

# CRS Issue Brief for Congress

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

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## 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, H.R. 4940, H.R. 5018, H.R. 5051, S. 1224, and S. 2012. H.R. 2130, H.R. 4075, 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 requirements 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 April 6, 2006, a conference report was filed on H.R. 889, proposing to modify the authority for the Western Alaska Community Development Program, modify Bering Sea crab harvest shares for a named vessel, require the Coast Guard to integrate vessel monitoring system data into existing databases, require a Coast Guard report on detection and interdiction of foreign fishing incursions, allow U.S.-flag distant water tuna vessels to employ foreign citizens under certain circumstances, require the Coast Guard to continue cold water safety education programs, and authorize certain foreign vessels to transport fish or shellfish in Maine coastal waters. On April 6, 2006, the Senate Commerce Committee's National Ocean Policy Study held a hearing on offshore aquaculture. On April 5, 2006, the Senate Committee on Appropriations reported H.R. 4939 (amended), proposing to delete the oyster recovery authority enacted by P.L. 109-148 and provide \$1.135 billion to NMFS for Gulf Coast fishery recovery from hurricane damage, as well as funding for New England shellfish industry harmed by toxic red tide. On April 4, 2006, the Senate Committee on Commerce, Science, and Transportation reported S. 2012 (amended), proposing to amend and reauthorize the Magnuson-Stevens Fishery Conservation and Management Act. (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 inshore and coastal fisheries (generally within 3 miles of the coast). Interstate coordination occurs through three (Atlantic, Gulf, and Pacific) marine fishery commissions, created by interstate 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 MSFCMA was last reauthorized in 1996 by P.L. 104-297, the Sustainable Fisheries Act; authorization of 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, restore overfished stocks, and modify a host of regional council and federal management procedures. NMFS has implemented the 1996 amendments to meet many of the act's objectives (see [<http://www.publicaffairs.noaa.gov/releases99/jan99/noaa99-4.html>]); however, fishing industry and environmental groups have criticized 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 could 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. Bills introduced in the 109<sup>th</sup> Congress and offering extensive amendments to the MSFCMA include H.R. 1431, H.R. 4940, H.R. 5018, H.R. 5051, S. 1224, and S. 2012. H.R. 1431 would modify requirements for the appointment and training of members of regional councils and how certain regional council committees and panels conduct business. H.R. 4940 would modify how depleted fisheries are to be rebuilt, require increased consideration of economic and social impacts of fishery management, require additional attention to safety concerns, and modify research programs. 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). S. 2012 would enhance the transparency of the regional council process, mandate new requirements to restrict overfishing, establish national guidelines for limited access privilege programs, strengthen the role of science in decision-making, improve data collection and management, and address bycatch concerns. On April 4, 2006, the Senate Committee on Commerce, Science, and Transportation reported (amended) S. 2012 (S.Rept. 109-229). H.R. 5018 incorporates many of the same provisions as S. 2012 and promotes data gathering and development of new technologies. H.R. 5051 would promote ecosystem management, require overfishing to end by a date certain, and require annual harvest limits. 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*, by Eugene H. Buck and Daniel A. Waldeck.

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. 889, as passed by the House on September 15, 2005, would define community development plan in the context of the MSFCMA (§426) and modify vessel shares for crab fisheries in the Bering Sea and Aleutian Islands (§427). On October 27, 2005, the Senate amended H.R. 889 to incorporate the language of S. 1280 (deleting the two House fisheries provisions) and passed the amended H.R. 889. The conference report

(H.Rept. 109-413) on H.R. 889 adopted modified versions of the two House provisions (§§416-417). 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. 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 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). On October 27, 2005, the Senate amended H.R. 889 to incorporate the language of S. 1280 and passed the amended H.R. 889. The conference report (H.Rept. 109-413) on H.R. 889 adopted the two Senate provisions (§§803-804). 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 would rationalize the Pacific whiting (hake) fishery. S. 1635 would restrict trawling to designated areas to protect deep sea corals and sponges. S. 1837 would add Rhode Island to the Mid-Atlantic Regional Council.

## 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*, by Eugene H. Buck and John R. Dandelski; and CRS Report RL31546, *The Endangered Species Act and Science: The Case of Pacific Salmon*, by Eugene H. Buck, M. Lynne Corn, Linda Parker, and Pamela Baldwin.

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. 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*, by Daniel A. Waldeck and Eugene H. Buck.

**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). S. 2012 would reauthorize the Yukon River Salmon Act through FY2010 (§302(b)), and amend and reauthorize the Pacific Salmon Treaty Act through FY2010 (§302(d)). On April 4, 2006, the Senate Committee on Commerce, Science, and Transportation reported (amended) S. 2012 (S.Rept. 109-229). Section 3 of H.R. 4686 would reauthorize the Anadromous Fish Conservation Act through FY2012; the House Resources Subcommittee on Fisheries and Oceans held a hearing on this bill on February 16, 2006, and it was ordered reported (amended) on March 29, 2006. Section 103 of S. 2432/H.R. 5006 would designate salmon restoration areas in California.

## 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 through October 1, 2006. S. 2284/H.R. 4740 would extend the revised visa requirements of P.L. 109-13 through October 1, 2009. 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. P.L. 109-74 funded 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*, by Eugene H. Buck.) 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). S.Con.Res. 66 would affirm congressional intent that fishing (and hunting) is to be permitted on public lands in the National Wildlife Refuge System.

**Hydropower and Water Projects.** Section 241 of P.L. 109-58 (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, §2027 of H.R. 2864, and §6 of S. 2288 would amend the Water Resources Development Act of 1986 to modify requirements for mitigating 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. On February 27, 2006, the House Committee on Resources held an oversight field hearing on declining fish populations in the San Francisco Bay-San Joaquin Delta.

**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 November 16, 2005, the Senate Committee on Commerce, Science, and Transportation reported (amended) S. 363 (S.Rept. 109-181). 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, S. 770, H.R. 5030, and Title I of H.R. 5100/S. 2545 would reauthorize and amend NANPCA 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. H.R. 4771 would amend NANPCA to require all vessels equipped with ballast water tanks to conduct ballast water exchange or alternative management before entering any Great Lakes port. (For background on ballast water management, see CRS Report RL32344, *Ballast Water*



*Management to Combat Invasive Species*, by Eugene H. Buck.) 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. The House Resources Subcommittee on Fisheries and Oceans held a November 3, 2005, oversight hearing on invasive Asian carp in the Great Lakes and Mississippi River System. 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; the House Committee on Resources ordered H.R. 3049 reported on March 29, 2006. S. 1541 would establish a cooperative cost-shared grant program to control and mitigate the spread of invasive species on public lands; on November 2, 2005, the Senate Energy and Natural Resources Subcommittee on Public Lands and Forests held a hearing on this bill. H.R. 3468 would establish specific procedures to address invasive species concerns in Hawaii.

**Habitat Restoration.** Section 121 (Title I, Corps of Engineers) of P.L. 109-103 authorizes certain activities related to the Middle Rio Grande Endangered Species Act Collaborative Program beneficial to the silvery minnow. P.L. 109-183 reauthorized Upper Colorado and San Juan River Basin endangered fish recovery programs. 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. On September 23, 2005, the House Resources Subcommittee on Fisheries and Oceans held a hearing on S. 260 and H.R. 2018. Title V (Subtitle C) of S. 1224 would establish a program to restore fishery habitat with annual authorized funding of \$50 million through FY2010. 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. Section 501 of H.R. 4650 would authorize the Environmental Protection Agency to award state grants for fishery habitat protection, restoration, and enhancement. Section 109 of S. 2440 would require an outreach program for commercial and recreational fishermen and boaters to reduce the risk of oil spills or releases. S. 2422 would create a Coastal Conservation and Habitat Restoration Fund to finance fishery habitat restoration.

**Assistance.** Section 101(b) (Title I, Chapter I) of P.L. 109-148 directs the Secretary of Agriculture to pay as much as 90% of the costs of rehabilitating public and private oyster reefs damaged by hurricanes. 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. Provisions in S. 1765/S. 1766/H.R. 3958 would provide financial assistance to Louisiana fishermen and fishing vessel owners as well as targeted assistance for menhaden and oyster fisheries; other funds would benefit fishery infrastructure reconstruction, seafood marketing, and fishery habitat rehabilitation as well as fund Coast Guard contracting of commercial fishing vessels to remove debris. Section 601 of H.R. 4330/S. 2009 would provide Louisiana, Mississippi, Alabama, and Florida with \$10 million for oyster reef rehabilitation and \$60 million for fishery disaster assistance. Section 105 of H.R. 3754/S. 1692 would provide assistance to New England fisheries harmed by red tide. S. 1723 would authorize a \$50 million grant program to maintain waterfront access for commercial fishing and aquaculture. On December 15, 2005, the House Resources Subcommittee on Fisheries and Oceans held an oversight hearing on the impact of Hurricanes Katrina, Rita and Wilma on the Gulf Coast fishing industry, coastal communities, and the marine environment. Section 2 of H.R. 4686 would reauthorize the Interjurisdictional Fisheries Act through FY2012; the House Resources Subcommittee on Fisheries and Oceans held a hearing on this bill on February 16, 2006, and it was ordered reported (amended) on March 29, 2006. On March 21, 2006, the House Resources Subcommittee on Fisheries and Oceans held an oversight field hearing in Gretna, LA, on how the 2005 hurricanes affected fishery resources and associated communities. As reported (amended) by the Senate Committee on Appropriations on April 5, 2006 (S.Rept. 109-230), H.R. 4939 would delete the oyster recovery authority enacted by P.L. 109-148 and provide \$1.135 billion to NMFS for Gulf Coast fishery recovery from hurricane damage, including oyster bed and shrimp ground rehabilitation, capacity and effort reduction, seafood promotion, job retraining, damaged gear replacement, temporary service facilities, observers, cooperative research, and redevelopment of support infrastructure; this funding includes \$20 million for New England shellfish industry harmed by toxic red tide.

**Artificial Reefs.** Section 3505 of P.L. 109-163 requires a strategy and implementation plan to dispose of obsolete Maritime Administration vessels, including their use as artificial reefs, and modifies terms for transferring obsolete government vessels for use as artificial reefs. Section 6521(d) of H.R. 4241, as reported by the Committee on The Budget on November 7, 2005 (H.Rept. 109-276) and §21 of H.R. 4761 would 1) amend the OCS Lands Act to direct the Secretary of the Interior to issue regulations permitting the use of decommissioned offshore oil and gas platforms as artificial reefs, and 2) require a study of how the removal of offshore oil and gas platforms and other OCS facilities might affect existing fish stocks and coral populations. On November 18, 2005, the House passed H.R. 4241, amended, with the artificial reef and coral language removed.

**Oysters.** Section 101(b) (Title I, Chapter I) of P.L. 109-148 directs the Secretary of Agriculture to pay as much as 90% of the costs of rehabilitating public and private oyster reefs damaged by hurricanes. S. 728, as reported (amended) by the Senate Committee on Environment and Public Works 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.

**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, §211 of S. 2012, and §208 of H.R. 5051 would provide for increased efforts to study and protect deep sea corals; on April 4, 2006, the Senate Committee on Commerce, Science, and Transportation reported (amended) S. 2012 (S.Rept. 109-229). 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 and H.R. 4788 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 reported S. 1390 (amended) on November 17, 2005 (S.Rept. 109-182), and the Senate passed this measure (amended) on December 15, 2005. H.R. 3469 would prohibit the import, export, and take of certain coral reef species. S. 1635/H.R. 3778 would designate areas where trawling is permitted to protect deep sea corals and sponges.

**International Fisheries.** Section 103(4) of S. 600 would authorize \$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 \$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. Section 7 of H.R. 4686 would reauthorize the Northwest Atlantic Fisheries Convention Act through FY2012; the House Resources Subcommittee on Fisheries and Oceans held a hearing on this bill on February 16, 2006, and it was ordered reported (amended) on March 29, 2006.

**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. Section 405 of S. 2012 and §6 of H.R. 4686 would reauthorize the Atlantic Tunas Convention Act through FY2012; the House Resources Subcommittee on Fisheries and Oceans held a hearing on H.R. 4686 on February 16, 2006, and this bill was ordered reported (amended) on March 29, 2006. Title V of S. 2012 would implement the Western and Central Pacific Fisheries Convention. On April 4,

2006, the Senate Committee on Commerce, Science, and Transportation reported (amended) S. 2012 (S.Rept. 109-229). As passed by the Senate, §218 of H.R. 889 would allow U.S. tuna vessels operating out of American Samoa to use non-United States licensed and documented personnel to meet manning requirements for four years; the conference report (H.Rept. 109-413) on H.R. 889 adopted a modified Senate provision (§421).

**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. On March 8, 2006, the House passed H.R. 4167 after amending it to prevent the National Uniformity for Food Act from affecting any state action that establishes a notification requirement regarding mercury in fish and shellfish.

**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. 3363 would amend the Tariff Act of 1930 to repeal drawback and refund of duty requirements relating to imported salt for curing fish. H.R. 3635 would suspend temporarily the duty on certain sardines in oil, in airtight containers, neither skinned nor boned. H.R. 3636 would suspend temporarily the duty on prepared or preserved oysters, not smoked. Section 301(b) of S. 1963 would clarify that commercial fishermen are eligible for trade adjustment assistance.

**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). On October 27, 2005, the Senate amended H.R. 889 to incorporate the language of S. 1280 and passed the amended H.R. 889. The conference report (H.Rept. 109-413) on H.R. 889 adopted the Senate provision relating to cold water safety education (§405). S. 1473 would amend the Internal Revenue Code to provide a business credit against income for the purchase of fishing safety equipment.

**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. S. 2430/H.R. 4953 would implement recommendations of the Great Lakes Fishery Resources Restoration Study. H.R. 5089 would authorize the Great Lakes Fishery Commission to investigate effects of migratory birds on fish stock productivity.

**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." H.R. 629 would extend certain tax credits, beneficial to American Samoa tuna canneries, through January 1, 2016. H.R. 3944 would amend the Internal Revenue Code to allow fishermen a temporary credit against income tax to offset high fuel costs. Section 203 of H.R. 3908 would amend the Internal Revenue Code to exempt payments for certain landowner incentive programs that restore or protect habitat from gross revenue.

**Marine Debris.** S. 362 and H.R. 3692 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 S. 362 (with amendment) on April 13, 2005 (S.Rept. 109-56), and the Senate passed this bill (amended) on July 1, 2005. On September 29, 2005, the House Resources Subcommittee on Fisheries and Oceans held a hearing on S. 362; the Committee reported this measure (amended) on December 8, 2005 (H.Rept. 109-332, Part I).

**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. Section 105 of H.R. 4560 identifies the improvement of water quality in the Gulf of Mexico impaired by hypoxia as eligible for funds from a Clean Water Trust Fund.

**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).

**Marketing and Labeling.** H.R. 710 would provide assistance for the construction, improvement, and rehabilitation of farmers markets, including those selling local aquaculture and commercial fishing products. 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.

**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). On October 27, 2005, the Senate amended H.R. 889 to incorporate the language of S. 1280 and passed the amended H.R. 889. The conference report (H.Rept. 109-413) on H.R. 889 adopted a modified Senate provision (§418).

**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.

**Fishing Vessels.** H.R. 1442 would complete codification of Title 46, U.S. Code, including fishery endorsements for vessels and financial assistance; this bill was reported (amended) July 14, 2005, by the House Committee on Judiciary (H.Rept. 109-170), and passed by the House (amended) on November 16, 2005.

**Dungeness Crab.** Section 302(f) of S. 2012 and §5 of H.R. 4686 would reauthorize and amend the Dungeness Crab Fishery Management Act through FY2012; the House Resources Subcommittee on Fisheries and Oceans held a hearing on H.R. 4686 on February 16, 2006, and this bill was ordered reported (amended) on March 29, 2006. On April 4, 2006, the Senate Committee on Commerce, Science, and Transportation reported (amended) S. 2012 (S.Rept. 109-229).

**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*, by Eugene H. Buck.

**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.

**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.

## 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 [gbuck@crs.loc.gov](mailto:gbuck@crs.loc.gov)); and CRS Report RL32694, *Open Ocean Aquaculture*, by Rachel Borgatti and Eugene H. Buck.

## 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.

**Fish 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. H.R. 4957 would direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania. H.R. 5061 would direct the Secretary of the Interior to convey the Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery to the State of Virginia.

**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. S. 1636/H.R. 3702 would provide agricultural disaster assistance to aquaculture producers that incurred losses for their 2005 crop due to damaging weather or related conditions. Section 203 of H.R. 3809 and §101 of H.R. 4330/S. 2009 would authorize payments of Commodity Credit Corporation funds for loss of aquaculture crops due to a 2005 hurricane; §4 of S. 1804 would authorize payments of Commodity Credit Corporation funds for any crop loss (including fisheries) due to a disaster. S. 1723 would authorize a \$50 million grant program to maintain waterfront access for commercial fishing and aquaculture. Various Louisiana aquaculture operators harmed by Hurricane Katrina would receive assistance in S. 1765/S. 1766/H.R. 3958 — §525 would provide for an emergency distribution of antidumping duties collected on imported Chinese crawfish to benefit Louisiana crawfish growers, a provision in Subtitle L would provide funds for alligator farmers, and provisions in Subtitle D would fund oyster hatcheries and restoration of oyster beds and reefs. On December 15, 2005, the House Resources Subcommittee on Fisheries and Oceans held an oversight hearing on the impact of Hurricanes Katrina, Rita, and Wilma on the Gulf Coast fishing industry, coastal communities, and the marine environment.

**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. Section 6521 of H.R. 4241, as reported by the Committee on The Budget on November 7, 2005 (H.Rept. 109-276) and §21(b) of H.R. 4761 would amend the OCS Lands Act to direct the Secretary of the Interior to issue regulations permitting the use of decommissioned offshore oil and gas platforms for aquaculture. On November 18, 2005, the House passed H.R. 4241 (amended), with the aquaculture provision removed. On April 6, 2006, the Senate Commerce Committee's National Ocean Policy Study held a hearing on offshore aquaculture. For additional information on offshore aquaculture development, see CRS Report RL32694, *Open Ocean Aquaculture*, by Rachel Borgatti and Eugene H. Buck.

**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. H.R. 4879/S. 2411 would liquidate or reliquidate certain salmon entries at Miami without antidumping duties or interest.

**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*, by Rachel Borgatti and Eugene H. Buck.

**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.

**Disease.** S. 572 and S. 573 seek to improve the federal response to agricultural diseases, including diseases at aquaculture operations. The Senate Committee on Homeland Security and Governmental Affairs reported S. 572 (amended) on September 27, 2005.

**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.

**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.

**Tax Provisions.** H.R. 3874 would amend the Internal Revenue Code to provide for tax-exempt qualified small issue bonds to finance aquacultural processing property.

## 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. The MMPA 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 MMPA, 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 Marine Mammal Protection Act Amendments of 1994; the authorization of 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 below their optimum sustainable population levels due to interactions with commercial fisheries, and for studying pinniped-fishery interactions.

**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 and H.R. 4075 propose various amendments to the MMPA and authorize 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. H.R. 3839 would amend the MMPA to repeal the long-term goal for reducing to zero the incidental mortality and serious injury of marine mammals in commercial fishing operations, and to modify the goal of take reduction plans for reducing such takings. Section 25 of H.R. 3824, as passed by the House (amended) on September 29, 2005, would declare that §7 consultation under the Endangered Species Act is equivalent to a §101 incidental take authorization required under the MMPA for dock building permits. 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*, by Eugene H. Buck.

## 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. On September 23, 2005, the House Resources Subcommittee on Fisheries and Oceans held a hearing on S. 260 and H.R. 2018.

**Marine Debris.** S. 362 and H.R. 3692 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 S. 362 (with amendment) on April 13, 2005 (S.Rept. 109-56), and the Senate passed this bill (amended) on July 1, 2005. On September 29, 2005, the House Resources Subcommittee on Fisheries and Oceans held a hearing on S. 362; the Committee reported this measure (amended) on December 8, 2005 (H.Rept. 109-332, Part I).

**Whaling.** S.Con.Res. 33/H.Con.Res. 164 express the sense of the Congress regarding the policy of the United States at the 57th Annual Meeting of the International Whaling Commission. H.Con.Res. 267 would express the sense of Congress relating to Makah treaty rights and whaling; the House Committee on Resources reported this measure (amended) on November 10, 2005 (H.Rept. 109-283).

**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 RL33133, *Active Military Sonar and Marine Mammals: Events and References*, by Eugene H. Buck and Kori Calvert.

**Polar Bear.** S. 2013 would implement the Agreement on the Conservation and Management of the Alaska-Chukotka Polar Bear Population; the Senate Committee on Commerce, Science, and Transportation reported this measure on February 27, 2006 (S.Rept. 109-217).

**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 a report on the observed and projected effects of climate change on marine life and habitat.

**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 promote southern sea otter recovery and research.

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

## 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); P.L. 109-59 (H.R. 3); P.L. 109-74 (H.R. 3649); P.L. 109-103 (H.R. 2419); P.L. 109-108 (H.R. 2862); P.L. 109-148 (H.R. 2863); P.L. 109-163 (H.R. 1815); and P.L. 109-183 (S. 1578).

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. 889 (Young of Alaska); 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. 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. 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. 3363 (Brady of Texas); H.R. 3468 (Case); H.R. 3469 (Case); H.R. 3562 (Hooley); H.R. 3635 (Tauscher); H.R. 3636 (Tauscher); H.R. 3692 (Pallone); H.R. 3754 (Pomeroy); H.R. 3778 (Shaw); H.R. 3809 (Peterson of Minnesota); H.R. 3908 (Blunt); H.R. 3944 (Allen); H.R. 3958 (Melancon); H.R. 4167 (Rogers of Michigan); H.R. 4241 (Nussle); H.R. 4330 (Diaz-Balart); H.R. 4560 (Duncan); H.R. 4686 (Gilchrest); H.R. 4740 (Bass); H.R. 4771 (Kirk); H.R. 4788 (Faleomavaega); H.R. 4879 (Michaud); H.R. 4939 (Lewis of California); H.R. 4940 (Frank); H.R. 4953 (Kildee); H.R. 4957 (Peterson of Pennsylvania); H.R. 5006 (Solis); H.R. 5018 (Pombo); H.R. 5030 (Miller of Michigan); H.R. 5051 (Gilchrest); H.R. 5061 (Boucher); H.R. 5089 (Stupak); H.R. 5100 (Ehlers); S.Con.Res. 12 (Feingold); S.Con.Res. 66 (Vitter); 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. 1567 (Stevens); S. 1635 (Lautenberg); S. 1692 (Conrad); S. 1723 (Collins); S. 1765 (Landrieu); S. 1766 (Vitter); S. 1837 (Reed); S. 1963 (Baucus); S. 2009 (Martinez); S. 2012 (Stevens); S. 2029 (Stevens); S. 2284 (Mikulski); S. 2288 (Feingold); S. 2411 (Snowe); S. 2422 (Vitter); S. 2430 (DeWine); S. 2432 (Boxer); and S. 2545 (DeWine).

**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); H.R. 3702 (Berry); H.R. 3874 (Fortenberry); H.R. 3958 (Melancon); H.R. 4241 (Nussle); H.R. 4330 (Diaz-Balart); H.R. 4761 (Jindal); 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); S. 1556 (Wyden); S. 1636 (Durbin); S. 1723 (Collins); S. 1765 (Landrieu); S. 1766 (Vitter); S. 1804 (Lincoln); and S. 2009 (Martinez).

**Marine Mammals:** P.L. 109-108 (H.R. 2862).

H.Con.Res. 267 (Pombo); H.R. 759 (Gilchrest); H.R. 2018 (Sullivan); H.R. 2130 (Gilchrest); H.R. 2323 (Farr); H.R. 2939 (Weldon); H.R. 3692 (Pallone); H.R. 3824 (Pombo); H.R. 3839 (Young of Alaska); H.R. 4075 (Pombo); S.Con.Res. 33 (Snowe); S.Res. 33 (Levin); S.Res. 99 (Lautenberg); S. 260 (Inhofe); S. 270 (Lugar); S. 362 (Inouye); S. 1224 (Boxer); and S. 2013 (Stevens).