

CRS Issue Brief for Congress

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Fishery, Aquaculture, and Marine Mammal Legislation in the 108th Congress

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Fishery, Aquaculture, and Marine Mammal Legislation in the 108th Congress

SUMMARY

Fish and marine mammals are important resources in open ocean and nearshore coastal areas. Many laws and regulations guide the management of these resources by federal agencies.

Reauthorization of major legislation — the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) and the Marine Mammal Protection Act (MMPA) — will likely be on the agenda of the 108th Congress, since the authorization of appropriations for both laws expired at the end of FY1999.

Commercial and sport fishing are jointly managed by the federal government and individual states. States have jurisdiction generally within 3 miles of the coast. Beyond state jurisdiction and out to 200 miles, the federal government manages fisheries under the MSFCMA through eight regional fishery management councils. Beyond 200 miles, the United States participates in international agreements relating to specific areas or species.

In the 108th Congress, P.L. 108-7 created a West Coast Groundfish Fishing Capacity Reduction Program, directed NOAA Fisheries to establish a Regional Office for the Pacific Area, required increased legal and fiscal accountability for Pacific salmon recovery, and provided \$100 million in fishery disaster funding. P.L. 108-11 directed the Secretary of Agriculture to promulgate regulations allowing wild seafood to be certified or labeled as organic. P.L. 108-88 extended Sport Fish Restoration Act funding through February 29, 2004. P.L. 108-136 reauthorized the Sikes

Act through FY2008 and authorized the transfer of vessels stricken from the Naval Vessel Register for use as artificial reefs. Thus far, S. 482 is the only bill introduced to reauthorize and comprehensively amend the MSFCMA.

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, shellfish, and trout. In the 108th Congress, a prominent issue is extending certain bankruptcy protection to aquaculture operations (H.R. 343 and H.R. 975).

Marine mammals are protected under the MMPA, which authorizes restricted use (“take”) of marine mammals. It addresses specific situations of concern, such as dolphin mortality, which is primarily associated with the eastern tropical Pacific tuna fishery. In the 108th Congress, P.L. 108-7 directed the Department of Commerce to evaluate and document foreign compliance with the International Dolphin Conservation Program. P.L. 108-108 modified the MMPA to permit the importation of polar bears harvested prior to the enactment of final regulations. P.L. 108-136 modified the MMPA’s definition of harassment and provisions relating to taking marine mammals as they relate to military readiness activities and federal scientific research. Thus far, H.R. 2693 and H.R. 3316 are the only bills introduced to reauthorize and comprehensively amend the MMPA; H.R. 2693 has been ordered reported by the House Committee on Resources.



MOST RECENT DEVELOPMENTS

On December 17, 2003, President Bush signed P.L. 108-188, wherein §242 permits duty-free import of specified amounts of canned tuna to the United States from the Federated States of Micronesia and the Republic of the Marshall Islands, while §104(e)(8)(D) requires a report analyzing the effects of this action on American Samoa's economy. On December 9, 2003, the Senate Committee on Commerce, Science, and Transportation reported S. 1401, which would authorize NOAA Fisheries appropriations through FY2008. (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 Gene Buck at 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. Before the 1950s, the federal government assumed limited responsibility for marine fisheries, responding primarily to international fishery concerns and treaties (by enacting implementing legislation for treaties; *e.g.*, the Northern Pacific Halibut Act in 1937) as well as to interstate fishery conflicts (by consenting to interstate fishery compacts; *e.g.*, the Pacific Marine Fisheries Compact in 1947). In the late 1940s and early 1950s, several Latin American nations proclaimed marine jurisdictions extending 200 miles offshore. This action was denounced by those within the United States and other distant-water fishing nations who sought to preserve access for far-ranging fishing vessels. Beginning in the 1950s (Atlantic) and 1960s (Pacific), increasing numbers of foreign fishing vessels steamed into U.S. offshore waters to catch the substantially unexploited seafood resources. Since the United States then claimed only a 3-mile jurisdiction (in 1964, P.L. 88-308 prohibited fishing by foreign-flag vessels within 3 miles of the coast; in 1966, P.L. 89-658 proclaimed an expanded 12-mile exclusive U.S. fishery jurisdiction), foreign vessels could fish many of the same stocks caught by U.S. fishermen.

The Fishery Conservation and Management Act (FCMA) in 1976 (renamed the Magnuson Fishery Conservation and Management Act and later the Magnuson-Stevens Fishery Conservation and Management Act; see [<http://www.nmfs.noaa.gov/sfa/magact/>]) 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.

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 living resources for which fishery management plans (FMPs) have been developed under the Magnuson-Stevens Act. 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. Primary federal management authority was vested in NOAA Fisheries (formerly the National Marine Fisheries Service; see [<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 in 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 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*. Many of the implemented plans have been amended (one more than 30 times), and three have been developed and implemented jointly by two or more Councils. 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 in FY1999.

Magnuson-Stevens Act Reauthorization

Background. The Magnuson-Stevens Act (MSFCMA) was last reauthorized in 1996 by P.L. 104-297, the Sustainable Fisheries Act; 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. While NOAA Fisheries contends that implementation of the 1996 amendments has met many of the Act's objectives (http://www.nmfs.noaa.gov/sfa/SFA-Report-FINAL7_1.pdf), 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 108th Congress may be seeking a balance between conserving fish and maintaining a viable commercial fishing industry.

Congressional Action. At issue for the 108th Congress will be the terms and conditions of provisions designed to reauthorize and amend the MSFCMA to address the concerns of various interests. Thus far, only one bill, S. 482, has been introduced to comprehensively amend and reauthorize the MSFCMA. The remaining measures deal with single or several related issues. H.R. 1024 would establish a pelagic longline highly migratory species bycatch and mortality reduction research program within NOAA Fisheries. H.R. 1286 would prohibit the commercial harvesting of Atlantic striped bass in U.S. coastal waters and the exclusive economic zone. H.R. 1690 would prohibit certain bottom trawl

gear to protect habitat and provide financial assistance to fishermen for transition to different gear. S. 781 would modify membership of the Gulf of Mexico Regional Council. H.R. 2679/S. 1463 would modify membership of the New England Regional Council. S. 1624 would modify membership of the Mid-Atlantic Regional Council. H.R. 2889 would direct the Secretary of Commerce to study fishery observer data to map migratory patterns and delineate wintering and feeding areas of Atlantic striped bass. H.R. 2890 would restrict the ability of the federal government to close areas to recreational fishing under the MSFCMA. Section 3 of S. 910 would require annual performance evaluations by the Coast Guard on fisheries law enforcement and marine safety activities; this measure was reported (amended) by the Senate Committee on Governmental Affairs on July 29, 2003 (S.Rept. 108-115). Similarly, §321 of S. 733, as reported by the Senate Committee on Commerce, Science, and Transportation (S.Rept. 108-202) would require the Coast Guard and NOAA to improve their consultations with each other and with state and local authorities in coordinating fishery law enforcement. S. 1953 would establish management areas to protect specific deep sea corals.

S. 1106 and H.R. 2621 would establish national standards for fishing quota systems. Section 201 of H.R. 958 would reauthorize the Fisheries Survey Vessel Authorization Act of 2000 through FY2006. The House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on H.R. 958 on March 27, 2003; the House Committee on Resources reported this measure (amended) on November 21, 2003 (H.Rept. 108-400). On May 20, 2003, the Senate Commerce Committee's Subcommittee on Oceans, Fisheries, and Coast Guard held a hearing on the North Pacific Fishery Management Council's crab rationalization program. Section 901 of S. 1585, as reported, would direct the Secretary of Commerce to approve the Bering Sea and Aleutian Islands crab rationalization program (S.Rept. 108-144); §902 would prohibit essential fish habitat designation in Alaska waters prior to MSFCMA reauthorization; §903 would establish a Gulf of Alaska rockfish demonstration program; and §904 would reopen an Aleutian Islands pollock fishery. Three of the Alaska fisheries provisions of S. 1585 (excluding §902 on essential fish habitat, which was dropped), were incorporated in the conference agreement on the omnibus appropriations bill, H.R. 2673 (H.Rept. 108-401). Also included in the conference agreement were provisions (Division H, §105) that would prohibit the spending of FY2004 funds to implement new regulations to reduce overfishing and rebuild fish stocks off New England. H.R. 3645 would modify the definition of "essential fish habitat" and modify MSFCMA measures to rebuild overfished fisheries. On October 22, 2003, the Senate Commerce Subcommittee on Oceans, Fisheries, and Coast Guard held an oversight hearing on the condition of New England groundfish fisheries. For additional information on reauthorization issues likely to be discussed in the 108th Congress, see CRS Report RL30215, *The Magnuson-Stevens Fishery Conservation and Management Act: Reauthorization Issues for the 107th Congress*. A copy of a congressional memorandum, dated September 12, 2002, comparing House and Senate proposals for amending the MSFCMA in the 107th Congress may be requested by contacting Gene Buck directly at gbuck@crs.loc.gov.

Pacific Salmon

Background. Five salmon species spawn in Pacific drainages, 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.

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. In the 108th Congress, H.R. 1097 would direct the Secretary of Commerce to seek scientific analysis of federal efforts to restore Columbia River Basin salmon and steelhead listed under the ESA. H.R. 1604 would increase the funding authorized for temperature control devices at Folsom Dam, California. H.R. 1760 would establish water conservation and habitat restoration programs in the Klamath River basin and provide emergency disaster assistance to those who suffered economic harm from the Klamath River basin fish kill of 2002. H.R. 1753/S. 1438 would compensate the Spokane Tribe for the loss of salmon fisheries related to the construction of Grand Coulee Dam. S. 1308 would authorize the Bureau of Reclamation and NOAA Fisheries to implement a recent court decision relating to the Savage Rapids Dam, Oregon; the Committee on Energy and Natural Resources Subcommittee on Water and Power held a hearing on this bill on October 15, 2003. Section 4021 of H.R. 2557 would require a feasibility study of fish passage improvements in Oregon; this measure was reported (amended, with the fish passage language in §4024) by the Committee on Transportation on September 5, 2003 (H.Rept. 108-265), and passed by the House (amended) on September 24, 2003. Section 103 of S. 1555/H.R. 3327 would designate “salmon restoration areas” in northern California. H.R. 1945 would authorize the Secretary of Commerce to provide financial assistance for salmon habitat restoration projects; the House Committee on Resources reported this bill (amended) on September 16, 2003 (H.Rept. 108-272). Section 3 of H.R. 2048 would reauthorize the Yukon River Salmon Act through FY2008. The House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on H.R. 2048 on May 22, 2003; the full committee reported this measure (amended) on October 7, 2003 (H.Rept. 108-300); and the House passed the measure (amended) on October 20, 2003. On November 21, 2003, the House passed H.R. 2584, after attaching the Yukon River Salmon Act reauthorization in §303. On June 4, 2003, the Senate Committee on Indian Affairs held a hearing on the impacts on tribal fish and wildlife management programs in the Pacific Northwest. On June 24, 2003, the Senate Committee on Environment and Public Works held a hearing to examine implementation of NOAA Fisheries’ 2000 Biological Opinion for listed anadromous fish with regard to operation of the Federal Columbia River Power System. For background on this issue, see CRS Report 98-666 ENR, *Pacific Salmon and Anadromous Trout: Management Under the Endangered Species Act* and CRS Report RL31546, *The Endangered Species Act and Science: The Case of Pacific Salmon*.

Miscellaneous Issues

Seafood Labeling. Section 2105 of P.L. 108-11 amended the Organic Foods Production Act of 1990 to direct the Secretary of Agriculture to promulgate regulations allowing wild seafood to be certified or labeled as organic. H.R. 3083 would modify the country of origin labeling requirements for wild and farm-raised fish. On October 1, 2003, the House Agriculture Subcommittee on Livestock and Horticulture held an oversight hearing to review mandatory country-of-origin labeling.

Trade. Section 8118 of P.L. 108-87 made Department of Defense Buy American requirements inapplicable to the procurement of fish, shellfish, or seafood products during FY2004. H.R. 155/H.R. 2406 proposes to modify U.S. subsidies beneficial to certain foreign competitors with the domestic shrimp industry. Section 3 of S. 1110/S. 1299/H.R. 2308 and §102 of S. 1884 would authorize a program for trade adjustment assistance to commercial fishermen, fish processors, and fishing communities.

Recreational Fishing. Section 9 of P.L. 108-88 (H.R. 3087) extended Sport Fish Restoration funding through February 29, 2004. Section 1013 of P.L. 108-136 authorized the transfer of vessels stricken from the Naval Vessel Register for use as artificial reefs. H.Res. 30 would express concern for continued U.S. recreational fishing access to waters near the Revillagigedo Islands of Mexico; the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on this bill on May 22, 2003, and it was reported on July 9, 2003 (H.Rept. 108-194). Section 206 of H.R. 878, §503 of H.R. 1308, and §1108 of H.R. 2896 (as reported) would repeal the excise tax on fishing tackle boxes that provides partial funding for the Sport Fish Restoration Program. Section 1111 of H.R. 2896 (as reported) would also repeal the excise tax on sonar fish finders. On March 5, 2003, the House Committee on Ways and Means reported H.R. 878, amended (H.Rept. 108-23). On March 19, 2003, the House passed H.R. 1308; the Senate passed this bill (amended, deleting language to repeal the excise tax on fishing tackle boxes) on June 5, 2003. Title II of S. 1962 would create a Sport Fish Restoration Trust Fund and modify the excise tax on certain sport fishing equipment. Section 7501 of H.R. 2088/S. 1072 would extend the current allocation of funding for the Sport Fish Restoration Program through FY2009; §9007 would extend the transfer of small-engine fuel taxes to the Sport Fish Restoration Account through FY2011. The Committee on Environment and Public Works Subcommittee on Transportation and Infrastructure held a hearing on S. 1072 on May 20, 2003; the Committee on Commerce, Science, and Transportation's Subcommittee on Competition, Foreign Commerce, and Infrastructure held a hearing on this bill on May 22, 2003. On November 12, 2003, S. 1072 was ordered reported (amended) by the Committee on Environment and Public Works. S. 1804 and Title V of S. 1978 would comprehensively amend and reauthorize the Sport Fish Restoration Program through FY2009; S. 1978 was reported by the Committee on Commerce, Science, and Transportation on November 25, 2003 (S.Rept. 108-215). H.R. 2839 would amend the Internal Revenue Code to modify the transfer of motor fuel excise taxes attributable to motorboat and small engine fuels into the Aquatic Resources Trust Fund. S. 1669 would reauthorize the Sport Fish Restoration Program through FY2004; this measure was reported by the Committee on Environment and Public Works on November 5, 2003 (S.Rept. 108-186). H.R. 2890 would limit the federal government's ability to close areas to recreational fishing under the MSFCMA. H.Res. 362/S.Res. 279 would recognize the importance and contribution of fishing and other outdoor sports to society; the House passed H.Res. 362 on September 23, 2003. H.R. 3482/S. 1840 would establish a grant program to

encourage private landowners to provide public access for fishing and other outdoor recreation.

Habitat on Military Lands. Section 311 of P.L. 108-136 reauthorized Title I of the Sikes Act through FY2008.

Invasive Species. P.L. 108-137 funded the Army Corps of Engineers' preparation of an environmental impact statement for introducing non-native oysters into Chesapeake Bay, with authorization for a scientific advisory body to assist the review. Section 6(c) of S. 144 would exclude state funding for noxious aquatic weed control from a noxious weed control program. On February 11, 2003, S. 144 was reported, amended (S.Rept. 108-6); the Senate passed this measure (amended) on March 4, 2003. H.R. 266 and S. 536 propose to authorize the National Invasive Species Council. H.R. 989 would require regulations to assure that vessels entering the Great Lakes had adequate ballast water treatment. H.R. 1080 would reauthorize the Nonindigenous Aquatic Nuisance Prevention and Control Act through FY2008 and amend this Act to expand programs to address aquatic invasive species concerns. H.R. 1081 would establish marine and freshwater research, development, and demonstration programs to prevent, control, and eradicate invasive species; the House Committee on Science reported this bill (amended) on October 20, 2003 (H.Rept. 108-324, Part I). H.R. 2310 would establish an incentive grant program to control and eradicate invasive species. Section 1006 of H.R. 2557 would direct the Army Corps of Engineers to study several projects to address invasive aquatic plant situations; this measure was reported (amended) by the Committee on Transportation on September 5, 2003 (H.Rept. 108-265), and passed by the House (amended) on September 24, 2003. H.R. 3122 would direct the Coast Guard to promulgate regulations setting certain ballast water treatment standards for vessel entry into the Great Lakes. S. 525 would both amend and reauthorize the Nonindigenous Aquatic Nuisance Prevention and Control Act through FY2008 and establish marine and freshwater research, development, and demonstration programs; the Senate Environment and Public Works Subcommittee on Fisheries, Wildlife, and Water held a hearing on this measure on June 17, 2003. S. 1398 and H.R. 2720 would authorize funding for invasive species control in the Great Lakes. On April 29, 2003, the House Resources Subcommittee on Fisheries Conservation, Wildlife and Oceans and Subcommittee on National Parks, Recreation, and Public Lands held a joint oversight hearing on the growing problem of invasive species. Section 3(c)(3)(G)(iv) of H.R. 2641/S. 1097 would specifically authorize FY2004 through FY2007 appropriations for invasive species activities as part of the CalFed Bay-Delta Program. H.Con.Res. 276/S.Con.Res. 69 would require that any agreement signed by the United States not preclude measures to combat invasive species. On October 14, 2003, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held an oversight field hearing in Annapolis, MD, on efforts to introduce non-native oysters to Chesapeake Bay.

Tuna. Section 242 of P.L. 108-188 permits duty-free import of specified amounts of canned tuna to the United States from the Federated States of Micronesia and the Republic of the Marshall Islands, while §104(e)(8)(D) requires a report analyzing the effects of this action on American Samoa's economy. H.R. 1424 would extend the American Samoa Possession Tax Credit Act, beneficial to American Samoan tuna canneries, through January 1, 2016. S. 130 proposes to amend the labeling requirements for "dolphin-safe tuna" in the Dolphin Protection Consumer Information Act. Section 2004(f) of S. 671 and §3604(f) of H.R. 3521 would amend the Andean Trade Preference Act to expand the definition of

“United States vessel” relative to tuna harvesting. S. 671 was reported by the Committee on Finance on March 20, 2003 (S.Rept. 108-28), while H.R. 3521 was passed by the House on November 20, 2003. S. 1739/S. 1782/H.R. 3620 would modify the duty treatment of tuna to specifically identify tuna packed in pouches, and would eliminate duties on certain tuna products imported from cited ASEAN nations. On October 30, 2003, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held an oversight hearing on the upcoming meeting of the International Commission for the Conservation of Atlantic Tunas.

International Fisheries. Section 103(4) of S. 790 and §104(4) of S. 925 would authorize an appropriation of \$20,043,000 for “International Fisheries Commissions” for FY2004. Section 114(4) of H.R. 1950 would authorize \$20,043,000 for these commission for both FY2004 and FY2005; the House Committee on International Relations reported (amended) H.R. 1950 (H.Rept. 108-105, Part I) on May 16, 2003; the Committee on Armed Services (amended) on June 30, 2003 (H.Rept. 108-105, Part III); and the Committee on Energy and Commerce (amended) on July 11, 2003 (H.Rept. 108-105, Part IV). H.R. 1950 passed the House on July 16, 2003. S. 790 would authorize such sums as may be necessary for “International Fisheries Commissions” for FY2005. On April 24, 2003, the Senate Committee on Foreign Relations reported S. 925 (S.Rept. 108-39). Section 2 of H.R. 2048 would extend the reimbursement period under the Fishermen’s Protective Act through FY2008. The House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on H.R. 2048 on May 22, 2003; the full committee reported this measure (amended) on October 7, 2003 (H.Rept. 108-300); and the House passed the measure (amended) on October 20, 2003. On November 21, 2003, the House passed H.R. 2584, after attaching the Fishermen’s Protective Act provision in §302. On June 12, 2003, the Senate Committee on Commerce, Science, and Transportation held a hearing on global overfishing and international fishery management. H.Con.Res. 268 would express the sense of the Congress regarding sanctions on nations that undermine the effectiveness of conservation and management measures for Atlantic highly migratory species, including marlin, adopted by the International Commission for the Conservation of Atlantic Tunas. The House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on this measure on September 11, 2003. The full committee reported H.Con.Res. 268 on October 28, 2003 (H.Rept. 108-327), and the House passed this measure this same day. S. 1861 would establish a framework for legislative and executive consideration of unilateral sanctions against foreign nations.

Seafood Safety. S. 366, S. 485, and H.R. 999 would amend the Clean Air Act to direct the EPA Administrator to act to reduce mercury emissions from electricity generating facilities. On April 8, 2003, the Senate Environment and Public Works Subcommittee on Clean Air, Climate Change, and Nuclear Safety held a hearing on S. 485; additional hearings were held on May 8 and June 5, 2003. Section 12 of S. 484 would amend the Clean Air Act to evaluate the adequacy of public advisories concerning mercury-contaminated fish. S. 1939 would require that public notice on the effects of mercury exposure be readily available at all businesses that sell fish and seafood where the potential for mercury exposure exists. Section 5 of S. 506/H.R. 1551 would require daily inspection of seafood commodities covered by NOAA Fisheries inspection programs that are used in Department of Agricultural school food programs. Section 2 of H.R. 1495 would require labels warning of increased risk of illness for certain individuals on for raw or partially cooked fish and shellfish; §3 of this same bill would require labeling to identify fish and shellfish that have been frozen.

Section 4(c) of H.R. 1624 would amend §308 of the Federal Water Pollution Control Act to increase public information requirements for notification of waters where fish or shellfish contamination is a concern. S. 1218 would increase support and coordination of interagency ocean science programs, including U.S. research and monitoring programs related to seafood safety and the role of oceans in human health; the Committee on Commerce, Science, and Transportation reported this bill (amended) on November 19, 2003 (S.Rept. 108-203). S. 1844 would promote research to clarify the contribution of U.S. electricity generation to mercury concentration in fish and seafood. H.R. 3684 would require food labels to identify products containing fish and crustacean shellfish for their allergin potential.

Hydropower. Section 102(a)(3)(H) of H.R. 238 and §101(a)(7) of H.R. 1343 would set a goal for Department of Energy hydropower programs to decrease damage to fish and aquatic ecosystems; H.R. 238 was reported (amended) by the House Committee on Science on May 22, 2003 (H.Rept. 108-128, Part 1). H.R. 1013, §13001 of H.R. 6, §3001 of H.R. 1644, and §511 of S. 14/S. 1005 would allow federal hydropower licensees to propose alternatives to any fishways required by the Federal Energy Regulatory Commission as long as the alternative would result in equal or greater fish passage. On April 8, 2003, the House Committee on Energy and Commerce reported H.R. 1644, amended (H.Rept. 108-65, Part I). On April 11, 2003, the House passed H.R. 6, as amended. On May 6, 2003, the Senate Committee on Energy and Natural Resources reported S. 1005 (S.Rept. 108-43). On July 31, 2003, the Senate passed H.R. 6 (amended) with fishway language in §301 and language to set a goal for Department of Energy hydropower programs to decrease damage to fish and aquatic ecosystems in §1221(b)(8). The conference on H.R. 6 (H.Rept. 108-375, November 18, 2003) retained the fishway provisions in §231. S. 1307 would authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to assist in implementing fish passage and screening facilities at non-federal water projects; the Senate Energy and Natural Resources Subcommittee on Water and Power held a hearing on this measure on October 15, 2003.

Indian Claims and Fishing Rights. H.R. 2425 and Title III of S. 523 would establish the Quinault Permanent Fisheries Fund and other accounts to manage funds received from claims settlement. On May 15, 2003, S. 523 was reported, amended, by the Committee on Indian Affairs (S.Rept. 108-49); this measure passed the Senate (amended) on July 30, 2003. On November 17, 2003, the House Committee on Resources reported (amended) H.R. 2425 (H.Rept. 108-367) and S. 523 (H.Rept. 108-374, Part I). Section 201 of H.R. 1661 would modify the treatment of income from the exercise of Indian fishing rights (detailed in §7873 of the Internal Revenue Code), for purposes of calculating earned income tax credit. On June 4, 2003, the Senate Committee on Indian Affairs held a hearing on the impacts on tribal fish and wildlife management programs in the Pacific Northwest.

Hypoxia and Harmful Algal Blooms (HABs). S. 247, S. 937, and H.R. 1856 would amend and reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 through FY2006. On March 13, 2003, the House Science Subcommittee on the Environment, Technology, and Standards held an oversight hearing on HABs and hypoxia research. On October 24, 2003, the House Committee on Science reported H.R. 1856, amended (H.Rept. 108-326, Part I). On August 26, 2003, the Senate Committee on Commerce, Science, and Transportation reported S. 247, amended (S.Rept. 108-125); the Senate passed this measure (amended) on October 28, 2003. S. 1218, as reported by the

Senate Committee on Commerce, Science, and Transportation (S.Rept. 108-203), identifies hypoxia and HABs as important elements in addressing the role of oceans in human health.

Tax Provisions. S. 487/H.R. 2973 would amend the Internal Revenue Code to provide a business credit against income for the purchase of fishing vessel safety equipment. H.R. 927 and S. 665 would amend the Internal Revenue Code to allow commercial fishermen to establish tax-deferred Farm and Ranch Risk Management Accounts to shelter a portion of fishery income. S. 1831 and §8 of S. 842 would allow income averaging by commercial fishermen. Section 108 of S. 256/S. 272/S. 476 would amend the Internal Revenue Code to provide tax incentives for participation in the Fish and Wildlife Services' "Partners for Fish and Wildlife Program" [<http://partners.fws.gov/>]. On February 27, 2003, S. 476 was reported amended (S.Rept. 108-111); on April 9, 2003, the Senate passed this measure (amended).

Assistance. On May 1, 2003, the House Committee on Education and the Workforce reported H.R. 1261 (amended), in which §104(b)(2) would amend the Workforce Investment Act to specifically identify dislocated fishermen as individuals that states would serve in relation to employment and training needs (H.Rept. 108-82); this measure was passed (amended) by the House on May 8, 2003. On November 14, 2003, the Senate amended H.R. 1261 to substitute the language of S. 1627, which did not contain the displaced fishermen provision, and passed the amended H.R. 1261.

Health Care. Section 2 of H.R. 660, §402 of H.R. 3423, and S. 545 would amend the Employee Retirement Income Security Act of 1974 to authorize fishing industry associations to provide health care plans for association members. On March 13, 2003, the House Committee on Education and the Workforce's Subcommittee on Employer-Employee Relations held a hearing on H.R. 660; this measure was reported (amended) on June 16, 2003 (H.Rept. 108-156), and passed by the House (amended) on June 19, 2003.

Great Lakes. H.R. 2500 would authorize the Great Lakes Fishery Commission to investigate effects of migratory birds on the productivity of Great Lakes fish stocks. S. 1398 and H.R. 2720 would provide for coordinated environmental restoration of the Great Lakes. On July 16, 2003, the Senate Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia held a hearing on Great Lakes restoration.

Bankruptcy. H.R. 343, §1007 of H.R. 975, and §8 of S. 2004 would extend similar protection to family fishermen as currently applies to family farmers under Chapter 12 of bankruptcy laws. The House Judiciary Subcommittee on Commercial and Administrative Law held a hearing on H.R. 975 on March 4, 2003, and reported this measure (amended) on March 18, 2003 (H.Rept. 108-40, Part I). On March 19, 2003, the House passed H.R. 975, as amended.

Oil Spill Damage. S. 370 and §320 of S. 733, as reported by the Senate Committee on Commerce, Science, and Transportation (S.Rept. 108-202), would amend the Oil Pollution Act of 1990 to authorize interim assistance to fishermen awaiting the recovery of damages for injuries from oil spills.

Renewable Energy. H.R. 1183 would amend the Coastal Zone Management Act to require that consideration be given to concerns for access restrictions affecting commercial and recreational fishing when constructing and operating marine renewable energy projects.

Capital Construction Fund. H.R. 2360/S. 1193 would provide for qualified withdrawals from Capital Construction Fund accounts for fishermen leaving the industry for rollover into individual retirement plans.

Corals and Coral Reefs. H.R. 1721 would amend the Foreign Assistance Act of 1961 to provide debt relief to developing nations that protect coral reef habitat. S. 1953 would establish coral management areas to protect specific deep sea corals.

Irrigation. Section 7 of S. 900/H.R. 2257 would require fish protection devices for the Lower Yellowstone Irrigation Project.

Seafood Processing. Section 203(a)(1) of H.R. 3139 would require the Labor Secretary to prohibit minors from employment in seafood processing.

National Policy. H.R. 3627 would establish an Office of Oceans and Coastal Policy in the Executive Office of the President.

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 (e.g., catfish and trout farms, [<http://www.usda.gov/nass/pubs/stathigh/2002/livestock02.pdf>]); 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. Despite considerable growth, the domestic aquaculture industry faced strong competition in 2002 from imports of foreign aquacultural products as well as competition from the domestic poultry and livestock industries [<http://usda.mannlib.cornell.edu/reports/erssor/livestock/ldp-aqs/2002/aqs16.pdf>]. With growth however, aquaculture operations are facing increasing scrutiny for habitat destruction, pollution, and other concerns. The major statute affecting U.S. aquaculture is the National Aquaculture Act of 1980, as amended (16 U.S.C. 2801 *et seq.*). FY2004 appropriations for aquaculture in H.R. 2673 (agriculture) were passed by the House (amended) on July 14, 2003, and by the Senate (amended) on November 6, 2003; a conference report was filed on H.R. 2673 on November 25, 2003 (H.Rept. 108-401).

Miscellaneous Issues

Bankruptcy. H.R. 343, §1007 of H.R. 975, and §8 of S. 2004 would extend similar protection to family fishermen (including aquaculture operations) as currently applies to family farmers under Chapter 12 of bankruptcy laws. The House Judiciary Subcommittee

on Commercial and Administrative Law held a hearing on H.R. 975 on March 4, 2003, and reported this measure (amended) on March 18, 2003 (H.Rept. 108-40, Part I). On March 19, 2003, the House passed H.R. 975, as amended.

Oil Spill Damage. S. 370 and §320 of S. 733, as reported by the Senate Committee on Commerce, Science, and Transportation (S.Rept. 108-202), would amend the Oil Pollution Act of 1990 to authorize interim assistance to aquaculture operators awaiting the recovery of damages for injuries from oil spills.

Business Assistance. H.R. 2802 would amend the Small Business Act to specifically identify aquaculture operations as qualified small business concerns. As reported on November 7, 2003, §307 of S. 1637 would modify cooperative marketing rules to include feeding products to fish and sale of the cultured fish (S.Rept. 108-192).

Decommissioned OCS Platforms. H.R. 2654 would amend the Outer Continental Shelf Lands Act to direct the Secretary of the Interior to authorize the use of decommissioned offshore oil and gas platforms for culturing marine organisms.

National Policy. S.Res. 160/H.Res. 301/H.Res. 308 would express the sense of the Congress that the federal government should strengthen and promote the national policy on aquaculture.

Discharge Penalties. Section 2 of H.R. 1184 would amend the Clean Water Act to increase criminal penalties for certain violations of regulations on aquacultural discharges.

Chesapeake Bay. Section 6 of S. 831 would authorize grants to support education and development of Chesapeake Bay aquaculture sciences and technologies.

Tax Provisions. Section 2(e) of S. 106 would specifically exclude small businesses that raise fish from certain provisions modifying income tax on capital gains.

Crop Loss. S. 1309/H.R. 2684 would authorize emergency financial assistance for fisheries crop loss attributable to a disaster.

Labeling. H.R. 3083 would modify the country of origin labeling requirements for wild and farm-raised fish.

Bird Predation. H.R. 3320 would authorize Animal and Plant Health Inspection Service employees to take actions to manage and control migratory birds.

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 assert that the MMPA is scientifically irrational because it identifies one group of organisms for special protection unrelated to their abundance or ecological role, this Act has promoted research and increased understanding of marine life as well as encouraged 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 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 Secretaries of the Interior and Commerce 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, sea and marine otters, polar bears, manatees, and dugongs. (FY2004 appropriations for FWS marine mammal programs were enacted in P.L. 108-108.) 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 marine mammal management authority to the federal government. It provides, however, that management authority, on a species-by-species basis, could be returned to states that adopt conservation and management programs consistent with the purposes and policies of 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. 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. The MMPA 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 only a negligible impact on any marine mammal species or stock, provided that monitoring requirements and other conditions are met.

The Act’s moratorium on taking does not apply to any Alaskan Indian, Aleut, or Eskimo who lives near the coast, if such taking is for subsistence or for creating handicrafts and clothing, and is not done wastefully. The Act also authorizes the taking of marine mammals incidental to commercial fishing operations. In 1988, most U.S. commercial fish harvesters were exempted from otherwise applicable rulemaking and permit requirements for a 5-year period, pending development of an improved system to govern the incidental taking of marine mammals in the course of commercial fishing operations. This exemption expired at the end of FY1993, and was extended several times until new provisions were enacted by P.L. 103-238, which reauthorized the MMPA through FY1999. The eastern tropical Pacific tuna fishery was excluded from the incidental take regimes enacted in 1988 and 1994. Instead, the taking of marine mammals incidental to that fishery is governed by separate provisions of the MMPA, and was substantially amended by P.L. 105-42, the International Dolphin Conservation Program Act.

Marine Mammal Protection Act Reauthorization

Background. The MMPA was reauthorized in 1994 by P.L. 103-238, the MMPA 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 (see [<http://www.nwfsc.noaa.gov/publications/techmemos/tm28/areas.htm>]).

Congressional Action. At issue for the 108th Congress are the terms and conditions of provisions designed to reauthorize and amend the MMPA to address the concerns of various interests. On July 16, 2003, the Senate Commerce Subcommittee on Oceans, Fisheries, and Coast Guard held a hearing on MMPA reauthorization issues. H.R. 2693 and H.R. 3316 would amend and reauthorize the MMPA through FY2008. The House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on H.R. 2693 on July 24, 2003; on November 5, 2003, the House Committee on Resources ordered this bill reported (amended). H.R. 2142 would amend the MMPA to repeal the goal for reducing the incidental mortality and serious injury of marine mammals in commercial fishing operations to zero and to modify the goal of take reduction plans for reducing such takings. On August 19, 2003, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held an oversight field hearing in San Diego, California, on the increasing frequency of interactions between marine mammals and humans. For additional information on potential reauthorization issues in the 108th Congress, see CRS Report RL30120, *Marine Mammal Protection Act: Reauthorization Issues for the 107th Congress*.

Miscellaneous Issues

Polar Bears. On June 17, 2003, the Senate Committee on Foreign Relations held a hearing on the 2001 Agreement between the United States and Russia on the conservation and management of the Alaska-Chukotka polar bear population. Section 149 of P.L. 108-108 modified §104(c)(5)(D) of the MMPA to permit the importation of polar bears harvested prior to the enactment of final regulations.

Military Readiness. On March 13, 2003, the House Armed Services Subcommittee on Readiness held a hearing on potential amendments to the MMPA to address military readiness concerns. Section 319 of P.L. 108-136 amended the MMPA to modify the definition of harassment and provisions relating to taking marine mammals as they relate to military readiness activities and federal scientific research. For additional information, see CRS Report RL32183, *Defense Cleanup and Environmental Programs: Authorization and Appropriations for FY2004*, section on “Military Readiness and Environmental Exemptions.”

International Whaling. H.Con.Res. 216/S.Con.Res. 55 would express the sense of the Congress regarding U.S. policy at the 55th Annual Meeting of the International Whaling Commission. Section 434 of H.R. 1950 and §4 of H.R. 1590 would require the Secretary of State of annually send a high-level delegation to consult with key foreign governments in every region to promote the U.S. agenda at the International Whaling Commission. H.R. 1950 was reported (amended) on May 16, 2003, by the Committee on International Relations (H.Rept. 108-105, Part I); on June 30, 2003, by the Committee on Armed Services (H.Rept. 108-105, Part III); and on July 11, 2003, by the Committee on Energy and Commerce (H.Rept. 108-105, Part IV). H.R. 1950 passed the House on July 16, 2003.

Ocean Health. S. 1218 would increase support and coordination of interagency ocean science programs, including U.S. research and monitoring programs related to the role of oceans in human health; the Committee on Commerce, Science, and Transportation reported this bill (amended) on November 19, 2003 (S.Rept. 108-203).

Renewable Energy. H.R. 1183 would amend the Coastal Zone Management Act of 1972 to require that consideration be given to concerns for marine mammals and their critical habitat when constructing and operating marine renewable energy projects.

Subsistence Whaling. S. 293/H.R. 952 would amend the Internal Revenue Code to provide a charitable deduction for certain whaling expenses incurred in support of Native Alaskan subsistence bowhead whaling activities.

Tuna-Dolphin. S. 130 would amend the labeling requirements for “dolphin-safe tuna” in the Dolphin Protection Consumer Information Act. S. 1861 would establish a framework for legislative and executive consideration of unilateral sanctions against foreign nations.

Southern Sea Otter. H.R. 3545 would direct the Interior Secretary to implement recovery and research programs for the southern sea otter.

Canadian Sealing. S.Res. 269 would urge Canada to end commercial seal hunting.

NOAA Fisheries Appropriations

On February 3, 2003, the Bush Administration requested FY2004 funding for various federal agencies and programs. Major increases in the requested \$732 million for NOAA Fisheries included \$3 million to expand Northeast fishery observers; \$3.1 million for implementing the 2000 Federal Columbia River Power System Biological Opinion and Basin-wide Recovery Strategy; \$3 million to modernize and expand fishery stock assessments; \$2.8 million to reduce bycatch; \$2 million to fund consultations under §7 of the Endangered Species Act; and \$2 million to improve the understanding and prediction of climate change on major U.S. marine and coastal ecosystems in the Bering Sea and Gulf of Alaska. The major decrease was elimination of FY2003 funds under the bilateral Pacific Salmon Treaty to capitalize two enhancement and restoration funds.

On March 19, 2003, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on the FY2004 NOAA request. On March 12, 2003, the Senate Commerce Subcommittee on Oceans, Fisheries, and Coast Guard held a hearing on the FY2004 NOAA request. In the House, H.R. 2799, proposing FY2004 appropriations of \$643.4 million for NOAA Fisheries, was reported on July 21, 2003 (H.Rept. 108-221) and passed by the House on July 23, 2004. The amount proposed for NOAA Fisheries in the House-passed H.R. 2799 is \$88.7 million (more than 12%) less than the Administration’s request. In contrast, the Senate, in S. 1585, proposed FY2004 appropriations of \$861.9 million for NOAA Fisheries (more than 17% higher than the Administration’s request), as was reported on September 4, 2003 (S.Rept. 108-144). In addition, §105 of S. 1401 would authorize NOAA Fisheries appropriations from FY2004 through FY2008; this bill was reported (amended) by the Committee on Commerce, Science, and Transportation on December 9, 2003 (S.Rept. 108-219). Subsequently, NOAA Fisheries appropriations for FY2004 were incorporated in the omnibus appropriations bill, H.R. 2673.

Table 1. NOAA Fisheries Appropriations

(In thousands of dollars)

	FY2003 Request	FY2003 Enacted	FY2004 Request	FY2004 House- passed	FY2004 Senate- reported	FY2004 Confer- ence
Fisheries	339,234	349,504	363,008	333,287	396,616	
Protected Resources	153,145	145,642	160,740	129,855	148,531	
Habitat Conservation	45,527	62,261	46,512	47,590	63,871	
Enforcement Surveillance	50,034	22,659	50,698	34,340	63,434	
SUBTOTAL	587,940	580,066	620,958	545,072	672,452	639,990
Procurement, Acquisition, and Construction	17,000	7,000	14,000	8,100	17,492	26,092
Fleet Upgrade	0	50,874	0	0	58,700	22,700
Pacific Coastal Salmon Recovery	90,000	90,000	90,000	90,000	90,000	90,000
Pacific Salmon Treaty	20,000	40,000	0	0	0	0
Saltonstall-Kennedy obligations	4,127	11,325	218	218	27,000*	17,000**
Environmental Improvement & Restoration Fund	1,362	0	5,509	0	0	0
Other Accounts	1,088	2	1,434	0	2,000	0
TOTAL	721,517	779,267	732,139	643,390	867,644	795,782

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

*General Provisions-Department of Commerce (§207) of S. 1585 (Senate report).

**General Provisions-Department of Commerce (§208) of H.R. 2673 (conference report).

LEGISLATION

Fisheries

P.L. 108-7 (H.J.Res. 2); P.L. 108-11 (H.R. 1559); P.L. 108-87 (H.R. 2658); P.L. 108-88 (H.R. 3087); P.L. 108-108 (H.R. 2691); P.L. 108-136 (H.R. 1588); P.L. 108-137 (H.R. 2754); and P.L. 108-188 (H.J.Res. 63).

H.Res. 30 (Cunningham); H.Res. 362 (Walsh); H.Con.Res. 268 (Saxton); H.Con.Res. 276 (Brown of Ohio); H.R. 6 (Tauzin); H.R. 155 (Paul); H.R. 238 (Boehlert); H.R. 266 (Ehlers); H.R. 343 (Baldwin); H.R. 660 (Fletcher); H.R. 878 (Thomas); H.R. 927 (Hulshof); H.R. 958 (Young of Alaska); H.R. 975 (Sensenbrenner); H.R. 989 (Hoekstra); H.R. 999 (Barton); H.R. 1013 (Radanovich); H.R. 1024 (Saxton); H.R. 1080 (Gilchrest); H.R. 1081 (Ehlers); H.R. 1183 (Delahunt); H.R. 1261 (McKeon); H.R. 1286 (Pallone); H.R. 1308

(Thomas); H.R. 1343 (Woolsey); H.R. 1424 (Faleomavaega); H.R. 1495 (Pallone); H.R. 1497 (Pombo); H.R. 1551 (Schakowsky); H.R. 1604 (Doolittle); H.R. 1624 (Pallone); H.R. 1644 (Barton); H.R. 1661 (Rangel); H.R. 1690 (Hefley); H.R. 1721 (Kirk); H.R. 1753 (Nethercutt); H.R. 1760 (Thompson of California); H.R. 1856 (Ehlers); H.R. 1945 (Thompson of California); H.R. 1950 (Hyde); H.R. 2048 (Gilchrest); H.R. 2088 (Young of Alaska); H.R. 2257 (Rehberg); H.R. 2308 (Levin); H.R. 2310 (Rahall); H.R. 2360 (Capps); H.R. 2406 (Paul); H.R. 2425 (Dicks); H.R. 2500 (Stupak); H.R. 2557 (Young of Alaska); H.R. 2584 (Faleomavaega); H.R. 2621 (Allen); H.R. 2641 (George Miller); H.R. 2679 (Israel); H.R. 2720 (Emanuel); H.R. 2799 (Wolf); H.R. 2839 (Shaw); H.R. 2889 (Saxton); H.R. 2890 (Saxton); H.R. 2973 (Simmons); H.R. 3083 (Peterson of Minnesota); H.R. 3122 (Miller of Michigan); H.R. 3139 (Lantos); H.R. 3327 (Thompson of California); H.R. 3482 (Pomeroy); H.R. 3521 (Thomas); H.R. 3620 (Neal); H.R. 3627 (Saxton); H.R. 3645 (Young of Alaska); H.R. 3684 (Lowey); S.Res. 279 (Coleman); S.J.Res. 16 (Domenici); S.Con.Res. 69 (Feingold); S. 14 (Domenici); S. 130 (Boxer); S. 144 (Craig); S. 247 (Snowe); S. 256 (Grassley); S. 272 (Santorum); S. 366 (Jeffords); S. 370 (Smith); S. 476 (Grassley); S. 482 (Collins); S. 484 (Leahy); S. 485 (Inhofe); S. 487 (Collins); S. 506 (Durbin); S. 523 (Campbell); S. 525 (Levin); S. 545 (Snowe); S. 665 (Grassley); S. 671 (Grassley); S. 733 (Snowe); S. 747 (Warner); S. 762 (Stevens); S. 781 (Lott); S. 790 (Lugar); S. 842 (Kerry); S. 900 (Burns); S. 910 (Akaka); S. 925 (Lugar); S. 937 (Voinovich); S. 1005 (Domenici); S. 1047 (Warner); S. 1072 (Inhofe); S. 1097 (Feinstein); S. 1106 (Snowe); S. 1110 (Bingaman); S. 1193 (Wyden); S. 1218 (Hollings); S. 1299 (Snowe); S. 1307 (Smith); S. 1308 (Wyden); S. 1382 (Stevens); S. 1391 (Burns); S. 1398 (DeWine); S. 1401 (McCain); S. 1438 (Cantwell); S. 1463 (Clinton); S. 1555 (Boxer); S. 1585 (Gregg); S. 1624 (Reed); S. 1640 (Inhofe); S. 1669 (Inhofe); S. 1739 (Kerry); S. 1782 (Kerry); S. 1804 (Breaux); S. 1831 (Smith); S. 1840 (Conrad); S. 1844 (Inhofe); S. 1861 (Lugar); S. 1884 (Kerry); S. 1939 (Leahy); S. 1953 (Lautenberg); S. 1962 (Grassley); S. 1978 (McCain); and S. 2004 (Grassley).

Aquaculture

P.L. 108-7 (H.J.Res. 2).

H.Res. 301 (Abercrombie); H.Res. 308 (McIntyre); H.R. 343 (Baldwin); H.R. 975 (Sensenbrenner); H.R. 1184 (Dingell); H.R. 2654 (Vitter); H.R. 2673 (Bonilla); H.R. 2684 (Ross); H.R. 2802 (Manzullo); H.R. 3083 (Peterson of Minnesota); H.R. 3320 (Ross); S.Res. 160 (Akaka); S. 106 (Collins); S. 370 (Smith); S. 733 (Snowe); S. 831 (Sarbanes); S. 1309 (Lincoln); S. 1427 (Bennett); S. 1637 (Frist); and S. 2004 (Grassley).

Marine Mammals

P.L. 108-7 (H.J.Res. 2); P.L. 108-108 (H.R. 2691); and P.L. 108-136 (H.R. 1588).

H.Con.Res. 216 (Delahunt); H.R. 952 (Young of Alaska); H.R. 1183 (Delahunt); H.R. 1590 (Lantos); H.R. 1835 (Gallegly); H.R. 1950 (Hyde); H.R. 2142 (Young of Alaska); H.R. 2693 (Gilchrest); H.R. 2799 (Wolf); H.R. 3316 (Pallone); H.R. 3545 (Farr); S.Con.Res. 55 (Snowe); S.Res. 269 (Levin); S. 130 (Boxer); S. 293 (Murkowski); S. 747 (Warner); S. 927 (Warner); S. 1218 (Hollings); S. 1391 (Burns); S. 1401 (McCain); S. 1585 (Gregg); and S. 1861 (Lugar).