

# CRS Issue Brief for Congress

Received through the CRS Web

## **Fishery, Aquaculture, and Marine Mammal Legislation in the 109<sup>th</sup> Congress**

**Updated September 9, 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 Act Reauthorization

- Pacific Salmon

- Miscellaneous Issues

### Aquaculture: Background and Issues

- Miscellaneous Issues

### Marine Mammals: Background and Issues

- Marine Mammal Protection Act Reauthorization

- Miscellaneous Issues

### NMFS Appropriations

## LEGISLATION

## Fishery, Aquaculture, and Marine Mammal Legislation in the 109th 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.

Bills to reauthorize and amend major legislation — the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) and the Marine Mammal Protection Act (MMPA) — have been introduced in the 109<sup>th</sup> Congress; the authorization of appropriations for both laws expired at the end of FY1999. Bills offering extensive amendments to the MSFCMA include H.R. 1431 and S. 1224. Both H.R. 2130 and S. 1224 propose extensive amendments to the MMPA. Recommendations by the U.S. Commission on - Ocean Policy will likely play a role in actions considered during the 109<sup>th</sup> Congress.

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.

Legislation related to commercial and sport fisheries enacted thus far by the 109<sup>th</sup> Congress extends protection to family fishermen under Chapter 12 of bankruptcy law (§1007 of P.L. 109-8), revises visa require-

ments to allow certain seasonal immigrant seafood processing workers to enter the United States (§402 of P.L. 109-13), reaffirms state authority to regulate certain fishing activities to distinguish between state and out-of-state residents (§6036 of P.L. 109-13), allows hydropower licensees to propose alternatives to fishways as long as the alternatives would not diminish fish passage (§241 of P.L. 109-58), and comprehensively amends and reauthorizes the Sport Fish Restoration Program to permanently appropriate boat safety funding and modify distribution of funds (Title X of P.L. 109-59).

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. Legislation related to aquaculture enacted by the 109<sup>th</sup> Congress extends protection to family fishermen (including aquaculture operations) under Chapter 12 of bankruptcy law (§1007 of P.L. 109-8).

Marine mammals are protected under the MMPA. With few exemptions, the MMPA prohibits harm or harassment (“take”) of marine mammals, unless restrictive permits are obtained. It addresses specific situations of concern, such as dolphin mortality, which is primarily associated with the eastern tropical Pacific tuna fishery. No legislation has yet been enacted by the 109<sup>th</sup> Congress relating to marine mammals.

## MOST RECENT DEVELOPMENTS

On September 9, 2005, Secretary of Commerce Carlos M. Gutierrez declared a fishery failure in the Gulf of Mexico, a necessary precursor for federal fishery disaster assistance. On September 9, 2005, the House Committee on Government Reform's Subcommittee on Regulatory Affairs held a field hearing in Fair Haven, MI, on ballast water management. On August 31, 2005, the Senate Committee on Environment and Public Works reported H.R. 1428, proposing to reauthorize the National Fish and Wildlife Foundation. On August 29, 2005, Hurricane Katrina struck the Gulf Coast causing widespread damage to the fishing and aquaculture industries of Louisiana, Mississippi, and Alabama (for more information, see CRS Report RS22241). On August 10, 2005, President Bush signed P.L. 109-59 (the Transportation Equity Act) wherein provisions clarified the eligibility for communities to participate in the western Alaska community development quota (CDQ) program, limited expenditures to no more than \$10 million annually for federal forest highways to repair, maintain, or remove culverts and bridges to facilitate fish passage, comprehensively amended and reauthorized the Sport Fish Restoration Program to permanently appropriate boat safety funding and modify distribution of funds whereby all accounts would annually receive a fixed percentage of the total fund revenue, eliminated the Aquatic Resources Trust Fund and created a Sport Fish Restoration and Boating Trust Fund, and modified the excise tax on certain sport fishing equipment. On August 8, 2005, President Bush signed P.L. 109-58 (the Energy Policy Act of 2005) wherein language allows federal hydropower licensees to propose alternatives to fishways required by the Federal Energy Regulatory Commission as long as the alternatives would not diminish fish passage. (Members and staff may request e-mail notification of new CRS reports in the areas of marine and freshwater fisheries, aquaculture, and marine mammal issues by contacting Gene Buck at [gbuck@crs.loc.gov] and requesting to be added to his notification list.)

## BACKGROUND AND ANALYSIS

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

Historically, coastal states managed marine sport and commercial fisheries in nearshore waters, where most seafood was caught. However, as fishing techniques improved, fishermen ventured farther offshore. Before the 1950s, the federal government assumed limited responsibility for marine fisheries, responding primarily to international fishery concerns and treaties (by enacting implementing legislation for treaties, e.g., the Northern Pacific Halibut Act in 1937) as well as to interstate fishery conflicts (by consenting to interstate fishery compacts, e.g., the Pacific Marine Fisheries Compact in 1947). In the late 1940s and early 1950s, several Latin American nations proclaimed marine jurisdictions extending 200 miles offshore. This action was denounced by those within the United States and other distant-water fishing nations who sought to preserve access for far-ranging fishing vessels. Beginning in the 1950s (Atlantic) and 1960s (Pacific), increasing numbers of foreign fishing vessels steamed into U.S. offshore waters to catch the substantially unexploited seafood resources. Since the United States then claimed only a 3-mile jurisdiction (in 1964, P.L. 88-308 prohibited fishing by foreign-flag vessels within 3 miles

of the coast; in 1966, P.L. 89-658 proclaimed an expanded 12-mile exclusive U.S. fishery jurisdiction), foreign vessels could fish many of the same stocks caught by U.S. fishermen. U.S. fishermen deplored this “foreign encroachment” and alleged that overfishing was causing stress on, or outright depletion of, fish stocks. Protracted Law of the Sea Treaty negotiations in the early and mid-1970s provided impetus for unilateral U.S. action.

The enactment of the Fishery Conservation and Management Act (FCMA) in 1976 (later renamed the Magnuson Fishery Conservation and Management Act and more recently the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA); see [<http://www.nmfs.noaa.gov/sfa/magact/>]) ushered in a new era of federal marine fishery management. The FCMA was signed into law on April 13, 1976, after several years of debate. On March 1, 1977, marine fishery resources within 200 miles of all U.S. coasts, but outside state jurisdiction, came under federal jurisdiction, and an entirely new multifaceted regional management system began allocating fishing rights, with priority given to domestic enterprise.

Primary federal management authority was vested in the National Marine Fisheries Service (NMFS, also more popularly referred to as “NOAA Fisheries” — 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 on March 10, 1983 (Presidential Proclamation 5030).

Eight Regional Fishery Management Councils were created by the FCMA (see [<http://www.nmfs.noaa.gov/councils/>]). Council members are appointed by the Secretary of Commerce from lists of candidates knowledgeable of fishery resources, provided by coastal state governors. The councils prepare fishery management plans (FMPs) for those fisheries that they determine require active federal management. After public hearings, revised FMPs are submitted to the Secretary of Commerce for approval. Approved plans are implemented through regulations published in the *Federal Register*. Together these councils and NMFS have developed and implemented 40 FMPs for various fish and shellfish resources, with 9 additional plans in various stages of development. Some plans are created for an individual species or a few related ones (e.g., FMPs for red drum by the South Atlantic Council and for shrimp by the Gulf of Mexico Council). Others are developed for larger species assemblages inhabiting similar habitats (e.g., FMPs for Gulf of Alaska groundfish by the North Pacific Council and for reef fish by the Gulf of Mexico Council). Many of the implemented plans have been amended (one over 30 times), and three have been developed and implemented jointly by two or more councils. The MSFCMA was last reauthorized in 1996 by P.L. 104-297, the Sustainable Fisheries Act (see [<http://www.nmfs.noaa.gov/sfa/sfaguide/>]). This authorization of appropriations expired in FY1999.

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

Under initial FCMA authority, a substantial portion of the fish catch from federal offshore waters was allocated to foreign fishing fleets. However, the 1980 American Fisheries Promotion Act (Title II of P.L. 96-561) and other FCMA amendments orchestrated a decrease in foreign catch allocations as domestic fishing and processing industries expanded. Foreign catch from the U.S. EEZ declined from about 3.8 billion pounds in 1977 to zero since 1992. Commensurate with the decline of foreign catch, domestic offshore catch in federal waters increased dramatically, from about 1.6 billion pounds (1977) to more than 6.3 billion pounds. Total (U.S. and foreign) offshore fishery landings from the U.S. EEZ (i.e., federal waters) increased about 24% between 1977 and 1986-1988 to a peak of 6.65 billion pounds. Since this peak, annual landings have declined slightly and stabilized at around 6 billion pounds.

In 2003, U.S. commercial fishermen landed about 7.5 billion pounds of edible, unprocessed fish and shellfish (see [<http://www.st.nmfs.noaa.gov/st1/commercial/index.html>]) from combined state, federal, and international waters, worth almost \$3.2 billion at the dock. Imports of mostly processed products supplied another 4.9 billion pounds, worth about \$11.1 billion. U.S. consumers spent an estimated \$61.2 billion on edible seafood in 2003, with about \$42 billion of that amount spent in restaurants and other food service establishments. In addition, marine recreational anglers caught an estimated 452 million fish in 2003, of which the retained catch was about 263 million pounds (see [<http://www.st.nmfs.gov/st1/recreational/index.html>]). In 2001, a nationwide survey estimated that recreational anglers spent almost \$36 billion each year pursuing their sport (see [<http://www.census.gov/prod/www/abs/fishing.html>]).

## Magnuson Act Reauthorization

**Background.** The 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 NMFS 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. NMFS contends that implementation of the 1996 amendments has met many of the act's objectives (see [<http://www.publicaffairs.noaa.gov/releases99/jan99/noaa99-4.html>]); fishing industry and environmental groups have criticized NMFS and regional council implementation efforts. While environmental groups have expressed concerns that NMFS and regional councils have not been as responsive as needed on conservation measures, fishing industry representatives are concerned that too stringent an application of conservation measures may cripple commercial fishing and bankrupt many fishermen. A key issue in any reauthorization debate in the 109<sup>th</sup> Congress may be seeking a balance between conserving fish and maintaining a viable commercial fishing industry.

**Congressional Action.** At issue for the 109<sup>th</sup> Congress will be the terms and conditions of provisions designed to reauthorize and amend the MSFCMA to address the concerns of various interest groups. For additional information on reauthorization issues likely to be discussed in the 109<sup>th</sup> Congress, see CRS Report RL30215, *The Magnuson-Stevens Fishery Conservation and Management Act: Reauthorization Issues*.

In the 109<sup>th</sup> Congress, §10206 of P.L. 109-59 (the Transportation Equity Act) clarified the eligibility for communities to participate in the western Alaska community development quota (CDQ) program. H.R. 1431 proposes to amend the MSFCMA to modify requirements for the appointment and training of members of regional councils, and to modify how certain regional council committees and panels conduct business. Section 1622 of S. 732, as reported on April 6, 2005 (S.Rept. 109-53), proposes to repeal the P.L. 108-199 prohibition on FY2004 New England fisheries expenditures (this provision appears to have already been repealed by §304 of P.L. 108-219). H.R. 2059 would prohibit all commercial fishing for Atlantic striped bass. On April 14, 2005, the House Resources Subcommittee on Fisheries and Oceans held an oversight hearing on the relationship between the MSFCMA and the National Environmental Policy Act. H.R. 2112 would designate the exclusive economic zone of the United States as the “Ronald Wilson Reagan Exclusive Economic Zone of the United States.” H.R. 2673 would place use restrictions on certain bottom trawling gear, assist fishermen in switching to alternative gear, and require federal studies to identify and map diverse bottom habitats. S. 1224 would provide for increased efforts to protect deep sea corals and bottom habitat (Subtitle A and §222 of Subtitle B in Title II) and would extensively amend the MSFCMA to implement ecosystem-based management, further reduce bycatch, establish national policy for individual fishing quotas, and modify the regional council fishery management plan process (Title III). Section 304 of S. 1280 would require the Coast Guard to integrate vessel monitoring system data into existing databases to improve monitoring and enforcement of fishery law; §305 would require a Coast Guard report to Congress on detection and interdiction of foreign fishing incursions. On July 28, 2005, the Senate Committee on Commerce, Science, and Transportation reported (amended) S. 1280 (S.Rept. 109-114). The House Resources Subcommittee on Fisheries and Oceans held field hearings in Alaska on MSFCMA reauthorization on July 6, 2005 (Ketchikan) and July 8, 2005 (Kodiak). H.R. 3278 would establish national guidelines for individual fishing quota programs. S. 1549 proposes to rationalize the Pacific whiting (hake) fishery. S. 1635 would designate areas where trawling is permitted to protect deep sea corals and sponges.

## Pacific Salmon

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

To address some of these concerns, the United States and Canada negotiated a bilateral agreement on Pacific salmon in 1985. However, by the mid-1990s, controversy stalled renegotiations to adjust cooperative management of these fish, and U.S.-Canada relations became more antagonistic, including the blockade of an Alaska state ferry by British Columbia fishermen in Prince Rupert, BC, in July 1997. This deadlock was resolved in June

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

**Congressional Action.** In the 109<sup>th</sup> Congress, §1119(m) of P.L. 109-59 (the Transportation Equity Act) limited the expenditures to no more than \$10 million annually from the Highway Trust Fund for federal forest highways to repair, maintain, or remove culverts and bridges to facilitate fish passage. H.R. 1615 would require a National Academy of Sciences analysis of federal salmon recovery efforts and a Government Accountability Office study of the effects of partially removing four lower Snake River dams, and would authorize partial removal of these four dams under certain conditions. S. 232 proposes to 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. On March 10, 2005, the Committee on Energy and Natural Resources reported S. 232 (S.Rept. 109-31), and the Senate passed this measure on July 26, 2005. Section 3099(c)(2)(F) of S. 728, as reported (amended) by the Senate Committee on Environment and Public Works on April 26, 2005 (S.Rept. 109-61), would authorize the FWS to manage bird colonies in the proposed McNary National Wildlife Refuge, to reduce the loss of juvenile salmonids. On May 24, 2005, the House Resources Subcommittee on Fisheries and Oceans held an oversight hearing on the federal fish hatchery system. Section 4078 of H.R. 2864 would require a feasibility study of fish passage improvements in Oregon; this bill was reported by the House Committee on Transportation and Infrastructure (amended, with the Oregon fish passage language now at §4083) on June 24, 2005 (H.Rept. 109-154); the House passed this bill (amended) on July 14, 2005 (fish passage language now at §4085).

## Miscellaneous Issues

**Bankruptcy.** Section 1007 of P.L. 109-8 extends similar protection to family fishermen as currently applies to family farmers under Chapter 12 of bankruptcy laws.

**Seafood Processing.** Section 402 of P.L. 109-13 revises requirements for H-2B visas allowing certain seasonal immigrant seafood processing workers to enter the United States. Section 203(a)(1) of H.R. 2870 would require the Labor Secretary to prohibit seafood processing operations from employing minors.

**State Management.** Section 6036 of P.L. 109-13 reaffirms and clarifies the authority of states to regulate certain hunting and fishing activities to distinguish between state residents and non-residents.

**Recreational Fishing.** Funding of Aquatic Resources Trust Fund (ARTF) programs was extended several times before a transportation bill was finally enacted — P.L. 109-14 (through June 30, 2005), P.L. 109-20 (through July 19, 2005), P.L. 109-35 (through July 21, 2005), P.L. 109-37 (through July 27, 2005), P.L. 109-40 (through July 30, 2005), and P.L. 109-42 (through August 14, 2005). P.L. 109-59 (The Transportation Equity Act) comprehensively amended and reauthorized the Sport Fish Restoration Program to permanently appropriate boat safety funding and modify distribution of funds whereby all accounts will annually receive a fixed percentage of the total fund revenue, eliminated the ARTF to create a Sport Fish Restoration and Boating Trust Fund, and modified the excise tax on certain sport fishing equipment. H.R. 3649 would fund sportfishing and boating



safety programs from the Highway Trust Fund through the end of FY2005. (For background on the ARTF and its programs, see CRS Report RS22060, *The Aquatic Resources Trust Fund*.) H.R. 1351 and S. 548 would establish a grant program to encourage private landowners to provide public access for fishing and other outdoor recreation. Section 5038(a) of H.R. 2864 would require a feasibility review of the Kings River (California) Fisheries Management Program Framework Agreement; this bill was reported by the House Committee on Transportation and Infrastructure (amended, with the Kings River language now at §5045(a)) on June 24, 2005 (H.Rept. 109-154). The House passed H.R. 2864 (amended) on July 14, 2005, with the Kings River language at §5051(a).

**Invasive Species.** S. 363 and Title VII of S. 1224 would amend the Nonindigenous Aquatic Nuisance Prevention and Control Act (NANPCA) of 1990 to promote the development and adoption of new ballast water treatment technologies and standards; on July 21, 2005, the Senate Committee on Commerce, Science, and Transportation ordered S. 363 reported (amended). Section 12 of S. 793/H.R. 1636 would express the sense of Congress that strong mandatory standards for ballast water be enacted. H.R. 1591 and S. 770 would reauthorize and amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to address ballast water management and other concerns. On June 15, 2005, the Senate Committee on Commerce, Science, and Transportation's National Ocean Policy Study held a hearing on ballast water management and threats to coral reefs. On September 9, 2005, the House Committee on Government Reform's Subcommittee on Regulatory Affairs held a field hearing in Fair Haven, MI, on ballast water management. (For background on ballast water management, see CRS Report RL32344, *Ballast Water Management to Combat Invasive Species*.) Section 7(d)(4) of H.R. 792 would allocate funds to the State of Illinois for a project to establish a permanent invasive species barrier between the Mississippi River and Lake Michigan. S.Con.Res. 12 would require that any agreement signed by the United States not preclude measures to combat invasive species. S. 507 and H.R. 1593 would authorize and establish the National Invasive Species Council. Section 4(b)(1)(C) of S. 508 would authorize Great Lakes Environmental Restoration Grants for invasive species prevention and control. H.R. 1592 would authorize various marine and freshwater research, development, and demonstration programs to address invasive species concerns. H.R. 3049 and S. 1402 would amend the Lacey Act to add four species of carp to the list of injurious species that are prohibited from being imported or shipped. S. 1541 would establish a cooperative cost-shared grant program to control and mitigate the spread of invasive species on public lands. H.R. 3468 would establish specific procedures to address invasive species concerns in Hawaii.

**Hydropower and Water Projects.** Section 241 of P.L. 109-58 (the Energy Policy Act of 2005) allows federal hydropower licensees to propose alternatives to fishways required by the Federal Energy Regulatory Commission as long as the alternatives would not diminish fish passage. S. 232 proposes to 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. On March 10, 2005, the Committee on Energy and Natural Resources reported S. 232 (S.Rept. 109-31); the Senate passed this bill on July 26, 2005. Section 101(a)(7) of H.R. 737 would set a goal for Department of Energy hydropower programs to decrease damage to fish and aquatic ecosystems. Section 201 of S. 753 and §2027 of H.R. 2864 would amend the Water Resources Development Act of 1986 to modify requirements for mitigation for aquatic resource losses at Corps of Engineers projects. H.R.

2864 was reported by the House Committee on Transportation and Infrastructure (amended) on June 24, 2005 (H.Rept. 109-154), and passed by the House (amended) on July 14, 2005.

**International Fisheries.** Section 103(4) of S. 600 would authorize an appropriation of \$25,123,000 for “International Fisheries Commissions” for FY2006, and such sums as may be necessary for FY2007; S. 600 was reported by the Senate Committee on Foreign Relations on March 10, 2005 (S.Rept. 109-35). Section 103(4) of H.R. 2601 would authorize an appropriation of \$25,123,000 for “International Fisheries Commissions” for both FY2006 and FY2007. H.R. 2601 was reported (amended) on July 13, 2005 (H.Rept. 109-168), and passed by the House (amended) on July 20, 2005. Section 6054 of H.R. 1268, as passed by the Senate (amended) on April 21, 2005, would have encouraged the government of Ecuador to enforce laws, prohibit destructive fishing, and discourage illegal fishing in the Galapagos Islands; however, this language was deleted in conference (H.Rept. 109-72) and was not included in P.L. 109-13. H.Con.Res. 168 would condemn the Democratic People’s Republic of Korea for abducting and holding captive certain Korean and Japanese citizens, including fishermen; the House passed the measure (amended) on July 11, 2005.

**Habitat Restoration.** S. 218 would amend the Food Security Act to authorize the Natural Resources Conservation Service to establish a stream habitat improvement program, funded at \$60 million annually for FY2006-FY2008. S. 260/H.R. 2018 would expand the authorization of the Secretary of the Interior to assist private landowners in restoring, enhancing, and managing fish habitat on private land through the Partners for Fish and Wildlife Program; the Senate Committee on Environment and Public Works reported S. 260 (amended) on June 22, 2005 (S.Rept. 109-86), and the Senate passed S. 260 (amended) on June 27, 2005. Title V (Subtitle C) of S. 1224 would establish a program to restore fishery habitat with annual authorized funding of \$50 million through FY2010. H.R. 3153/S. 1578 would reauthorize Upper Colorado and San Juan River Basin endangered fish recovery programs. Section 121 (Title I, Corps of Engineers) of H.R. 2419, as reported by the Senate Committee on Appropriations on June 16, 2005 (S.Rept. 109-84), would authorize certain activities related to the Middle Rio Grande ESA Collaborative Program beneficial to the silvery minnow. On July 1, 2005, the Senate passed H.R. 2419 (amended). S. 1540 would authorize the Secretary of the Army and the Secretary of the Interior to establish a program to improve water management and contribute to the recovery of the endangered silvery minnow in the Middle Rio Grande, New Mexico.

**Oysters.** S. 728, as reported (amended) on April 26, 2005 (S.Rept. 109-61), would specifically authorize projects to restore and rehabilitate oyster beds, bars, reefs, and shellfish habitat in Chesapeake Bay (§3095) and in Long Island Sound (§3064). H.R. 2864 would authorize a study of oyster habitat restoration in Delaware Bay (§1005(5)) and increase the Corps of Engineers authorization for constructing oyster habitat in Chesapeake Bay (§5017). H.R. 2864 was reported by the House Committee on Transportation and Infrastructure (amended) on June 24, 2005 (H.Rept. 109-154), and passed by the House (amended) on July 14, 2005. H.R. 3110 would amend the Endangered Species Act to treat distinct population segments of the Eastern oyster as separate species. On July 19, 2005, the House Committee on Resources held an oversight hearing on the potential listing of the eastern oyster under the Endangered Species Act. H.R. 3636 would suspend temporarily the duty on prepared or preserved oysters, not smoked. Section 2(f) of S. 1494 would establish a stock enhancement and habitat restoration program for Chesapeake Bay oysters.

**Seafood Safety.** S. 131 would amend the Clean Air Act to promote research to clarify the contribution of U.S. electricity generation to mercury contamination in fish and seafood. Section 12 of S. 730 would amend the Clean Air Act to require the EPA Administrator to evaluate and improve fish consumption advisories concerning mercury contamination of fish. Section 102 of H.R. 1507/S. 729 would consolidate food safety and inspection programs, including seafood inspection. Section 2 of H.R. 2235 would require labels to specify that certain fish and shellfish products are raw or partially cooked; §3 of this bill would require labels to specify that certain fish or shellfish products have been frozen.

**Corals and Coral Reefs.** On March 1, 2005, the House Resources Subcommittee on Fisheries and Oceans held an oversight hearing on the Coral Reef Conservation Act of 2000. H.R. 1996 would amend the Foreign Assistance Act of 1961 to provide for debt relief to developing countries that take action to protect critical coral reef habitats. H.R. 2376 would establish the Northwestern Hawaiian Islands National Marine Refuge; §7(c) of this bill would compensate fishermen displaced by refuge creation. Title II (Subtitle A and §222 of Subtitle B) of S. 1224 would provide for increased efforts to protect deep sea corals. H.R. 2673 would place use restrictions on certain bottom trawling gear and require federal studies to identify and map diverse bottom habitats. S. 1390 would amend and reauthorize the Coral Reef Conservation Act of 2000. On June 15, 2005, the Senate Committee on Commerce, Science, and Transportation's National Ocean Policy Study held a hearing on threats to coral reefs; the Senate Committee on Commerce, Science, and Transportation ordered S. 1390 reported (amended) on July 21, 2005. H.R. 3469 would prohibit the import, export, and take of certain coral reef species. S. 1635 would designate areas where trawling is permitted to protect deep sea corals and sponges.

**Assistance.** Section 104(b) of H.R. 27 proposes to amend the Workforce Investment Act to specifically require state plans to discuss how states would address the employment and training needs of dislocated fishermen. This bill was reported (amended) by the House Committee on Education and the Workforce on February 25, 2005 (H.Rept. 109-9), with supplement report filed March 1, 2005 (H.Rept. 109-9, Part II). On March 2, 2005, the House passed H.R. 27, amended.

**Great Lakes.** Section 4(b)(1)(D) of S. 508 would authorize state and local grants for fish habitat improvement in the Great Lakes region. Title I of H.R. 2129 would reauthorize various programs to restore fisheries and aquatic habitat in the Great Lakes. Section 5012 of H.R. 2864 would allow non-federal participants in Great Lakes fisheries restoration to provide as much as 100% of their non-federal share through in-kind contributions. H.R. 2864 was reported by the House Committee on Transportation and Infrastructure (amended) on June 24, 2005 (H.Rept. 109-154), and passed by the House (amended) on July 14, 2005.

**Trade.** Section 343(b) of S. 14 would authorize a program for trade adjustment assistance to commercial fishermen, fish processors, and fishing communities. S. 270 would establish a framework for legislative and executive consideration of unilateral economic sanctions against foreign nations. H.R. 3636 would suspend temporarily the duty on prepared or preserved oysters, not smoked.

**Tuna.** H.R. 629 would extend certain tax credits, beneficial to American Samoa tuna canneries, through January 1, 2016. S. 599/H.R. 2816 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.

**Marine Debris.** S. 362 would establish NOAA and Coast Guard programs to manage marine debris — including lost fishing gear — and address its adverse impacts. The Senate Committee on Commerce, Science, and Transportation reported this bill (with amendment) on April 13, 2005 (S.Rept. 109-56), and the Senate passed this bill (amended) on July 1, 2005.

**Health Care.** Section 2 of H.R. 525/S. 406 and §402 of H.R. 2203 would amend the Employee Retirement Income Security Act of 1974 to authorize fishing industry associations to provide health care plans for association members. On April 13, 2005, the House Committee on Education and the Workforce reported H.R. 525 (H.Rept. 109-41); the House passed this bill on July 26, 2005.

**National Fish and Wildlife Foundation.** H.R. 1428 would reauthorize the National Fish and Wildlife Foundation. The House Resources Subcommittee on Fisheries and Oceans held a hearing on this bill on April 26, 2005. This measure was reported (amended) on June 8, 2005 (H.Rept. 109-112), and passed by the House (amended) on June 27, 2005. On August 31, 2005, the Senate Committee on Environment and Public Works reported this bill (S.Rept. 109-127).

**Artificial Reefs.** Section 3505 of H.R. 1815, as reported (amended) by the Committee on Armed Services on May 20, 2005 (H.Rept. 109-89), would require a strategy and implementation plan to dispose of obsolete Maritime Administration vessels, including use as artificial reefs. The House passed this measure on May 25, 2005.

**Vessel Safety.** Section 205 of S. 1280 would establish a pilot program for dockside no fault/no cost safety and survivability examinations for uninspected commercial fishing vessels; §216 of this bill would require the Coast Guard to continue to provide marine vessel safety training and cold water immersion education and outreach programs for fishermen. On July 28, 2005, the Senate Committee on Commerce, Science, and Transportation reported (amended) S. 1280 (S.Rept. 109-114). S. 1473 would amend the Internal Revenue Code to provide a business credit against income for the purchase of fishing safety equipment.

**Tax Provisions.** Section 308 of S. 6 proposes to amend the Internal Revenue Code to provide tax incentives for participation in the Fish and Wildlife Services' "Partners for Fish and Wildlife Program."

**Capital Construction Fund.** S. 343/H.R. 2174 would permit qualified withdrawals from the Capital Construction Fund for fishermen leaving the industry and for the rollover of Capital Construction Funds to individual retirement plans.

**Marketing and Labeling.** H.R. 710 would provide financial assistance for the construction, improvement, and rehabilitation of farmers markets, including those selling products from local aquaculture and commercial fishing. S. 1300 would replace mandatory country-of-origin labeling for seafood with a voluntary program. Section 2 of H.R. 3562/S. 1556 would make the Specialty Crops Competitiveness Act applicable to wild harvested fish and shellfish.

**Climate Change.** H.R. 759 and §609 of H.R. 2828 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.

**Saltonstall-Kennedy Act.** Section 7 of H.R. 1431 and §356 of S. 1224 would amend and modify fishery funding under the Saltonstall-Kennedy Act. For background, see CRS Report RS21799, *Saltonstall-Kennedy Fishery Funding*.

**Hypoxia.** Section 5018 of H.R. 2864 authorizes the Corps of Engineers to participate in Gulf of Mexico hypoxia assessment efforts. This bill was reported by the House Committee on Transportation and Infrastructure (amended) on June 24, 2005 (H.Rept. 109-154), and passed by the House (amended) on July 14, 2005.

**Jones Act.** Section 211 of S. 1280 would waive the Jones Act for certain foreign vessels that have transported fish or shellfish in Maine waters; on June 23, 2005, the Senate Committee on Commerce, Science, and Transportation reported S. 1280 (amended) on July 28, 2005 (S.Rept. 109-114).

## 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; see [<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. With growth, aquaculture operations are facing increasing scrutiny for habitat destruction, pollution, and other concerns. The major statute affecting U.S. aquaculture is the National Aquaculture Act of 1980, as amended (16 U.S.C. §2801, et seq.). For more information, see CRS Report 97-436, *Aquaculture and the Federal Role* (Out of print. For copies, contact author at [g buck@crs.loc.gov](mailto:g buck@crs.loc.gov)); and CRS Report RL32694, *Open Ocean Aquaculture*.

## Miscellaneous Issues

**Bankruptcy.** Section 1007 of P.L. 109-8 extends similar protection to family fishermen (including aquaculture operations) as currently applies to family farmers under Chapter 12 of bankruptcy laws.

**Mitigation Hatcheries.** Section 6007 of P.L. 109-13 increases the authorization to \$25 million for the design and construction of a multispecies fish hatchery at Fort Peck Lake, Montana. H.R. 537 would authorize specific activities wherein National Fish Hatchery production would compensate for the impacts of federal water development projects on

aquatic resources. On May 24, 2005, the House Resources Subcommittee on Fisheries and Oceans held an oversight hearing on the federal fish hatchery system.

**Open Ocean Facilities.** S. 796 and §162(b)(3) of S. 1224 would prohibit the issuance of permits for marine aquaculture facilities in federal waters until requirements for such permits are enacted. S. 1224 also would establish a coordinated agency program for offshore permitting (§161), designate NOAA as the lead federal agency for marine aquaculture (§162(b)(1)), and require regulations that prohibit marine aquaculture where it would damage or alter seafloor habitat or alter water quality (§222). S. 1195 would authorize the Secretary of Commerce to establish and implement a regulatory system for offshore aquaculture in the U.S. Exclusive Economic Zone. For additional information on offshore aquaculture development, see CRS Report RL32694, *Open Ocean Aquaculture*.

**Marketing and Trade.** H.R. 710 would provide financial assistance for the construction, improvement, and rehabilitation of farmers markets, including those selling products from local aquaculture and commercial fishing. The House Appropriations Committee report (H.Rept. 109-102) on H.R. 2744 (FY2006 agriculture appropriations) expresses concern about antibiotic contamination in imported farm-raised shrimp and requests a report from the Food and Drug Administration on sampling of shrimp imports. The House passed H.R. 2744 (amended) on June 8, 2005. S. 1300 would replace mandatory country-of-origin labeling for fish and seafood with a voluntary program. Section 2 of H.R. 3562/S. 1556 would make the Specialty Crops Competitiveness Act applicable to farm-raised fish and shellfish.

**Genetic Modification.** H.Amdt. 241, offered on H.R. 2744 (FY2006 agriculture appropriations) and subsequently withdrawn, would have prohibited the use of FY2006 funds for the approval or process of approval of an application for an animal drug for creating transgenic salmon or any other transgenic fish. For additional information on genetically engineered fish, see CRS Report RL32974, *Genetically Engineered Fish and Seafood*.

**Oyster Hatcheries.** Section 3095 of S. 728, as reported by the Senate Committee on Environment and Public Works (amended) on April 26, 2005 (S.Rept. 109-61), would specifically authorize projects to construct and upgrade oyster hatcheries in Chesapeake Bay.

**National Marine Sanctuaries.** Section 6(b) of S. 880/H.R. 1712 would prohibit most aquaculture in the Gulf of the Farallones National Marine Sanctuary, the Cordell Bank National Marine Sanctuary, and the Monterey Bay National Marine Sanctuary.

**Invasive Species.** Section 305 of H.R. 1591/S. 770 would require efforts to promote voluntary cooperative compliance by aquaculture operators in screening, monitoring, and control of aquatic invasive species.

**Assistance.** S. 1316 would authorize the Small Business Administration to provide emergency relief to shellfish growers affected by toxic red tide losses; the Senate passed this bill on June 27, 2005. Section 2(g) of S. 1494 would authorize the Director of NOAA's Chesapeake Bay Office to make grants and enter into contracts that would promote aquaculture development.

**Disease.** S. 572 and S. 573 seek to improve the federal response to agricultural diseases, including diseases at aquaculture operations.

**Coral.** Under certain conditions, H.R. 3469 would exempt aquaculture operations from restrictions on coral handling and encourage cooperative aquaculture ventures to propagate coral reef species.

## Marine Mammals: Background and Issues

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

The MMPA established a moratorium on the “taking” of marine mammals in U.S. waters and by U.S. nationals on the high seas. The MMPA also established a moratorium on importing marine mammals and marine mammal products into the United States. The MMPA expressly authorized the Secretary of Commerce and the Secretary of the Interior to issue permits for the “taking” of marine mammals for certain purposes, such as scientific research and public display.

Under the MMPA, the Secretary of Commerce, acting through NMFS, 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. This division of authority derives from agency responsibilities as they existed when the MMPA was enacted. Title II of the MMPA established an independent Marine Mammal Commission (MMC) and its Committee of Scientific Advisors on Marine Mammals to oversee and recommend actions necessary to meet the requirements of the MMPA.

Prior to passage of the MMPA, states were responsible for marine mammal management on lands and in waters under their jurisdiction. The MMPA shifted marine mammal management authority to the federal government. It provides, however, that management authority, on a species-by-species basis, could be returned to states that adopt conservation and management programs consistent with the MMPA’s purposes and policies. It also provides that the moratorium on taking can be waived for specific purposes, if the taking will not disadvantage the affected species or population. Permits may be issued to take or import any marine mammal species, including depleted species, for scientific research or to enhance the survival or recovery of the species or stock. The MMPA allows U.S. citizens to apply for and obtain authorization for taking small numbers of mammals incidental to activities other than commercial fishing (e.g., offshore oil and gas exploration and development) if the taking would have only a negligible impact on any marine mammal species or stock, provided that monitoring requirements and other conditions are met.

The MMPA's moratorium on taking does not apply to any Native American (Indian, Aleut, or Eskimo) who resides in Alaska and who dwells near the coast of the North Pacific or Arctic Ocean, if such taking is for subsistence purposes or for creating and selling authentic Native articles of handicrafts and clothing, and is not done wastefully.

The MMPA also authorizes the taking of marine mammals incidental to commercial fishing operations. In 1988, most U.S. commercial fish harvesters were exempted from otherwise applicable rulemaking and permit requirements for a five-year period, pending development of an improved system to govern the incidental taking of marine mammals in the course of commercial fishing operations. This exemption expired at the end of FY1993, and was extended several times until new provisions were enacted by P.L. 103-238, which reauthorized the MMPA through FY1999. The eastern tropical Pacific tuna fishery was excluded from the incidental take regimes enacted in 1988 and 1994. Instead, the taking of marine mammals incidental to that fishery is governed by separate provisions of the MMPA, and was substantially amended by P.L. 105-42, the International Dolphin Conservation Program Act.

## Marine Mammal Protection Act Reauthorization

**Background.** The MMPA was reauthorized in 1994 by P.L. 103-238, the Marine Mammal Protection Act Amendments of 1994; the authorization for appropriations expired on September 30, 1999. The 1994 amendments indefinitely authorized the taking of marine mammals incidental to commercial fishing operations and provided for assessing marine mammal stocks in U.S. waters, for developing and implementing 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 studying pinniped-fishery interactions. For more information on the 1994 amendments, see CRS Report 94-751 ENR, *Marine Mammal Protection Act Amendments of 1994* (Out of print. For copies, contact author at g buck@crs.loc.gov).

**Congressional Action.** At issue for the 109<sup>th</sup> Congress will be the terms and conditions of any provisions designed to reauthorize and amend the MMPA to address the concerns of various interest groups. H.R. 2130 proposes various amendments to the MMPA and authorizes appropriations for several programs; the House Committee on Resources reported H.R. 2130 (amended) on July 21, 2005 (H.Rept. 109-180). Title IV of S. 1224 would amend the MMPA to encourage development of fishing gear less likely to take marine mammals, expand fisheries required to participate in the MMPA incidental take program to include recreational fisheries, and authorize appropriations for stock assessments and observer programs; in addition, Title III (Subtitle C) would direct negotiation of international agreements to better protect cetaceans from commercial fishing gear and authorize a grant program to develop less harmful fishing gear. Section 206 of H.R. 2939 would transfer management of all marine mammals to NOAA. For additional information on potential reauthorization issues in the 109<sup>th</sup> Congress, see CRS Report RL30120, *The Marine Mammal Protection Act: Reauthorization Issues*.

## Miscellaneous Issues

**Habitat.** S. 260/H.R. 2018 would expand the authorization of the Secretary of the Interior to assist private landowners in restoring, enhancing, and managing marine mammal



habitat on private land through the Partners for Fish and Wildlife Program; the Senate Committee on Environment and Public Works reported S. 260 (amended) on June 22, 2005 (S.Rept. 109-86), and the Senate passed S. 260 (amended) on June 27, 2005.

**Marine Debris.** S. 362 would establish NOAA and Coast Guard programs to manage marine debris and address its adverse impacts. The Senate Committee on Commerce, Science, and Transportation reported this bill (with amendment) on April 13, 2005 (S.Rept. 109-56), and the Senate passed this bill (amended) on July 1, 2005.

**Ocean Noise.** Section 402 of S. 1224 would amend the National Fish and Wildlife Foundation Establishment Act to create a national ocean noise pollution research endowment fund. For additional information on this issue, see CRS Report RS22158, *Active Sonar and Marine Mammals: Chronology with References*.

**Small Cetacean Kills.** S.Res. 99 would express the sense of the Senate condemning the commercial slaughter of small cetaceans by certain nations and supporting certain policies at the 57<sup>th</sup> Annual Meeting of the International Whaling Commission.

**Climate Change.** H.R. 759 and §609 of H.R. 2828 would require the Secretary of Commerce to prepare a report on the observed and projected effects of climate change on marine life and habitat.

**Whaling.** S.Con.Res. 33/H.Con.Res. 164 express the sense of the Congress regarding the policy of the United States at the 57<sup>th</sup> Annual Meeting of the International Whaling Commission.

**Tuna-Dolphin.** S. 270 would establish a framework for legislative and executive consideration of unilateral economic sanctions against foreign nations.

**Sea Otters.** H.R. 2323 would require specific activities to promote southern sea otter recovery and research.

**Canadian Sealing.** S.Res. 33 urges Canada to end commercial seal hunting.

## NMFS Appropriations

On February 7, 2005, the Bush Administration requested FY2006 funds for federal agencies and programs, including \$625.5 million in direct program funds for NMFS (see **Table 1**) — this is a \$51 million (7.5%) reduction from FY2005 direct program funding for NMFS enacted in the omnibus appropriations bill, P.L. 108-447. The FY2005 omnibus appropriations measure also 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); and increased the 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). On March 10, 2005, the House Resources Subcommittee on Fisheries and Oceans held an oversight hearing on NMFS's FY2006 budget request. On June 10, 2005, the House Committee on Appropriations reported H.R. 2862, proposing FY2006 funding for NMFS (H.Rept. 109-118); the House passed this bill on June 16, 2005. The Senate Committee on Appropriations reported H.R. 2862 (amended) on June 23, 2005 (S.Rept. 109-88).

**Table 1. NMFS Appropriations**  
(in thousands of dollars)

	<b>FY2005 Request</b>	<b>FY2005 Enacted</b>	<b>FY2006 Request</b>	<b>FY2006 Hse Pasd</b>	<b>FY2006 Sen Rptd</b>
Fisheries	368,546	377,390	351,932	322,105	377,484
Protected Resources	154,965	175,530	159,273	126,000	176,050
Habitat Conservation	46,280	53,248	34,096	36,000	58,580
Enforcement Surveillance	53,401	70,347	80,163	72,500	78,669
<b>SUBTOTAL</b>	<b>623,192</b>	<b>676,515</b>	<b>625,464</b>	<b>556,605</b>	<b>745,783*</b>
Procurement, Acquisition, and Construction	2,000	31,048	2,000	6,000	16,527**
Pacific Coastal Salmon Recovery	100,000	88,798	90,000	50,000	90,000
Other Accounts	5,792	27,284	10,419	60	287
<b>TOTAL</b>	<b>735,203</b>	<b>823,645</b>	<b>727,883</b>	<b>612,665</b>	<b>852,597</b>

\* Includes \$55 million for "Alaska Composite Research and Development Program."

\*\*Excludes \$55.5 million for fisheries survey vessel construction.

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

## LEGISLATION

### Fisheries

P.L. 109-8 (S. 256); P.L. 109-13 (H.R. 1268); P.L. 109-14 (H.R. 2566); P.L. 109-20 (H.R. 3104); P.L. 109-35 (H.R. 3332); P.L. 109-37 (H.R. 3377); P.L. 109-40 (H.R. 3453); P.L. 109-42 (H.R. 3512); P.L. 109-58 (H.R. 6); and P.L. 109-59 (H.R. 3).

H.Con.Res. 164 (Delahunt); H.Con.Res. 168 (Hyde); H.R. 27 (McKeon); H.R. 525 (Sam Johnson); H.R. 629 (Faleomavaega); H.R. 685 (Sensenbrenner); H.R. 710 (Kaptur); H.R. 731 (Udall); H.R. 737 (Woolsey); H.R. 759 (Gilchrest); H.R. 792 (Emanuel); H.R. 996 (Thomas); H.R. 1351 (Pomeroy); H.R. 1428 (Pombo); H.R. 1431 (Rahall); H.R. 1507 (DeLauro); H.R. 1591 (Gilchrest); H.R. 1592 (Ehlers); H.R. 1593 (Ehlers); H.R. 1615 (McDermott); H.R. 1636 (Farr); H.R. 1640 (Barton); H.R. 1815 (Hunter); H.R. 1996 (Kirk); H.R. 2018 (Sullivan); H.R. 2059 (Pallone); H.R. 2112 (Issa); H.R. 2129 (Ehlers); H.R. 2174 (Capps); H.R. 2203 (Shadegg); H.R. 2235 (Pallone); H.R. 2376 (Case); H.R. 2601 (Smith of New Jersey); H.R. 2673 (Hefley); H.R. 2816 (Neal); H.R. 2828 (Inslee); H.R. 2862 (Wolf); H.R. 2864 (Young of Alaska); H.R. 2870 (Lantos); H.R. 3049 (Green of Wisconsin); H.R. 3110 (Jindal); H.R. 3153 (Cubin); H.R. 3278 (Allen); H.R. 3468 (Case); H.R. 3469 (Case); H.R. 3562 (Hooley); H.R. 3636 (Tauscher); H.R. 3649 (Young of Alaska);

S.Con.Res. 12 (Feingold); S. 6 (Santorum); S. 10 (Domenici); S. 14 (Stabenow); S. 131 (Inhofe); S. 218 (Kohl); S. 232 (Smith); S. 260 (Inhofe); S. 270 (Lugar); S. 339 (Reid); S. 343 (Wyden); S. 352 (Mikulski); S. 362 (Inouye); S. 363 (Inouye); S. 406 (Snowe); S. 421 (Lott); S. 507 (DeWine); S. 508 (DeWine); S. 548 (Conrad); S. 599 (Kerry); S. 600 (Lugar); S. 728 (Bond); S. 729 (Durbin); S. 730 (Leahy); S. 732 (Inhofe); S. 753 (Feingold); S. 770 (Levin); S. 793 (Durbin); S. 797 (Murkowski); S. 1224 (Boxer); S. 1230 (Grassley); S. 1280 (Snowe); S. 1300 (Santorum); S. 1390 (Inouye); S. 1402 (DeWine); S. 1473 (Collins); S. 1494 (Sarbanes); S. 1540 (Domenici); S. 1541 (Akaka); S. 1549 (Smith); S. 1556 (Wyden); S. 1578 (Allard); and S. 1635 (Lautenberg).

### **Aquaculture**

P.L. 109-8 (S. 256) and P.L. 109-13 (H.R. 1268).

H.R. 537 (Deal); H.R. 685 (Sensenbrenner); H.R. 710 (Kaptur); H.R. 1591 (Gilchrest); H.R. 1712 (Woolsey); H.R. 2744 (Bonilla); H.R. 3469 (Case); H.R. 3562 (Hooley); S. 572 (Akaka); S. 573 (Akaka); S. 728 (Bond); S. 770 (Levin); S. 796 (Murkowski); S. 880 (Boxer); S. 1195 (Stevens); S. 1224 (Boxer); S. 1300 (Santorum); S. 1316 (Snowe); S. 1494 (Sarbanes); and S. 1556 (Wyden).

### **Marine Mammals**

H.R. 759 (Gilchrest); H.R. 2018 (Sullivan); H.R. 2130 (Gilchrest); H.R. 2323 (Farr); H.R. 2862 (Wolf); H.R. 2939 (Weldon); S.Con.Res. 33 (Snowe); S.Res. 33 (Levin); S.Res. 99 (Lautenberg); S. 260 (Inhofe); S. 270 (Lugar); S. 362 (Inouye); and S. 1224 (Boxer).