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

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Eugene H. Buck
Resources, Science, and Industry Division

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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 trans-

fer of vessels stricken from the Naval Vessel Register for use as artificial reefs. Thus far, H.R. 4706, S. 482, and S. 2066 are the only bills 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 was reported by the House Committee on Resources on April 20, 2004.



MOST RECENT DEVELOPMENTS

On June 23, 2004, the House passed H.R. 4053, wherein §103 would require the Secretary of State to 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. On June 23, 2004, both the House and Senate passed H.R. 4635, proposing to extend Sport Fish Restoration funding through July 31, 2004. On June 17, 2004, the House passed H.R. 4520, including provisions to repeal excise taxes on fish tackle boxes and sonar devices for locating fish and to provide a charitable deduction for certain expenses incurred in support of Native Alaskan subsistence bowhead whaling. On June 16, 2004, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held an oversight hearing on fishery data collection. On June 16, 2004, the House Committee on Ways and Means reported H.R. 4520. On June 15, 2004, the House passed H.R. 4503, including provisions to allow federal hydropower licensees to propose alternatives to fishways required by the Federal Energy Regulatory Commission as long as they do not diminish fish passage. On June 15, 2004, the Senate Commerce Subcommittee on Oceans, Fisheries, and Coast Guard held a hearing on S. 2066, MSFCMA amendment and reauthorization. (Members and staff may request e-mail notification of new CRS reports on 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 nearshore marine sport and commercial fisheries, where most seafood is caught. However, as techniques improved, fishermen ventured farther offshore. Before the 1950s, the federal government assumed limited responsibility for marine fisheries, responding primarily to international concerns and treaties as well as to interstate conflicts. In the 1950s (Atlantic) and 1960s (Pacific), increasing numbers of foreign vessels began catching the substantially unexploited seafood resources off U.S. coasts. Since the United States then claimed only a 3-mile territorial jurisdiction, foreign vessels could fish 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. On March 1, 1977, marine fishery resources within 200 miles of all U.S. coasts, but outside state jurisdiction, came under federal jurisdiction, and a new regional management system began allocating fishing rights, with priority 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 (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 regional councils develop fishery management plans (FMPs) 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).

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. 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, three bills, H.R. 4706, S. 482 and S. 2066, have been introduced to comprehensively amend and reauthorize the MSFCMA. On June 15, 2004, the Senate Commerce Subcommittee on Oceans, Fisheries, and Coast Guard held a hearing on S. 2066. The remaining measures deal with single or several related issues. Section 801 (Division B) of P.L. 108-199 directed the Secretary of Commerce to approve the Bering Sea and Aleutian Islands crab rationalization program, including individual processor quota; §802 established a Gulf of Alaska rockfish demonstration program; and §803 reopened an Aleutian Islands pollock fishery. Also included in P.L. 108-199, §105 (Division H) prohibited the spending of FY2004 funds to implement new regulations to reduce overfishing and rebuild fish stocks off New England. Section §304 of P.L. 108-219 repealed the P.L. 108-199 prohibition on FY2004 New England fisheries expenditures; in addition, §401 of P.L. 108-219 amended the MFCMA to recognize the Pacific Albacore Treaty with Canada.

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 EEZ. 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 of the New England Regional Council; and S. 1624 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 and S. 2244 would restrict the federal government's ability to close areas to recreational fishing under the MSFCMA. S. 910, in which § 3 would require annual performance evaluations by the Coast Guard on fisheries law enforcement and marine safety activities, was reported July 29, 2003 (amended), by the Senate Committee on Governmental Affairs (S.Rept. 108-115). Similarly, §321 of S. 733, as reported by the Senate Committee on Commerce, Science, and Transportation (S.Rept. 108-202), and §321 of H.R. 2443, as passed by the Senate (amended)

on March 30, 2004, would require the Coast Guard and NOAA to improve 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. 2197 and §1825 of H.R. 3550 (as passed by the House (amended) on April 2, 2004) would clarify the status of certain communities in the western Alaska community development quota program. Title I of H.R. 4100 would provide grants to coastal states and counties for cooperative fishery data collection, habitat conservation, enforcement, management, and planning. On June 16, 2004, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held an oversight hearing on fishery data collection programs.

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 March 23, 2004, the House passed H.R. 958 (amended). 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. 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 more 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*.

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. This agreement was updated by a new accord in June 1999. 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, §303 of P.L. 108-219 reauthorized the Yukon River Salmon Act through FY2008. 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 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 financially assist salmon habitat restoration projects; the House Committee on Resources reported this bill (amended) on September 16, 2003 (H.Rept. 108-272). 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. H.R. 4576 would amend the Agricultural Marketing Act to make country of origin labeling voluntary. 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; §8112 of S. 2559, as reported, would extend this provision for 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. For background on the current shrimp trade dispute, see CRS Report RS21776, *Shrimp Trade Dispute: Chronology*.

Recreational Fishing. Section 9 of P.L. 108-88 (H.R. 3087) extended Sport Fish Restoration funding through February 29, 2004. Section 12 of P.L. 108-202 extended Sport Fish Restoration funding through April 30, 2004. Section 10 of P.L. 108-224 extended Sport Fish Restoration funding through June 30, 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). H.R. 2890 and S. 2244 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. H.Con.Res. 382 would affirm that the intent of Congress was to allow hunting and fishing on public lands within the National Wildlife Refuge System.

Section 206 of H.R. 878, §503 of H.R. 1308, §1108 of H.R. 2896 (as reported), and §290 of H.R. 4520 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) and §291 of H.R. 4520 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. On June 16, 2004, the House Committee on Ways and Means reported H.R. 4520, amended (H.Rept. 108-548, Part I); the House passed H.R. 4520 (amended) on June 17, 2004. 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 January 9, 2004, S. 1072 was reported by the Committee on Environment and Public Works (S.Rept. 108-222), amended to comprehensively amend and reauthorize the Sport Fish Restoration Program in Title IV. On February 12, 2004, the Senate passed S. 1072 (amended to place the Sport Fish Program language in Title V, Subtitle E, Part II). Section 9101 of H.R. 3550 (as passed by the House (amended) on April 2, 2004) would extend the current allocation of funding for the Sport Fish Restoration Program through FY2009 and extend the transfer of small-engine fuel taxes to the Sport Fish Restoration Account through FY2011. On May 19, 2004, the Senate passed H.R. 3550 after amending it to incorporate the language of S. 1072. 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. 4635 would extend Sport Fish Restoration funding through July 31, 2004; the House and Senate passed this measure on June 23, 2004.

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 (NANPCA) 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 NANPCA 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; on May 20, 2004, the Senate Committee on Energy and Natural Resources reported (amended; invasive provision in §3(b)(3)(F)(iv)) S. 1097 (S.Rept. 108-268). 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. Section 12 of H.R. 4101/S. 2271 would express the sense of Congress that strong, mandatory ballast water standards be enacted. Title I of H.R. 4100 would provide grants to coastal states and counties for invasive species identification and control. S. 2490 would amend NANPCA to promote the development and adoption of new ballast water treatment technologies and standards. For additional background on ballast water management, see CRS Report RL32344, *Ballast Water Management to Combat Invasive Species*.

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. P.L. 108-219 amends the MFCMA to recognize the Pacific Albacore Treaty with Canada and modifies the South Pacific Tuna Treaty Act to provide for longlining. 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 modify 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. On March 4, 2004, the Senate incorporated the language of S. 671 into H.R. 1047 by amendment and passed the amended H.R. 1047. 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. P.L. 108-219 extends the reimbursement period under the Fishermen’s Protective Act through FY2008, recognizes the Pacific Albacore Treaty with Canada in the MFCMA, and modifies the South Pacific Tuna Treaty Act to provide for longlining. 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. S. 2144 would authorize \$20,800,000 for “International Fisheries Commissions” for FY2005; the Senate Committee on Foreign Relations reported this bill on March 18, 2004 (S.Rept. 108-248). On April 24, 2003, the Senate Committee on Foreign Relations reported S. 925 (S.Rept. 108-39). 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. 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 EPA 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 public advisories concerning mercury-contaminated fish. S. 1939 would require that public notice on the effects of mercury exposure be available at 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 from 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 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). The Senate passed S. 1218 (amended) on March 24, 2004. S. 1844 would promote research to clarify the contribution of U.S. electricity generation to mercury contamination in fish and seafood. Section 3 of H.R. 3684 would require food labels to identify products containing fish and crustacean shellfish for their allergen potential. On February 18, 2004, S. 741 was reported, amended to include similar allergen labeling language in §203 (S.Rept. 108-226); the Senate passed this bill (amended) on March 8, 2004.

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, §511 of S. 14/S. 1005, and §231 of S. 2095/H.R. 4503 would allow federal hydropower licensees to propose alternatives to fishways required by the Federal Energy Regulatory Commission as long as they would not diminish 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 report on H.R. 6 (H.Rept. 108-375, November 18, 2003) retained the fishway provisions in §231. The House passed H.R. 4503 on June 15, 2004. 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 S. 1307 on October 15, 2003; and the Committee reported this measure (amended) on March 29, 2004 (S.Rept. 108-249). Section 201 of S. 2188 would amend the Water Resources Development Act of 1986 to require full mitigation for aquatic resource losses at Corps of Engineers projects.

Indian Claims and Fishing Rights. On March 2, 2004, President Bush signed P.L. 108-204, wherein Title III establishes the Quinault Permanent Fisheries Fund and other accounts to manage funds received from claims settlement. 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. S. 2301 would modify how Indian fishery resources are managed; the Senate Committee on Indian Affairs held a hearing on this measure on April 29, 2004.

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 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 February 26, 2004, the House Resources

Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on H.R. 1856. On August 26, 2003, the Senate Committee on Commerce, Science, and Transportation reported S. 247 (S.Rept. 108-125); the Senate passed this measure (amended) on October 28, 2003. S. 1218, as reported by the Senate Commerce Committee (S.Rept. 108-203), identifies hypoxia and HABs as important in addressing the role of oceans in human health. The Senate passed S. 1218 (amended) on March 24, 2004.

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, S. 665, and S. 2456 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." On February 27, 2003, S. 476 was reported, amended (S.Rept. 108-11); 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. H.R. 4210 would amend the Farm Credit Act to assist businesses that provide services to commercial fishermen.

Health Care. Section 2 of H.R. 660/H.R. 4281, §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'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. On May 12, 2004, the language of H.R. 4281 was incorporated in H.R. 4279, and H.R. 4279, as amended, passed the House.

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 protection to family fishermen 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. On January 28, 2004, the House passed S. 1920, amended to incorporate the language of House-passed H.R. 975, including the extension of protection to family fishermen.

Striped Bass. H.R. 1286 would prohibit commercial harvesting of Atlantic striped bass in U.S. coastal waters and the EEZ. 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. 3883 would reauthorize the Atlantic Striped Bass Conservation Act through FY2006; the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held hearings on this bill on March 17-18, 2004.

Oil Spill Damage. S. 370, §320 of S. 733, as reported by the Senate Commerce Committee (S.Rept. 108-202) and §320 of H.R. 2443, as passed by the Senate (amended) on March 30, 2004, 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. On May 18, 2004, the House Resources Subcommittee on Water and Power held a hearing on H.R. 2257. On May 19, 2004, the Senate Energy Subcommittee on Water and Power held a hearing on S. 900.

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.

State Cooperative Programs. Title I of H.R. 4100 would provide grants to coastal states and counties for cooperative fishery data collection, habitat conservation, enforcement, management, and planning.

Climate Change. H.R. 4067 would require the Secretary of Commerce to prepare a report on the observed and projected effects of climate change on marine life, habitat, and commercial and recreational fisheries.

Fishing Vessel Safety. Section 104(a) of H.R. 4251 would extend the authorization for the Commercial Fishing Industry Vessel Safety Advisory Committee through FY2010. On May 5, 2004, the House Subcommittee on Coast Guard and Maritime Transportation held a hearing on this measure; this measure was ordered reported (amended) by the House Committee on Transportation and Infrastructure on May 12, 2004.

Gear Loss. S. 2488 would authorize a NOAA program to address marine debris, with particular emphasis on reducing and preventing commercial fishing gear loss.

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. Despite considerable growth, domestic aquaculture faces strong competition from imported aquacultural products as well as from the domestic poultry and livestock industries (see [<http://usda.mannlib.cornell.edu/reports/erssor/livestock/ldp-aqs/2002/aqs16.pdf>]). With growth, aquaculture operations face 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.*). P.L. 108-199 provided FY2004 appropriations for various aquaculture programs.

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. On January 28, 2004, the House passed S. 1920, amended to incorporate the language of House-passed H.R. 975, including the extension of protection to family fishermen.

Oil Spill Damage. S. 370, §320 of S. 733, as reported by the Senate Commerce Committee (S.Rept. 108-202), and §320 of H.R. 2443, as passed by the Senate (amended) on March 30, 2004, would amend the Oil Pollution Act of 1990 to authorize interim assistance to aquaculture operators awaiting the recovery of damages for oil spill injuries.

Business Assistance. H.R. 2802 would amend the Small Business Act to specifically identify aquaculture operations as qualified small business concerns; this bill was reported by the Committee on Small Business on October 21, 2003 (H.Rept. 108-325, Part I). 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). S. 1637 passed the Senate (amended) on May 11, 2004. H.R. 4210 would amend the Farm Credit Act to assist businesses that provide services to aquaculture operators.

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 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. H.R. 4576 would amend the Agricultural Marketing Act to make country of origin labeling voluntary.

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

Research. Section 3(c)(3)(D) of S. 1218 would include “techniques for ... culturing and aquaculturing marine organisms” in the authorization of an Interagency Oceans and Human Health Research Program. The Senate Committee on Commerce, Science, and Transportation reported S. 1218 (amended) on November 19, 2003 (S.Rept. 108-203), and the Senate passed this bill (amended) on March 24, 2004.

Mitigation Hatcheries. H.R. 4383 would authorize specific activities wherein National Fish Hatchery production would compensate for the impacts of federal water development projects on aquatic resources.

Marine Mammals: Background and Issues

Due in part to 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 and a moratorium on importing marine mammals and products into the United States. This act expressly authorizes 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. The MMPA shifted marine mammal management authority from individual states 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. The act also authorizes the taking of marine mammals incidental to commercial fishing operations. The taking of marine mammals incidental to the eastern tropical Pacific tuna 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 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 April 20, 2004, the House Committee on Resources reported (amended) this bill (H.Rept. 108-464). 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. Title I of H.R. 4100 would provide grants to coastal states and counties for cooperative marine mammal data collection, habitat conservation, enforcement, management, and planning. 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*.

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 “Military Readiness and Environmental Exemptions” in CRS Report RL32183, *Defense Cleanup and Environmental Programs: Authorization and Appropriations for FY2004*.

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, §4 of H.R. 1590, and §103 of H.R. 4053 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); and it passed the House on July 16, 2003. On June 23, 2004, the House passed H.R. 4053.

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). The Senate passed S. 1218 (amended) on March 24, 2004.

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 Native Alaskan subsistence bowhead whaling. On June 16, 2004, H.R. 4520 was reported (amended), including this provision in §296; the House passed H.R. 4520 (amended) on June 17, 2004.

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 2, 2004, the Bush Administration requested FY2005 funds for federal agencies and programs, including \$623 million in direct program funds for NOAA Fisheries. Section 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). NOAA Fisheries appropriations for FY2004 totaling about \$796 million were enacted in the omnibus appropriations bill, P.L. 108-199. This law also provided funding for a processing or fishery workers rural housing demonstration project, a cooperative agreement for salmon baby food development, northeast lobster and Bering Sea and Aleutians non-pollock groundfish capacity reduction programs, and a shrimp-sea turtle interaction study by the National Academy of Sciences.

Table 1. NOAA Fisheries Appropriations
(in thousands of dollars)

	FY2004 Request	FY2004 Enacted	FY2005 Request	House Subcomm.
Fisheries	363,008	387,729	368,546	320,200
Protected Resources	160,740	137,987	154,965	120,500
Habitat Conservation	46,512	49,773	46,280	39,000
Enforcement Surveillance	50,698	46,801	53,401	46,000
SUBTOTAL	620,958	622,290	623,192	525,700
Procurement, Acquisition, and Construction	14,000	22,537	2,000	0
Pacific Coastal Salmon Recovery	90,000	89,052	100,000	80,000
Environmental Improvement & Restoration Fund	5,509	2,150	4,219	0
Other Accounts	1,672	24,155	5,792	0
TOTAL	732,139	760,184	735,203	605,700

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

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); P.L. 108-188 (H.J.Res. 63); P.L. 108-199 (H.R. 2673); P.L. 108-202 (H.R. 3850); P.L. 108-204 (S. 523); P.L. 108-219 (H.R. 2584); and P.L. 108-224 (H.R. 4219).

H.Res. 30 (Cunningham); H.Res. 362 (Walsh); H.Con.Res. 268 (Saxton); H.Con.Res. 276 (Brown of Ohio); H.Con.Res. 382 (Vitter); 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. 1047 (Crane); 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. 2443 (Young of Alaska); H.R. 2500 (Stupak); H.R. 2557 (Young of Alaska); 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. 3108 (Boehner); 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. 3550 (Young of Alaska); H.R. 3620 (Neal); H.R. 3627 (Saxton); H.R. 3645 (Young of Alaska); H.R. 3684 (Lowey); H.R. 3783 (Young of Alaska); H.R. 3883 (Gilchrest); H.R. 4067 (Gilchrest); H.R. 4100 (George Miller); H.R. 4101 (Farr); H.R. 4210 (LoBiondo); H.R. 4251 (Young of Alaska); H.R. 4279 (McCrery); H.R. 4281 (Sam Johnson); H.R. 4503 (Barton); H.R. 4520 (Thomas); H.R. 4576 (Goodlatte); H.R. 4635 (Young of Alaska); H.R. 4706 (Rahall); 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. 525 (Levin); S. 545 (Snowe); S. 665 (Grassley); S. 671 (Grassley); S. 733 (Snowe); S. 741 (Sessions); 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. 1920 (Grassley); S. 1939 (Leahy); S. 1953 (Lautenberg); S. 1962 (Grassley); S. 1978 (McCain); S. 2004 (Grassley); S. 2066 (Snowe); S. 2095 (Domenici); S. 2110 (Grassley); S. 2144 (Lugar); S. 2188 (Feingold); S. 2197 (Murkowski); S. 2244 (Hutchison); S. 2271 (Durbin); S. 2301 (Inouye); S. 2456 (Baucus); S. 2488 (Inouye); S. 2490 (Inouye); and S. 2559 (Stevens).

Aquaculture

P.L. 108-7 (H.J.Res. 2) and P.L. 108-199 (H.R. 2673).

H.Res. 301 (Abercrombie); H.Res. 308 (McIntyre); H.R. 343 (Baldwin); H.R. 975 (Sensenbrenner); H.R. 1184 (Dingell); H.R. 2443 (Young of Alaska); H.R. 2654 (Vitter); H.R. 2684 (Ross); H.R. 2802 (Manzullo); H.R. 3083 (Peterson of Minnesota); H.R. 3320 (Ross); H.R. 4210 (LoBiondo); H.R. 4383 (Deal); H.R. 4576 (Goodlatte); S.Res. 160 (Akaka); S. 106 (Collins); S. 370 (Smith); S. 733 (Snowe); S. 831 (Sarbanes); S. 1218 (Hollings); S. 1309 (Lincoln); S. 1427 (Bennett); S. 1637 (Frist); S. 1920 (Grassley); and S. 2004 (Grassley).

Marine Mammals

P.L. 108-7 (H.J.Res. 2); P.L. 108-108 (H.R. 2691); P.L. 108-136 (H.R. 1588); and P.L. 108-199 (H.R. 2673).

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); H.R. 4053 (Lantos); H.R. 4100 (George Miller); H.R. 4520 (Thomas); 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).