptcy laws. This measure, as amended, passed the Senate on March 15, 2001, by a vote of 83-15. On July 17, 2001, the Senate amended H.R. 333 to include the language of S. 420 relating to protection of family fishermen, and passed H.R. 333, as amended, by a vote of 82-16. On July 26, 2002, a conference report was filed on H.R. 333 (H.Rept. 107-617), including the family fishermen provisions in §1007. Section 8 of H.R. 5348 would

separately address this same issue; no action has been taken on H.R. 5348. However, on September 26, 2002, the language from §8 of H.R. 5348 was incorporated as Title V of H.R. 2215 via H.Con.Res. 488 during House consideration of the conference report on H.R. 2215.

**Sport Fish Restoration.** Section 106(b) of S. 990 would exempt the Dingell-Johnson Sport Fish Restoration Program from the Federal Advisory Committee Act; this measure was reported (amended) on December 13, 2001 (S.Rept. 107-123) and passed by the Senate on December 20, 2001. Section 5(c)(2)(A) of S. 2678 and §3(b)(1)(B) of S. 2861 would extend the transfer of Highway Trust Funds into the Sport Fish Restoration Account from FY2005 to FY2009 (S. 2861) or FY2011 (S. 2678); no action has been taken on either measure.

**Organic Labeling.** On February 13, 2002, the Senate passed H.R. 2646 after amending this measure to include the language of the Senate's amended S. 1731, containing §1055 authoring the labeling of wild fish as organic. The conference report on H.R. 2646 was filed on May 1, 2002 (H.Rept. 107-424), deleting this provision.

**Chesapeake Bay.** H.R. 642 and S. 1045 would reauthorize the Chesapeake Bay Office of NOAA and associated fishery programs. H.R. 642 was reported (amended) April 3, 2001 (H.Rept. 107-33) and passed by the House (amended) on April 4, 2001.

**Tax Provisions.** Section 105 of H.R. 546/H.R. 2111/H.R. 2761, §8 in both S. 312 and H.R. 2347, §506 of H.R. 1018, and §7 of S. 1676 would allow income averaging by commercial fishermen. S. 313, H.R. 662, §2 in both S. 312 and H.R. 2347, and §509 of H.R. 1018 would amend the Internal Revenue Code to allow commercial fishermen to establish tax-deferred Farm, Fishing, and Ranch Risk Management Accounts to shelter a portion of fishery income. No action has been taken on any of these measures.

**State Funding.** Section 102(c) in both H.R. 701 and S. 1328 would authorize funding to states for fishery stock surveys, fishery observers in state or federal waters, coordination and preparation of cooperative fishery conservation and management plans, and preparation and implementation of state fishery management plans; no action has been taken on either measure.

**Seafood Safety.** S. 555 would require the U.S. Food and Drug Administration to establish a tolerance for methylmercury in seafood. S. 1501 would create an independent Food Safety Administration to consolidate all food safety and inspection services. S. 2759 would modify controls on the entry of contaminated seafood into the United States. H.R. 2729, H.R. 5079, and S. 1875 would increase the public information requirements for notification of waters where fish or shellfish contamination is a concern. H.R. 5266 and S. 2815 would amend §482 of the Clean Air Act to direct the EPA Administrator to enhance research to improve the understanding of the contribution of mercury emissions from electricity generation to mercury in fish. No action has been taken on any of these measures.

**Habitat.** H.R. 325 and S. 678 (Fishable Waters Act of 2001) would amend the Federal Water Pollution Control Act to establish a program for fishery habitat protection, restoration, and enhancement; no action has been taken on these bills.

**Federal Government Structure.** H.R. 375 proposes to eliminate the Department of Commerce and establish an independent National Oceanic and Atmospheric Administration; no action has been taken on this measure. H.R. 4966 would modify the organization of coastal and ocean resources within NOAA; this measure was ordered reported (amended) on September 12, 2002, by the House Committee on Resources.

**Recreational Fishing.** S. 1314, H.R. 3104, and H.R. 3547 would place limits on the federal government's ability under the Magnuson Act to promulgate regulations that would close areas to recreational fishing; no action has been taken on either of these measures.

**Quinault Claims.** H.R. 2524 and S. 1308 would establish the Quinault Permanent Fisheries Fund to manage funds received from the settlement of claims. S. 1308 was reported on September 3, 2002 (S.Rept. 107-252) and passed by the Senate on September 18, 2002; no action has been taken on H.R. 2524.

**Atlantic Tuna and Billfish.** S.Res. 180 would express the sense of the Senate regarding U.S. policy at the 17th Regular Meeting of the International Convention for the Conservation of Atlantic Tunas; the Senate approved this measure on November 13, 2001.

**Endangered Fish.** Section 2(h)(3) of H.R. 3570 would authorize investigations of endangered fish in the Missouri River drainage, including pallid sturgeon response to main stem reservoir operations. H.R. 5099 would extend the authorization for capital construction projects associated with endangered fish recovery programs for the Upper Colorado and San Juan River Basins; this measure was reported (amended) on September 24, 2002 (H.Rept. 107-672) and passed by the House on the same day. No action has been taken on H.R. 3570.

**Capital Construction Fund.** S. 1962 and H.R. 3898 would provide for qualified withdrawals from Capital Construction Fund accounts for fishermen leaving the industry for rollover into individual retirement plans; no action has been taken on either measure.

**Cormorants.** H.R. 3727 would direct the Secretary of the Interior to issue regulations under the Migratory Bird Treaty Act that authorize States to establish hunting seasons for double-crested cormorants; no action has been taken on this measure.

**Lake Champlain.** S. 2928 would amend the Clean Water Act to direct the U.S. Fish and Wildlife Service to restore Lake Champlain fisheries using hatcheries and fish culture; the Senate Committee on Environment and Public Works ordered this measure reported (amended) on September 26, 2002.

## **Aquaculture: Background and Issues**

Aquaculture is broadly defined as the farming or husbandry of fish, shellfish, and other aquatic animals and plants, usually in a controlled or selected environment. The diversity of aquaculture is typified by such activities as: fish farming, usually applied to freshwater commercial aquaculture operations (catfish and trout farms are examples [<http://www.usda.gov/nass/pubs/stathigh/1998/lv-aq.htm>]); shellfish and seaweed culture; net-pen culture, used by the salmon industry wherein fish remain captive throughout their

lives in marine pens built from nets; and ocean ranching, used by the Pacific Coast salmon industry which cultures juveniles, releases them to mature in the open ocean, and catches them when they return as adults to spawn. Fish hatcheries are government and commercial aquaculture facilities that raise fish from recreational and commercial stocking as well as for mitigation of aquatic resource and habitat damage [<http://aquanic.org/>].

## Miscellaneous Issues

**Country of Origin.** P.L. 107-171 contained §10816 requiring the labeling of both farm-raised and wild fish as to country of origin and to distinguish between wild and farm-raised fish. Regulations to implement this language are required by September 30, 2004. For additional information on this subject, see CRS Report 97-508, *Country-of-Origin Labeling for Foods: Current Law and Proposed Changes*. Section 208 of P.L. 107-206 modifies the definition of “wild fish” contained in P.L. 107-171. Country of origin language that was included as §1001 of H.R. 3009, as passed by the Senate, was deleted in conference and did not appear in P.L. 101-210.

**Catfish.** S. 1494 would amend the Federal Food, Drug, and Cosmetic Act to limit the use of the common name ‘catfish’ in the marketing of fish. H.R. 2964 would clarify the market name for the fish *Pangasius bocourti* relative to compliance with §403 of the Federal Food, Drug, and Cosmetic Act. P.L. 107-171 contained §10806 limiting the labeling and advertizing as “catfish” to only fish from the family *Ictaluridae*. Section 755 of P.L. 107-76 prohibits Food and Drug Administration FY2002 funds to be used to allow admission of fish or fish products labeled wholly or in part as ‘catfish’ unless the products are taxonomically from the family *Ictaluridae*.

**Aquacultural Research.** P.L. 107-171 contained §7116 extending the authorization of appropriations for aquaculture research facilities of the U.S. Department of Agriculture through FY2007. FY2002 appropriations for U.S. Department of Agriculture research in aquaculture were provided in P.L. 107-76; FY2003 appropriations are being considered in H.R. 5263/S. 2801.

**National Aquaculture Act Reauthorization.** P.L. 107-171 contained §7139 extending the authorization of appropriations for the National Aquaculture Act through FY2007.

**Bankruptcy.** On March 15, 2001, S. 420 was amended in §1007 to include similar provisions for family fishermen (including aquaculture operations) as currently apply to family farmers under Chapter 12 of the bankruptcy laws. This measure, as amended, passed the Senate on March 15, 2001, by a vote of 83-15. On July 17, 2001, the Senate amended H.R. 333 to include the language of S. 420 relating to protection of family fishermen, and passed H.R. 333, as amended, by a vote of 82-16. On July 26, 2002, a conference report was filed on H.R. 333 (H.Rept. 107-617), including the family fishermen provisions in §1007.

**Permitting.** Section 103 of H.R. 897 would authorize Coastal Zone Enhancement Grants for development of a coordinated process among state agencies to regulate and issue permits for aquaculture facilities in the coastal zone; no action has been taken on this measure.

**Taxation.** Section 2(e)(2) of S. 455 and §101(e)(2) of S. 1507 would amend the Internal Revenue Code to exclude aquaculture businesses from qualified small business (QSB) stock provisions (§1202); no action has been taken on either measure.

**Cormorants.** H.R. 3727 would direct the Secretary of the Interior to issue regulations under the Migratory Bird Treaty Act that authorize States to establish hunting seasons for double-crested cormorants; no action has been taken on this measure.

**Product Safety.** S. 2759 would modify controls on the entry of contaminated seafood into the United States; no action has been taken on this measure.

## Marine Mammals: Background and Issues

Due in part to the high level of dolphin mortality (estimated at more than 400,000 animals per year) in the eastern tropical Pacific tuna purse-seine fishery, Congress enacted the Marine Mammal Protection Act (MMPA) in 1972. While some critics may claim the MMPA is scientifically irrational by selecting one group of organisms for special protection unrelated to their abundance or ecological role, this Act has accomplished much by way of promoting research and increased understanding of marine life as well as encouraging attention to incidental bycatch mortalities of marine life by the commercial fishing and other maritime industries.

The Act established a moratorium on the “taking” of marine mammals in U.S. waters and by U.S. nationals on the high seas. The Act also established a moratorium on importing marine mammals and marine mammal products into the United States. This Act protected marine mammals from “clubbing, mutilation, poisoning, capture in nets, and other human actions that lead to extinction.” It also expressly authorized the Secretary of Commerce and the Secretary of the Interior to issue permits for the “taking” of marine mammals for certain purposes, such as scientific research and public display.

Under the Act, the Secretary of Commerce, acting through NOAA Fisheries, is responsible for the conservation and management of whales, dolphins, porpoises, seals, and sea lions]. The Secretary of the Interior, acting through the Fish and Wildlife Service (FWS), is responsible for walrus [http://species.fws.gov/bio\_walr.html], sea and marine otters, polar bears [http://species.fws.gov/bio\_pola.html], manatees [http://species.fws.gov/bio\_mana.html], and dugongs. This division of authority derives from agency responsibilities as they existed when the MMPA was enacted. Title II of the Act established an independent Marine Mammal Commission (MMC) and its Committee of Scientific Advisors on Marine Mammals to oversee and recommend actions necessary to meet the requirements of the Act.

Prior to passage of the MMPA, states were responsible for marine mammal management on lands and in waters under their jurisdiction. The MMPA shifted management authority to the federal government. However, that management authority, on a species-by-species basis, could be returned to states that adopt conservation and management programs consistent with the Act. It also provides that the moratorium on taking can be waived for specific purposes, if the taking will not disadvantage the affected

species or population. It provides that permits may be issued to take or import any marine mammal species, including depleted species, for scientific research or to enhance the survival or recovery of the species or stock. It allows U.S. citizens to apply for and obtain authorization for the take of small numbers of mammals incidental to activities other than commercial fishing (*e.g.*, offshore oil and gas exploration and development) if the taking would have no more than a negligible impact on any marine mammal species or stock, provided that monitoring requirements and other conditions are met.

## Marine Mammal Protection Act Reauthorization

**Background.** The MMPA was reauthorized in 1994 by P.L. 103-238, the Marine Mammal Protection Act Amendments of 1994; the authorization for appropriations expired on September 30, 1999. The 1994 amendments indefinitely authorized the taking of marine mammals incidental to commercial fishing operations and provided for assessment of marine mammal stocks in U.S. waters, for the development and implementation of take reduction plans for stocks that may be reduced or are being maintained below their optimum sustainable population levels due to interactions with commercial fisheries, and for studies of pinniped-fishery interactions [<http://www.nwfsc.noaa.gov/pubs/tm/tm28/areas.htm>]. For more information on the 1994 amendments, see CRS Report 94-751 ENR, *Marine Mammal Protection Act Amendments of 1994*.

**Congressional Action.** At issue for the 107<sup>th</sup> Congress will be the terms and conditions of any provisions designed to reauthorize and amend the MMPA to address the concerns of various interest groups. On October 11, 2001, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held an oversight hearing on reauthorizing the Marine Mammal Protection Act. H.R. 4781 is the only reauthorization bill that has been introduced; the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on this bill on June 13, 2002, and marked up this measure on July 25, 2002. For additional information on potential reauthorization issues in the 107<sup>th</sup> Congress, see CRS Report RL30120, *Marine Mammal Protection Act: Reauthorization Issues for the 107<sup>th</sup> Congress*.

## Other Miscellaneous Issues

**Glacier Bay.** Section 130 of P.L. 107-63 (FY2002 Department of the Interior appropriations) requires the National Park Service to prepare an environmental impact statement (EIS) on vessel entries to Glacier Bay National Park to assess impacts on whales, while maintaining the current number of vessel entries until the required EIS is completed.

**Whaling.** H.Con.Res. 180, S.Res. 121, and S.Res. 267 would reaffirm U.S. opposition to commercial and lethal scientific whaling and suggest U.S. policy at the annual meetings of the International Whaling Commission (IWC). S.Res. 311 would express U.S. policy at the World Summit on Sustainable Development as opposing commercial whaling and efforts to reopen international trade in whalemeat and downlisting any whale listed under the Convention on International Trade in Endangered Species. H.Con.Res. 193 would direct U.S. delegates to the IWC to protect the ability of Native people of the United States to continue to legally harvest whales. H.Con.Res. 370 would express the sense of Congress that the United States support the use of sound science in IWC management, the prompt



completion of the IWC's revised management scheme, and the ability of Native peoples to legally harvest whales. S.Res. 285 condemns the IWC's failure in providing for subsistence needs of Alaska Natives. No action has been taken on any of these measures.

**DOD Compliance.** Section 3(a) of H.R. 2154 would require the Department of Defense to fully comply with the MMPA. Section 1201(a) of S. 2225 would modify the definition of harassment under the MMPA applicable to military readiness activities. On July 9, 2002, the Senate Committee on Environment and Public Works held a hearing on S. 2225; no action has been taken on H.R. 2154.

**State Funding.** Section 102(c) in both H.R. 701 and S. 1328 would authorize funding to states for marine mammal stock surveys as well as preparation and implementation of state mammal management plans; no action has been taken on either measure.

**Taxation.** S. 713 would amend the Internal Revenue Code to provide a charitable deduction for certain expenses incurred in support a Native Alaskan subsistence whaling; no action has been taken on this measure.

**North Atlantic Right Whales.** S. 1380 and H.R. 3095 propose to coordinate and expand U.S. and international programs to conserve and protect North Atlantic right whales; no action has been taken on either measure.

## NOAA Fisheries Appropriations

The Bush administration's proposed FY2003 budget for NOAA Fisheries was about \$7 million larger than its proposed FY2002 budget, and about \$34 million less than the enacted FY2002 funding. Major reductions between the FY2002 enacted appropriations and the FY2003 request include about \$20 million less for construction, \$20 million less for Pacific coastal salmon recovery, and about \$27.5 million less for Pacific Salmon Treaty matters. In addition, the FY2003 request proposes to terminate \$83.3 million for projects funded in FY2002. These reductions are partially offset by increases including a new fishery research vessel (\$45.5 million), Columbia River Biological Opinions implementation (\$12 million), modernization of annual fish stock assessments (\$10 million), Environmental Improvement and Restoration Fund (\$5.6 million), modernization and expansion of vessel management system program (\$5.4 million), and National Observer Program (\$3.2 million). On March 7, 2002, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held an oversight hearing on the NMFS FY2003 budget request. On July 24, 2002, the Senate Committee on Appropriations reported S. 2778, providing FY2003 appropriations for NMFS (S.Rept. 107-218), totaling more than \$778 million.

On March 15, 2002, the House Committee on The Budget reported H.Con.Res. 353, wherein §406(b) expresses the sense of Congress that Pacific Northwest salmon recovery is a high-priority item for funding in the FY2003 federal budget (H.Rept. 107-376); this measure was passed by the House on March 20, 2002.

**Table 1. NOAA Fisheries Appropriations**  
(x \$1000)

	<b>FY2001 Request</b>	<b>FY2001 Enacted</b>	<b>FY2002 Request</b>	<b>FY2002 Enacted</b>	<b>FY2003 Request</b>	<b>FY2003 S.Rept.</b>
Fisheries	429,426	376,921	598,036	342,671	348,826	277,039
Protected Resources		143,600		150,660	157,220	111,271
Habitat Conservation		48,193		44,545	46,415	40,151
Enforcement Surveillance		38,500		41,320	50,994	47,145
Base	not ident.	not ident.	not ident.	not ident.	not ident.	112,246
Acquisition of Data	25,944	26,841	0	0	0	0
SUBTOTAL	455,370	634,055	598,036	579,196	603,455	587,852
Construction	21,900	54,180	14,700	37,184	17,000	24,000
Fleet Replacement	—	8,282	0	0	0	50,874
Pacific Coastal Salmon Recovery	100,000	89,803	90,000	110,000	90,000	95,000
Pacific Salmon Treaty	60,000	19,956	20,000	47,419	20,000	20,000
Other Accounts	19,691	9,362	11,475	1,430	10,781	1,145
TOTAL	656,961	815,638	734,211	775,229	741,236	778,871

Sources: Budget Justifications, House and Senate Committee Reports, and floor debate.

## LEGISLATION

Related public laws and bills are discussed in the text of this document under “Background and Analysis.”

### Fisheries

P.L. 107-20 (H.R. 2216); P.L. 107-77 (H.R. 2500); P.L. 107-107 (S. 1438); P.L. 107-117 (H.R. 3338); P.L. 107-171 (H.R. 2646); P.L. 107-206 (H.R. 4775); P.L. 107-210 (H.R. 3009); and P.L. 107-217 (H.R. 2068).

H.Con.Res. 353 (Nussle); H.Con.Res. 427 (Gilchrest); H.Con.Res. 488 (Holden); H.R. 4 (Tauzin); H.R. 108 (Hefley); H.R. 325 (Tanner); H.R. 333 (Gekas); H.R. 375 (Royce); H.R. 470 (Pallone); H.R. 546 (Quinn); H.R. 553 (Young of Alaska); H.R. 642 (Gilchrest); H.R. 644 (Gilchrest); H.R. 662 (Hulshof); H.R. 701 (Young of Alaska); H.R. 1018 (Toomey); H.R. 1099 (Young of Alaska); H.R. 1157 (Thompson of California); H.R. 1367 (Saxton); H.R. 1646 (Hyde); H.R. 1832 (Townes); H.R. 1985 (Calvert); H.R. 1989 (Gilchrest); H.R. 2111 (Quinn); H.R. 2202 (Rehberg); H.R. 2215 (Sensenbrenner); H.R. 2228 (Green of Wisconsin); H.R. 2272 (Kirk); H.R. 2324 (Woolsey); H.R. 2347 (Nussle); H.R. 2376 (Capps); H.R. 2404 (George Miller); H.R. 2409 (Otter); H.R. 2419 (Simmons); H.R. 2436 (Hansen); H.R. 2439 (Ross); H.R. 2460 (Boehlert); H.R. 2478 (Woolsey); H.R. 2524 (Dicks); H.R. 2570 (Farr); H.R. 2573 (McDermott); H.R. 2587 (Tauzin); H.R. 2673 (Faleomavaega); H.R. 2729 (Allen); H.R. 2732 (Baird); H.R. 2761 (Hooley); H.R. 3104 (Peterson of Minnesota); H.R. 3208 (Calvert); H.R. 3389 (Gilchrest); H.R. 3507 (Young of Alaska); H.R. 3547 (Peterson of Minnesota); H.R. 3558 (Rahall); H.R. 3570 (Bereuter); H.R. 3670 (Bentsen); H.R. 3727 (Peterson of Minnesota); H.R. 3800 (Dingell); H.R. 3898 (Capps); H.R. 4003 (Hefley); H.R. 4618 (Hunter); H.R. 4657 (Napolitano); H.R. 4749 (Gilchrest); H.R. 4895 (Saxton); H.R. 4948 (Thompson of California); H.R. 4966 (Gilchrest); H.R. 5030 (Young of Alaska); H.R. 5079 (Pallone); H.R. 5093 (Skeen); H.R. 5099 (Hansen); H.R. 5266 (Barton); H.R. 5348 (Baldwin); H.R. 5395 (Ehlers); H.R. 5396 (Gilchrest); H.R. 5428 (Young of Alaska); S.Res. 180 (Kerry); S.Res. 277 (Snowe); S.Res. 311 (Kerry); S. 71 (Craig); S. 162 (Collins); S. 312 (Grassley); S. 313 (Grassley); S. 388 (Murkowski); S. 389 (Murkowski); S. 420 (Grassley); S. 525 (Graham); S. 555 (Leahy); S. 597 (Bingaman); S. 637 (Snowe); S. 678 (Bond); S. 755 (Murray); S. 951 (Snowe); S. 973 (Wyden); S. 976 (Feinstein); S. 990 (Smith of New Hampshire); S. 1045 (Sarbanes); S. 1100 (Conrad); S. 1148 (Burns); S. 1209 (Bingaman); S. 1214 (Hollings); S. 1308 (Murray); S. 1314 (Breaux); S. 1328 (Landrieu); S. 1401 (Biden); S. 1501 (Durbin); S. 1676 (Kerry); S. 1731 (Harkin); S. 1766 (Daschle); S. 1768 (Feinstein); S. 1813 (Snowe); S. 1825 (Boxer); S. 1826 (Wyden); S. 1875 (Leahy); S. 1962 (Wyden); S. 2428 (Kerry); S. 2535 (Boxer); S. 2593 (Torricelli); S. 2627 (Cleland); S. 2678 (Baucus); S. 2711 (Inouye); S. 2737 (Baucus); S. 2759 (Hollings); S. 2778 (Hollings); S. 2815 (Smith of New Hampshire); S. 2861 (Inhofe); S. 2928 (Jeffords); and S. 2972 (Snowe)..

### **Aquaculture**

P.L. 107-76 (H.R. 2330); P.L. 107-171 (H.R. 2646); and P.L. 107-206 (H.R. 4775).

H.R. 333 (Gekas); H.R. 897 (Saxton); H.R. 2439 (Ross); H.R. 2964 (Pickering); H.R. 3727 (Peterson of Minnesota); H.R. 5263 (Bonilla); S. 420 (Grassley); S. 455 (Collins); S. 1494 (Lincoln); S. 1507 (Collins); S. 1628 (Harkin); S. 1673 (Lincoln); S. 1731 (Harkin); S. 2759 (Hollings); and S. 2801 (Kohl).

### **Marine Mammals**

P.L. 107-63 (H.R. 2217)

H.Con.Res. 180 (Delahunt); H.Con.Res. 193 (Young of Alaska); H.Con.Res. 370 (Young of Alaska); H.R. 701 (Young of Alaska); H.R. 2154 (Filner); H.R. 3095 (Delahunt); H.R. 4781 (Gilchrest); S.Res. 121 (Kerry); S.Res. 267 (Kerry); S.Res. 285 (Murkowski); S.Res. 311 (Kerry); S. 713 (Murkowski); S. 1328 (Landrieu); S. 1380 (Kerry); and S. 2225 (Levin).