

# CRS Issue Brief for Congress

Received through the CRS Web

## **Fishery, Aquaculture, and Marine Mammal Legislation in the 108<sup>th</sup> Congress**

**Updated January 7, 2005**

Eugene H. Buck  
Resources, Science, and Industry Division

# **CONTENTS**

SUMMARY

MOST RECENT DEVELOPMENTS

BACKGROUND AND ANALYSIS

Commercial and Sport Fisheries: Background and Issues

    Magnuson-Stevens Act Reauthorization

    Pacific Salmon

    Miscellaneous Issues

Aquaculture: Background and Issues

    Miscellaneous Issues

Marine Mammals: Background and Issues

    Marine Mammal Protection Act Reauthorization

    Miscellaneous Issues

LEGISLATION

## Fishery, Aquaculture, and Marine Mammal Legislation in the 108<sup>th</sup> Congress

### SUMMARY

Fish and marine mammals are important resources in open ocean and nearshore coastal areas. Commercial and sport fishing are jointly managed by the federal government and individual states. 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) — was on the agenda of the 108<sup>th</sup> Congress, since the authorization of appropriations for both laws expired at the end of FY1999.

In the 108<sup>th</sup> 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. 108-136 reauthorized the Sikes Act through FY2008 and authorized certain vessels for use as artificial reefs. P.L. 108-199 rationalized certain Alaska crab fisheries and instituted processor quotas. P.L. 108-219 reauthorized the Yukon River Salmon Act through FY2008. P.L. 108-287 made Department of Defense Buy American requirements permanently inapplicable to the procurement of fish, shellfish, and seafood. P.L. 108-293 increased consultation on fishery law enforcement. H.R. 4706, S. 482, and S. 2066 were 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 108<sup>th</sup> Congress, P.L. 108-293 authorized interim assistance to aquaculture operators awaiting the recovery of damages for oil spill injuries.

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 108<sup>th</sup> 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. P.L. 108-293 required studies of routing options to reduce vessel strikes on North Atlantic right whales. H.R. 2693 and H.R. 3316 were 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 December 17, 2004, the Bush Administration released its “Oceans Action Plan” responding to recommendations of the U.S. Commission on Ocean Policy. On December 10, 2004, President Bush signed P.L. 108-456, amending and reauthorizing the Harmful Algal Bloom and Hypoxia Research and Control Act through FY2008. On December 8, 2004, President Bush signed P.L. 108-447, in which separate provisions (1) authorized capacity reduction funding for the Southeast Alaska purse seine salmon fishery (\$50 million; §209, Division B), the Gulf of Mexico reef fish longline fishery (\$35 million; §218, Division B), the Bering Sea Aleutian Island non-pollock groundfish fishery (\$75 million; §219(b), Division B), the U.S. distant water tuna fleet (\$40 million; Fisheries Finance Program Account, Division B), and the menhaden fishery (\$19 million; Fisheries Finance Program Account, Division B); (2) increased coordination of interagency ocean science programs, including U.S. research and monitoring programs related to seafood safety and identified hypoxia and harmful algal blooms as important in addressing the role of oceans in human health (Title IX, Division B); and (3) established a Nez Perce Tribe Water and Fisheries Fund and a Salmon and Clearwater River Basins Habitat Fund to protect and restore ESA-listed fish (§§8-9, Title X, Division J). On December 3, 2004, President Bush signed P.L. 108-429, in which §2004(e) amends the Andean Trade Preference Act to modify the definition of “United States vessel” relative to tuna harvesting. On November 21, 2004, the Senate passed S. 2488 (amended), proposing to authorize a NOAA program to address marine debris, with particular emphasis on reducing and preventing commercial fishing gear loss. (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](mailto:gbuck@crs.loc.gov) and requesting to be added to his notification list.)

## **BACKGROUND AND ANALYSIS**

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

The Fishery Conservation and Management Act (FCMA) in 1976 (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 a

200-mile 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.

**Congressional Action.** At issue for the 108<sup>th</sup> Congress were the terms and conditions of provisions designed to reauthorize and amend the MSFCMA to address the concerns of various interests. Three bills, H.R. 4706, S. 482 and S. 2066, were introduced to comprehensively amend and reauthorize the MSFCMA. The Senate Commerce Subcommittee on Oceans, Fisheries, and Coast Guard held hearings on S. 2066 on June 15 and September 14, 2004. No reauthorization bill was reported.

P.L. 108-7 included provisions creating a West Coast Groundfish Fishing Capacity Reduction Program, directing NOAA Fisheries to establish a Regional Office for the Pacific Area, and providing \$100 million in fishery disaster funding. 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. Section 224 of P.L. 108-293 requires the Coast Guard and NOAA to (1) improve consultations with each other and with state and local authorities in coordinating fishery law enforcement and (2) submit annual summary reports on fisheries law enforcement. P.L. 108-447 authorized capacity reduction funding for the Southeast Alaska purse seine salmon fishery (\$50 million; §209, Division B), the Gulf of Mexico reef fish longline fishery (\$35 million; §218, Division B), the Bering Sea Aleutian Island non-pollock groundfish fishery (\$75 million; §219(b), Division B), the U.S. distant water tuna fleet (\$40 million; Fisheries Finance Program Account, Division B), and the menhaden fishery (\$19 million; Fisheries Finance Program Account, Division B).

S. 2197 and §1825 of H.R. 3550 (as passed by the House (amended) on April 2, 2004) would have clarified the status of certain communities in the western Alaska community development quota (CDQ) program. On May 19, 2004, the Senate passed H.R. 3550 after amending it to incorporate the language of S. 1072 (excluding the provision on the CDQ program); this measure died in conference. Section 201 of H.R. 958 would have reauthorized 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. 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. On June 16, 2004, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held an oversight hearing on fishery data collection programs.

H.R. 1024 would have established a pelagic longline highly migratory species bycatch and mortality reduction research program within NOAA Fisheries. H.R. 1286 would have prohibited the commercial harvesting of Atlantic striped bass in U.S. coastal waters and the EEZ. H.R. 1690 would have prohibited certain bottom trawl gear to protect habitat and provide financial assistance to fishermen for transition to different gear. S. 781 would have modified 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 have directed 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, S. 2244, and Title II of H.R. 4959 would have restricted the federal government's ability to close areas to recreational fishing under the MSFCMA. S. 1953 would have established management areas to protect specific deep sea corals. Title I of H.R. 4100 would have provided grants to coastal states and counties for cooperative fishery data collection, habitat conservation, enforcement, management, and planning. S. 1106 and H.R. 2621 would have established national standards for fishing quota systems. H.R. 3645 would have modified the definition of "essential fish habitat" and modified MSFCMA measures to rebuild overfished fisheries. For more information on various MSFCMA reauthorization issues, see CRS Report RL30215, *The Magnuson-Stevens Fishery Conservation and Management Act: Reauthorization Issues*.

## 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 span, 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, 27 discrete population units have been listed as endangered or threatened species under the Endangered Species Act.

**Congressional Action.** In the 108<sup>th</sup> Congress, provisions included in P.L. 108-7 required increased legal and fiscal accountability for Pacific salmon recovery. Section 303 of P.L. 108-219 reauthorized the Yukon River Salmon Act through FY2008. Section 9 (Division J, Title X) of P.L. 108-447 established a Salmon and Clearwater River Basins Habitat Fund to protect and restore ESA-listed fish.

Section 4021 of H.R. 2557 would have required 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, with the fish passage language in §4027) on September 24, 2003. H.R. 1945 would have authorized 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). S. 1308 would have authorized 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. 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.

H.R. 1097 would have directed 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 have increased the funding authorized for temperature control devices at Folsom Dam, California. H.R. 1760 would have established water conservation and habitat restoration programs in the Klamath River basin and provided emergency disaster assistance to those who suffered economic harm from the Klamath Basin fish kill of 2002. H.R. 1753/S. 1438 would have compensated the Spokane Tribe for the loss of salmon fisheries related to the construction of Grand Coulee Dam; the Senate Committee on Indian Affairs reported S. 1438 (amended) on October 8, 2004 (S.Rept. 108-397). Section 103 of S. 1555/H.R. 3327 would have designated "salmon restoration areas" in northern California. S. 2788 would have reauthorized and amended the Pacific Salmon Coastal Recovery Fund. For background on these issues, 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. 4576 would have amended the Agricultural Marketing Act to make country-of-origin labeling voluntary; this measure was ordered reported (amended) by the House Committee on Agriculture on July 22, 2004. On October 1, 2003, the House Agriculture Subcommittee on Livestock and Horticulture held an oversight hearing to review mandatory country-of-origin labeling. H.R. 3083 would have modified the country-of-origin labeling requirements for wild and farm-raised fish.

**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; §8118 of P.L. 108-287 made this provision permanent. H.R. 155/H.R. 2406 would have modified U.S. subsidies beneficial to certain foreign competitors with the domestic shrimp industry. Section 3 of S. 1110/S. 1299/H.R. 2308/H.R. 5030 and §102 of S. 1884 would have authorized a program for trade adjustment assistance to commercial fishermen, fish processors, and fishing communities. For background on the shrimp trade dispute, see CRS Report RS21776, *Shrimp Trade Dispute: Chronology*.

**Recreational Fishing.** Section 1013 of P.L. 108-136 authorized the transfer of vessels stricken from the Naval Vessel Register for use as artificial reefs. Provisions in P.L. 108-357 reduce the excise tax on fishing tackle boxes from 10% to 3% (§333) and repeal the excise tax on sonar fish finders (§334).

Section 7501 of H.R. 2088/S. 1072 would have extended the current allocation of funding for the Sport Fish Restoration Program through FY2009; §9007 would have extended 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 have extended the current allocation of funding for the Sport Fish Restoration Program through FY2009 and extended 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. H.R. 3550 died in conference. S. 1804 and Title V of S. 1978 would have comprehensively amended and reauthorized 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.Res. 30 would have expressed 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.Res. 362, as passed by the House on September 23, 2003, recognized the importance and contribution of fishing and other outdoor sports to society; a similar measure, S.Res. 279, was not acted upon by the Senate.

H.R. 2890, S. 2244, and Title II of H.R. 4959 would have limited the federal government's ability to close areas to recreational fishing under the MSFCMA. H.R. 3482/S. 1840 would have established a grant program to encourage private landowners to provide public access for fishing and other outdoor recreation. H.Con.Res. 382 would have affirmed that the intent of Congress was to allow hunting and fishing on public lands within the National Wildlife Refuge System. Title II of S. 1962 would have created a Sport Fish Restoration Trust Fund and modified the excise tax on certain sport fishing equipment. H.R. 2839 would have amended 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.

**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. P.L. 108-412 did not include provisions initially proposed that would have excluded state funding for noxious aquatic weed control from a noxious weed control program. Section 1006 of H.R. 2557 would have directed 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. 1081 would have established 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). S. 525 would have amended and reauthorized NANPCA through FY2008 and established marine and freshwater research, development, and demonstration programs; the Senate Environment and Public Works Subcommittee on Fisheries, Wildlife, and Water held a hearing on June 17, 2003. 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 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.

H.R. 266 and S. 536 would have authorized the National Invasive Species Council. H.R. 989 would have required regulations to assure that vessels entering the Great Lakes have adequate ballast water treatment. H.R. 1080 would have reauthorized the Nonindigenous Aquatic Nuisance Prevention and Control Act (NANPCA) through FY2008 and amended this act to expand programs to address aquatic invasive species concerns. H.R. 2310 would have established an incentive grant program to control and eradicate invasive species. H.R. 3122 would have directed the Coast Guard to promulgate regulations setting certain ballast water treatment standards for vessel entry into the Great Lakes. S. 1398 and H.R. 2720 would have authorized funding for invasive species control in the Great Lakes. H.Con.Res. 276/S.Con.Res. 69 would have required that any agreement signed by the United States not preclude measures to combat invasive species. Section 12 of H.R. 4101/S. 2271 would have expressed the sense of Congress that strong, mandatory ballast water standards be enacted. Title I of H.R. 4100 would have provided grants to coastal states and counties for invasive species identification and control. S. 2490 would have amended 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. Section 2004(e) of P.L. 108-429 amends the Andean Trade Preference Act to modify the definition of "United States vessel" relative to tuna harvesting. On October 30, 2003, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held an oversight hearing on the International Commission for the Conservation of Atlantic Tunas.

H.R. 1424 would have extended the American Samoa Possession Tax Credit Act, beneficial to American Samoan tuna canneries, through January 1, 2016. S. 130 would have amended the labeling requirements for "dolphin-safe tuna" in the Dolphin Protection Consumer Information Act. S. 1739/S. 1782/H.R. 3620 would have modified the duty treatment of tuna to specifically identify tuna packed in pouches, and would have eliminated duties on certain tuna products imported from cited ASEAN nations.

**Indian Claims and Fishing Rights.** Title III of P.L. 108-204 established the Quinalt Permanent Fisheries Fund and other accounts to manage funds received from

claims settlement. Section 8 (Division J, Title X) of P.L. 108-447 established a Nez Perce Tribe Water and Fisheries Fund. S. 2301 would have modified how Indian fishery resources were managed; the Senate Committee on Indian Affairs held a hearing on this measure on April 29, 2004. On July 21, 2004, the Senate Committee on Indian Affairs ordered S. 2301 reported (amended). 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. Section 201 of H.R. 1661 would have modified 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. Section 3(c) of S. 2878 would have required the Secretaries of the Interior and Agriculture to conclude a stewardship agreement with the Yoruk Tribe for management of Klamath River basin fisheries; §9 would have specified representation of the Yoruk Tribe on the Klamath Fishery Management Council.

**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 114(4) of H.R. 1950 would have authorized \$20,043,000 for "International Fisheries Commissions" 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. Section 103(4) of S. 790 and §104(4) of S. 925 would have authorized an appropriation of \$20,043,000 for "International Fisheries Commissions" for FY2004; in addition, S. 790 would have authorized 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). S. 2144 would have authorized \$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). H.Con.Res. 268 would have expressed 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 September 11, 2003. The committee reported (H.Rept. 108-327) and the House passed H.Con.Res. 268 on October 28, 2003. On June 12, 2003, the Senate Committee on Commerce, Science, and Transportation held a hearing on global overfishing and international fishery management. S. 1861 would have established a framework for legislative and executive consideration of unilateral sanctions against foreign nations.

**Seafood Safety.** P.L. 108-282 includes §203, requiring food labels to identify products containing fish and crustacean shellfish for their allergen potential. Title IX (Division B) of P.L. 108-447 increased 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. S. 366, S. 485, and H.R. 999 would have amended 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 have amended the Clean Air Act to evaluate public advisories concerning mercury-contaminated fish. S. 1939/H.R. 4762 would have required

EPA and FDA to develop joint fish consumption advisories on methylmercury and 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 have required 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 have required labels warning of increased risk of illness from raw or partially cooked fish and shellfish; §3 of this same bill would have required labeling to identify fish and shellfish that have been frozen. Section 4(c) of H.R. 1624 would have amended §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. 1844 would have promoted research to clarify the contribution of U.S. electricity generation to mercury contamination in fish and seafood. Section 102 of H.R. 5259/S. 2910 would have consolidated food safety and inspection programs, including seafood inspection.

**Seafood Processing.** Section 14006 of P.L. 108-287 makes the numerical limitation on visas inapplicable to non-immigrant aliens employed in fish roe processing. Section 203(a)(1) of H.R. 3139 would have required the Labor Secretary to prohibit minors from employment in seafood processing.

**Fishing Vessels.** Section 418(a) of P.L. 108-293 extends the authorization for the Commercial Fishing Industry Vessel Safety Advisory Committee through FY2010. H.R. 4319 would have completed codification of Title 46, U.S. Code, including fishery endorsements for vessels and financial assistance; this bill was reported (amended) September 17, 2004, by the House Committee on Judiciary (H.Rept. 108-690), and passed by the House (amended) on September 28, 2004.

**Oil Spill Damage.** Section 708 of P.L. 108-293 amends the Oil Pollution Act of 1990 to authorize interim assistance to fishermen awaiting the recovery of damages for injuries from oil spills.

**Tax Provisions.** Section 314 of P.L. 108-357 extends income averaging to commercial fishermen. Section 108 of S. 256/S. 272/S. 476 would have amended 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). S. 487/H.R. 2973 would have amended the Internal Revenue Code to provide a business credit against income for the purchase of fishing vessel safety equipment. H.R. 927, §2 of H.R. 5169/S. 665, S. 2456, and §119 of S. 2761 would have amended 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.

**Hypoxia and Harmful Algal Blooms (HABs).** Title IX (Division B) of P.L. 108-447 identifies hypoxia and HABs as important in addressing the role of oceans in human health. P.L. 108-456 amends and reauthorizes the Harmful Algal Bloom and Hypoxia Research and Control Act through FY2008. On March 13, 2003, the House Science Subcommittee on the Environment, Technology, and Standards held an oversight hearing on HABs and hypoxia research. Section 10 of H.R. 4686 would have established a Gulf hypoxia research, coordination, and monitoring program for the Mississippi River Basin.

**Hydropower.** Section 102(a)(3)(H) of H.R. 238 and §101(a)(7) of H.R. 1343 would have 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 have allowed 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 agreed to the conference report (November 18, 2003), but the Senate did not take action. The House passed H.R. 4503 on June 15, 2004. S. 1307 would have authorized 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). On September 15, 2004, the Senate passed S. 1307 (amended). Section 201 of S. 2188 and §1011 of S. 2554/S. 2773 would have amended the Water Resources Development Act of 1986 to require full mitigation for aquatic resource losses at Corps of Engineers projects. On June 23, 2004, the Senate Committee on Environment and Public Works ordered S. 2554 reported (amended); this committee reported S. 2773 on August 25, 2004 (S.Rept. 108-314).

**Assistance.** On May 1, 2003, the House Committee on Education and the Workforce reported H.R. 1261 (amended), in which §104(b)(2) would have amended the Workforce Investment Act to 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 excluded the displaced fishermen provision, and passed the amended H.R. 1261; a conference was not concluded on H.R. 1261. H.R. 4210 would have amended the Farm Credit Act to assist businesses that serve commercial fishermen.

**Health Care.** Section 2 of H.R. 660/H.R. 4281, §402 of H.R. 3423, S. 545, and §202 of S. 2767 would have amended 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 13, 2004, the language of H.R. 4281 was incorporated into H.R. 4279, and H.R. 4279, as amended, passed the House.

**Bankruptcy.** H.R. 343, §1007 of H.R. 975, and §8 of S. 2004 would have protected 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; a conference was not concluded on S. 1920.

**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. H.R. 2500 would have authorized 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 have provided for coordinated environmental restoration of the Great Lakes.

**Striped Bass.** H.R. 3883 would have reauthorized 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. H.R. 1286 would have prohibited commercial harvesting of Atlantic striped bass in U.S. coastal waters and the EEZ. H.R. 2889 would have directed the Secretary of Commerce to study fishery observer data to map migratory patterns and delineate wintering and feeding areas of Atlantic striped bass.

**Corals and Coral Reefs.** H.R. 1721 would have amended the Foreign Assistance Act of 1961 to provide debt relief to developing nations that protect coral reef habitat. S. 1953/H.R. 4897 would have established coral management areas to protect specific deep sea corals. H.R. 4928 would have prohibited the export, import, and take of certain corals.

**Irrigation.** Section 7 of S. 900/H.R. 2257 would have required 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.

**Gear Loss.** S. 2488 would have authorized a NOAA program to address marine debris, with emphasis on reducing and preventing commercial fishing gear loss; this measure was reported by the Committee on Commerce, Science, and Transportation on October 11, 2004 (S.Rept. 108-401), and passed the Senate (amended) on November 21, 2004.

**Shellfish Restoration.** Section 4311 of S. 2773 would have authorized oyster and shellfish habitat restoration in Long Island Sound; this measure was reported by the Committee on Environment and Public Works on August 25, 2004 (S.Rept. 108-314).

**Renewable Energy.** H.R. 1183 would have amended 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.

**Graduate Education.** H.R. 5145 would have provided fellowships for students in advanced degree programs concerning freshwater/anadromous fish or related resource management, to provide expertise and to gain policy experience in federal executive agencies or Congress.

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

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

**Climate Change.** H.R. 4067 would have required 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.

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

## **Aquaculture: Background and Issues**

Aquaculture is 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); 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. 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**

**Oil Spill Damage.** Section 708 of P.L. 108-293 amends the Oil Pollution Act of 1990 to authorize interim assistance to aquaculture operators awaiting the recovery of damages for oil spill injuries.

**Disaster Relief.** P.L. 108-324 provides \$9 million for reseeding, rehabilitating, and restoring hurricane-damaged oyster reefs in Alabama, Florida, Louisiana, and Mississippi. S. 1309/H.R. 2684/H.R. 4874 would have authorized emergency financial assistance for fisheries crop loss attributable to a disaster.

**Business Assistance.** Section 316 of P.L. 108-357 modifies cooperative marketing rules to include feeding products to fish and sale of the cultured fish. H.R. 2802 would have amended 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). H.R. 4210 would have amended the Farm Credit Act to assist businesses that provide services to aquaculture operators.

**Research.** Section 902(c)(3)(D) (Division B) of P.L. 108-447 included “techniques for ... culturing and aquaculturing marine organisms” in the authorization of an Interagency Oceans and Human Health Research Program.

**Bankruptcy.** H.R. 343, §1007 of H.R. 975, and §8 of S. 2004 would have extended 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; a conference was not concluded on S. 1920.

**Chesapeake Bay.** Section 4332 of S. 2554 and §4333 of S. 2773 would have authorized projects to restore native oysters in Chesapeake Bay; on June 23, 2004, the Senate Committee on Environment and Public Works ordered S. 2554 reported (amended). The Senate Committee on Environment and Public Works reported S. 2773 on August 25, 2004 (S.Rept. 108-314). Section 6 of S. 831 would have authorized grants to support education and development of Chesapeake Bay aquaculture sciences and technologies.

**Labeling.** H.R. 4576 would have amended the Agricultural Marketing Act to make country of origin labeling voluntary; this measure was ordered reported (amended) by the House Committee on Agriculture on July 22, 2004. H.R. 3083 would have modified the country of origin labeling requirements for wild and farm-raised fish.

**Bird Predation.** H.R. 3320 would have authorized the Animal and Plant Health Inspection Service to manage and control migratory birds. On June 24, 2004, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on this bill.

**Decommissioned OCS Platforms.** H.R. 2654 would have amended 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.

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

**National Policy.** S.Res. 160/H.Res. 301/H.Res. 308 would have expressed 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 have amended the Clean Water Act to increase criminal penalties for certain violations of regulations on aquacultural discharges.

**Corals.** Section 4(a)(3) of H.R. 4928 would have exempted certain corals grown in qualified facilities from prohibitions on import, export, and take for corals generally.

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

**Federal Permits.** S. 2859 would have prohibited the issuance of permits for marine aquaculture facilities in federal waters until requirements for such permits are enacted.

## 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. The MMPA 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 authorizes the taking of marine mammals incidental to commercial fishing operations.

### 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.

**Congressional Action.** At issue for Congress were the terms and conditions of provisions designed to reauthorize and amend the MMPA to address the concerns of various interests. Section 626 of P.L. 108-293 requires studies of routing options for reducing vessel strikes on North Atlantic right whales. H.R. 2693 and H.R. 3316 would have amended and reauthorized 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). On July 16, 2003, the Senate Commerce Subcommittee on Oceans, Fisheries, and Coast Guard held a hearing on MMPA reauthorization issues. 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. H.R. 5104 would have amended the MMPA and authorized appropriations for the John H. Prescott Marine Mammal Rescue Assistance Grant Program through FY2009; this measure was reported by the House Committee on Resources on November 19, 2004 (H.Rept. 108-787).

H.R. 2142 would have amended 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 have authorized grants to coastal states and counties for cooperative marine mammal data collection, habitat conservation, enforcement, management, and planning. H.R. 4869 would have amended the MMPA to authorize appropriations for the John H. Prescott Marine Mammal Rescue Assistance Grant Program through FY2009. Section 305 of H.R. 4900 would have transferred management of all marine mammals to NOAA. For



additional information on MMPA reauthorization issues, see CRS Report RL30120, *Marine Mammal Protection Act: Reauthorization Issues*.

## Miscellaneous Issues

**Tuna-Dolphin.** P.L. 108-7 includes provisions directing the Department of Commerce to evaluate and document foreign compliance with the International Dolphin Conservation Program. S. 130 would have amended the labeling requirements for “dolphin-safe tuna” in the Dolphin Protection Consumer Information Act. S. 1861 would have established a framework for consideration of unilateral sanctions against foreign nations.

**Polar Bears.** 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. 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.

**Military Readiness.** Section 319 of P.L. 108-136 amends 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. 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. For additional information, see “Military Readiness and Environmental Exemptions” in CRS Report RL32183, *Defense Cleanup and Environmental Programs: Authorization and Appropriations for FY2004*.

**Subsistence Whaling.** Section 335 of P.L. 108-357 amends the Internal Revenue Code to provide a charitable deduction for certain whaling expenses incurred in Native Alaskan subsistence bowhead whaling.

**Hawaiian Whales.** Section 213 (Division B) of P.L. 108-447 authorizes the State of Hawaii to enforce state law regarding the operation of recreational and commercial vessels to protect humpback whales, as long as such state law is no less restrictive than federal law.

**Ocean Health.** Title IX (Division B) of P.L. 108-447 increases support for and coordination of interagency ocean science programs, including U.S. research and monitoring programs related to the role of oceans in human health.

**International Whaling.** Section 434 of H.R. 1950, §4 of H.R. 1590, and §103 of H.R. 4053 would have required the Secretary of State annually to 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. H.Con.Res. 216/H.Res. 727/S.Con.Res. 55/S.Con.Res. 122 would have expressed the sense of the Congress regarding U.S. policy at the annual meeting of the International Whaling Commission.

**Renewable Energy.** H.R. 1183 would have amended 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.

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

**Canadian Sealing.** S.Res. 269 would have urged Canada to end commercial seal hunting.

## 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. 108-108 (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. 108-204 (S. 523); P.L. 108-219 (H.R. 2584); P.L. 108-282 (S. 741); P.L. 108-287 (H.R. 4613); P.L. 108-293 (H.R. 2443); P.L. 108-311 (H.R. 1308); P.L. 108-357 (H.R. 4520); P.L. 108-412 (S. 144); P.L. 108-429 (H.R. 1047); P.L. 108-447 (H.R. 4818); and P.L. 108-456 (S. 3014).

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. 1080 (Gilchrest); H.R. 1081 (Ehlers); H.R. 1097 (McDermott); H.R. 1183 (Delahunt); H.R. 1261 (McKeon); H.R. 1286 (Pallone); 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. 2621 (Allen); 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. 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. 4319 (Sensenbrenner); H.R. 4503 (Barton); H.R. 4576 (Goodlatte); H.R. 4686 (Kind); H.R. 4706 (Rahall); H.R. 4754 (Wolf); H.R. 4762 (Pallone); H.R. 4897 (Greenwood); H.R. 4928 (Case); H.R. 4959 (John); H.R. 4981 (Otter); H.R. 5030 (Michaud); H.R. 5145 (Pallone); H.R. 5169 (Nussle); H.R. 5259 (DeLauro); S.Res. 279 (Coleman); S.J.Res. 16 (Domenici); S.Con.Res. 69 (Feingold); S. 14 (Domenici); S. 130 (Boxer); 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. 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. 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); S. 2554 (Inhofe); S. 2559 (Stevens); S. 2605 (Craig); S. 2761 (Grassley); S. 2767 (Specter); S. 2773 (Inhofe); S. 2788 (Crapo); S. 2878 (Campbell); and S. 2910 (Durbin).

### **Aquaculture**

P.L. 108-7 (H.J.Res. 2); P.L. 108-199 (H.R. 2673); P.L. 108-293 (H.R. 2443); P.L. 108-324 (H.R. 4837); P.L. 108-357 (H.R. 4520); and P.L. 108-447 (H.R. 4818).

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. 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); H.R. 4874 (Ross); H.R. 4928 (Case); 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); S. 2004 (Grassley); S. 2554 (Inhofe); S. 2761 (Grassley); S. 2773 (Inhofe); and S. 2859 (Murkowski).

### **Marine Mammals**

P.L. 108-7 (H.J.Res. 2); P.L. 108-108 (H.R. 2691); P.L. 108-136 (H.R. 1588); P.L. 108-199 (H.R. 2673); P.L. 108-293 (H.R. 2443); P.L. 108-357 (H.R. 4520); and P.L. 108-447 (H.R. 4818).

H.Con.Res. 216 (Delahunt); H.Res. 727 (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. 4754 (Wolf); H.R. 4869 (Gilchrest); H.R. 4900 (Greenwood); H.R. 5104 (Gilchrest); S.Con.Res. 55 (Snowe); S.Con.Res. 122 (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).