
Issue Brief for Congress

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Fishery, Aquaculture, and Marine Mammal Legislation in the 107th Congress

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Fishery, Aquaculture, and Marine Mammal Legislation

SUMMARY

Fish and marine mammals are important resources in the open ocean and nearshore coastal areas. A diverse body of laws and regulations guides the management of these resources by a multitude of federal agencies.

Reauthorization of major legislation in this issue area — the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) and the Marine Mammal Protection Act (MMPA) — was on the agenda of the 107th Congress, since the authorization of appropriations for both laws expired at the end of FY1999. In the 107th Congress, reauthorization bills were introduced in the House — H.R. 2570 and H.R. 4749 on the MSFCMA, and H.R. 4781 on the MMPA, and oversight hearings were held in both Chambers. H.R. 4749 was reported to the House, while H.R. 4781 was marked up in Subcommittee.

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

Legislation related to commercial and sport fisheries enacted by the 107th Congress provided funding for capacity reduction programs for New England fisheries; modified terms of the American Fisheries Act; extended state authority to manage West Coast Dungeness crab; required a report on efforts to expand the promotion, marketing, and purchas-

ing of pouched and canned salmon harvested and processed in the United States; authorized a feasibility study of fish passage at Chiloquin Dam, OR; authorized the waiver of state fishing regulations at military facilities; extended the interstate compact relating to Atlantic salmon restoration for 20 years; extended Coast Guard fishing vessel safety programs; and extended priorities for National Sea Grant College Program competitive grant awards.

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, crawfish, shellfish, and trout. Legislation related to aquaculture enacted by the 107th Congress extended authorization for aquaculture research facilities, reauthorized the National Aquaculture Act, defined what fish may be labeled and advertized as catfish, and required the labeling of both farm-raised and wild fish as to country of origin and to distinguish between wild and farm-raised fish.

Marine mammals are protected under the MMPA. This Act authorizes restricted use (“take”) of marine mammals and addresses specific situations of concern, such as dolphin mortality primarily associated with the eastern tropical Pacific tuna fishery.

Legislation enacted by the 107th Congress related to marine mammals required the National Park Service to prepare an environmental impact statement on vessel entries to Glacier Bay National Park to assess possible impacts on whale populations.

MOST RECENT DEVELOPMENTS

On December 19, 2002, President Bush signed H.R. 4883 (miscellaneous fisheries reauthorizations, NOAA's Chesapeake Bay Program office, emergency towing of subsistence whales) and H.R. 5099 (endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins) into law as P.L. 107-372 and P.L. 107-375, respectively. On November 26, 2002, President Bush signed H.R. 3389 into law as P.L. 107-299 (National Sea Grant College Program competitive grant priorities). On November 25, 2002, President Bush signed S. 1214 into law as P.L. 107-295 (Coast Guard fishing vessel safety). (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 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. The enactment of the Fishery Conservation and Management Act (FCMA) in 1976 (later renamed the Magnuson Fishery Conservation and Management Act after the late Senator Warren G. Magnuson, and more recently the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) [<http://www.nmfs.noaa.gov/sfa/magact/>] after Senator Ted Stevens) ushered in a new era of federal marine fishery management. Under this Act, 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 NOAA Fisheries (formerly the National Marine Fisheries Service) [<http://www.nmfs.noaa.gov/>] within the National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce.

Eight Regional Fishery Management Councils (FMCs) were created by the FCMA [<http://www.nmfs.noaa.gov/councils/>]. FMC members are appointed by the Secretary of Commerce from candidates knowledgeable of fishery resources, nominated by coastal state Governors. The FMCs 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*. Individual states manage marine fisheries in inshore and coastal waters (generally within 3 miles of the coast). 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.

Magnuson Act Reauthorization

Background. The MSFCMA was last reauthorized in 1996 by P.L. 104-297, the Sustainable Fisheries Act [<http://www.nmfs.noaa.gov/sfa/>]; authorization for appropriations expired on September 30, 1999. The 1996 amendments established fish conservation initiatives directing NOAA Fisheries and regional councils to protect essential fish habitat, minimize incidental fish bycatch, and restore overfished stocks. In addition, a host of modifications to regional council management procedures and federal management policy were enacted. NOAA Fisheries contends that implementation of the 1996 amendments has met many of the Act's objectives [<http://www.publicaffairs.noaa.gov/releases99/jan99/noaa99-4.html>]; fishing industry and environmental groups have criticized NOAA Fisheries and regional council implementation efforts. While environmental groups have expressed concerns that NOAA Fisheries and regional councils have not been as responsive as needed on conservation measures, fishing industry representatives are concerned that too stringent an application of conservation measures may cripple commercial fishing and bankrupt many fishermen.

Congressional Action. At issue for the 107th Congress were 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 in the 107th Congress, see CRS Report RL30215, *The Magnuson-Stevens Fishery Conservation and Management Act: Reauthorization Issues for the 107th Congress*. In September 2002, CRS prepared a side-by-side comparison of House and Senate language proposing to amend the MSFCMA in the 107th Congress as a congressional distribution memorandum.

Hearings. On January 16, 2001, the Senate Committee on Commerce, Science, and Transportation held a field hearing in Newport, OR, on the decline of the west coast groundfish fishery. On April 4, 2001, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held an oversight hearing on implementation of the Sustainable Fisheries Act and the Reauthorization of the MSFCMA. On May 2, 2001, the Senate Commerce Subcommittee on Oceans and Fisheries held a hearing on S. 637 and individual fishing quota (IFQ) systems. On May 10, 2001, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held an oversight hearing on capacity reduction programs, federal investments in fisheries, and reauthorization of the MSFCMA. On June 14, 2001, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held an oversight hearing on ecosystem-based fishery management. On July 19, 2001, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on the Western Alaska and Western Pacific Community Development Quota Programs and on H.R. 553. On August 2, 2001, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on H.R. 1367, authorizing actions to conserve and rebuild overfished stocks of Atlantic highly migratory species. On December 11, 2001, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held an oversight field hearing in Ocean City, MD, on cooperative research issues as they affect reauthorization of the MSFCMA. On February 13, 2002, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held an oversight hearing on individual fishing quotas.

On May 2, 2002, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held an oversight hearing on proposed draft legislation to amend the Magnuson-Stevens Act. On May 9, 2002, the Senate Commerce Subcommittee on Oceans, Atmosphere, and Fisheries held an oversight hearing on management issues facing NMFS/NOAA Fisheries. On May 23, 2002, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on marine protected areas as a fishery management tool. On September 26, 2002, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on H.Con.Res. 427, regarding sanctions by the International Commission for the Conservation of Atlantic Tunas on nations undermining the effectiveness of conservation and management measures for Atlantic marlin.

Bills. H.R. 2570 and H.R. 4749 were the only bills introduced in the 107th Congress proposing reauthorization and extensive amendment of the MSFCMA; the House Resources Committee reported H.R. 4749 (amended) on October 11, 2002 (H.Rept. 107-746). Other bills dealt with single issues — H.R. 108 proposed a moratorium on bottom trawling and the use of other mobile fishing gear on the seabed in certain areas off the coasts of the United States. H.R. 470 would have prohibited commercial harvesting of striped bass. H.R. 553 would have modified the western Alaska community development quota program. On July 19, 2001, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on H.R. 553. H.R. 644 would have approved a governing international fishery agreement with Estonia. H.R. 1367 would have authorized actions to conserve and rebuild overfished stocks of Atlantic highly migratory species; the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on H.R. 1367 on August 2, 2001. S. 637 would have authorized individual fishery quota (IFQ) systems. S. 973 and H.R. 2376 would have expedited assistance to address the commercial fishery failure in the Pacific Coast groundfish fishery. H.R. 2673 would have amended the MSFCMA to prohibit offering for sale, selling, or purchasing shark fins. H.R. 4003 and S. 2593 would have prohibited certain types of bottom trawling gear. H.R. 4618 would have prohibited pelagic longline fishing in the EEZ off the Pacific coast. H.R. 4895 would have established an NMFS/NOAA Fisheries program for pelagic longline highly migratory species bycatch and mortality reduction research. H.R. 5595 would have provided direction to the Secretary of Commerce on appointing members to the Marine Protected Areas Advisory Committee. H.Con.Res. 427 expressed congressional interest in increased attention to international aspects of Atlantic marlin management. H.R. 5030 would have modified the definition of essential fish habitat. S. 2627 would have prohibited gillnet fisheries offshore of Georgia. S. 1314, H.R. 3104, and H.R. 3547 would have limited the federal government's ability under the Magnuson Act to promulgate regulations that would close areas to recreational fishing. S. 2972 would have established a national cooperative research and management program. S. 3110 would have required further study before amendment 13 to the New England Council's Northeast Multispecies (groundfish) Management Plan was implemented. No action was taken on any of these measures.

On November 20, 2002, the Senate passed an amended H.R. 1989, inserting language to 1) require a Department of Commerce report on overcapacity in 20 U.S. fisheries, 2) establish a capacity reduction program for West Coast groundfish and capacity reduction planning for New England groundfish, 3) authorize Secretarial flexibility in extending rebuilding times for overfished stocks; 4) review of NOAA Fisheries data collection and assessment; 5) authorize cooperative enforcement agreements and fisheries outreach and

training, 6) create a national cooperative research and management program, 7) authorize cooperative marine education and research and certain Gulf of Mexico Council matters, and 8) modify foreign fishing restrictions to permit fishing by Canadian albacore tuna vessels. No further action was taken on this measure.

P.L. 107-171 included §10107 appropriating “such sums as are necessary” to support a voluntary fishing capacity reduction program for the New England multispecies commercial fishery, within one year of this measure’s enactment. P.L. 107-206 included 1) language to make Fisheries Finance Program Account funds available to subsidize gross obligations for the principal amount of direct loans not to exceed \$5,000,000 for Individual Fishing Quota loans, and not to exceed \$19,000,000 for traditional loans; 2) \$11 million in economic assistance to New England fishermen and fishing communities (§210); 3) \$5 million of direct economic assistance to New England fishermen and communities to support port security (§211); and 4) a \$0.5 million loan guarantee for a \$50 million capacity reduction program for the West Coast groundfish fishery (§212). Section 802 of S. 3018 would have disregarded any payments relating to the West Coast groundfish fishery under P.L. 106-246 from any accounting for eligibility purposes for benefits or assistance under federal programs; no further action was taken on this measure.

Section 2202 of P.L. 107-20 (H.R. 2216, FY2001 Supplemental Appropriations) amended the American Fisheries Act (AFA) to alter provisions relating to the applicability of U.S. ownership standards to banks holding commercial fishing vessel mortgages. P.L. 107-77 extended state authority to manage the West Coast Dungeness crab fishery through FY2006 (§624(a)) and amended the AFA to delete a sunset provision and make permanent a prohibition on direct pollock fishing by non-AFA catcher/processors (§211). In addition, §205 of P.L. 107-117 amended the AFA, making the entire \$100 million for the fishing capacity reduction program available as a loan under Title XI of the Merchant Marine Act, 1936. Section 5603 of H.R. 5569 would have deleted the sunset provision on state authority to manage the West Coast Dungeness crab fishery; no action was taken on this measure.

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 harvest, habitat modification by competing resource industries and human development, and hatcheries seeking to supplement natural production but sometimes unintentionally causing genetic or developmental concerns. In response to declining salmon populations in Washington, Oregon, Idaho, and California, discrete population units have been listed as endangered or threatened species under the Endangered Species Act. For background on this issue, see CRS Report 91-267 ENR, *Pacific Salmon and Steelhead: Potential Impacts of Endangered Species Act Listings*, CRS Report 98-666 ENR, *Pacific Salmon and Anadromous Trout: Management Under the Endangered Species Act*, and CRS Issue Brief IB10072, *Endangered Species: Difficult Choices*.

Congressional action. H.R. 1157 and S. 1825 would have authorized the Secretary of Commerce to provide financial assistance to Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects. H.R. 1157 was reported on June 12, 2001

(H.Rept. 107-95), and was passed, amended, by the House on June 13, 2001, by a vote of 418-6. The language of H.R. 1157 was also included as §§5001-5012 of H.R. 5569. On May 14, 2002, the Senate Commerce Subcommittee on Oceans, Atmosphere, and Fisheries held a hearing on S. 1825. H.R. 2409 would have amended the Endangered Species Act to transfer responsibility for anadromous (e.g., salmon and steelhead trout) and catadromous fish to the Secretary of the Interior; no action was taken on this measure. On March 21, 2001, the Senate Energy and Natural Resources Subcommittee on Water and Power held an oversight hearing on the Klamath Project in Oregon. H.R. 5698 would have provided emergency disaster assistance for individuals and businesses harmed by the fall 2002 Klamath River fish kill as well as establish water conservation and habitat restoration programs for this drainage. H.R. 2573 proposed to direct NOAA Fisheries to seek peer review and conduct studies on the impacts of Columbia River basin federal dams on salmon and steelhead trout; no action has been taken on this measure. On March 15, 2002, the House Committee on The Budget reported H.Con.Res. 353, wherein §406(b) expressed the sense of Congress that Pacific Northwest salmon recovery is a high-priority item for funding in the FY2003 federal budget (H.Rept. 107-376); this measure was passed by the House on March 20, 2002. Section 103 of S. 2535 and §104 of H.R. 4948 would have designated “salmon restoration areas” in northern California. Section 421 of H.R. 5428 would have required a feasibility study of fish passage improvements in Oregon; H.R. 5428 was reported (amended, fish passage language in §422) by the Committee on Transportation on October 2, 2002 (H.Rept. 107-717). Section 212 of S. 2711 would have declared that the Trinity River Mainstem Fishery Restoration record of decision complies with all provisions of law; this measure was reported (amended) by the Senate Committee on Indian Affairs on August 28, 2002 (S.Rept. 107-247), and passed the Senate (amended) on November 20, 2002. Section 139 of H.R. 5093 would have required mass marking of salmon produced at federal hatcheries; this measure was reported July 11, 2002 (H.Rept. 107-564) and passed by the House on July 17, 2002. Section 10902 of P.L. 107-171 required the Secretary of Agriculture to report to Congress on efforts to expand the promotion, marketing, and purchasing of pouched and canned salmon harvested and processed in the United States under food and nutrition programs administered by the Secretary.

Other Miscellaneous Issues

Country of Origin. P.L. 107-171 contained §10816 requiring the labeling of both farm-raised and wild fish as to country of origin and to distinguish between wild and farm-raised fish. Implementing regulations are required by September 30, 2004. For additional information, see CRS Report 97-508, *Country-of-Origin Labeling for Foods: Current Law and Proposed Changes*. Section 208 of P.L. 107-206 modified the definition of “wild fish” contained in P.L. 107-171. Country of origin language that was included as §1001 of H.R. 3009, as passed by the Senate, was deleted in conference and did not appear in P.L. 101-210.

Agriculture and Fish. Section 5 in both H.R. 2202 and S. 1148 would have required fish protection devices for the Lower Yellowstone Irrigation Project; the House Resources Subcommittee on Water and Power held a hearing on H.R. 2202 on June 5, 2002. H.R. 2202 was reported (amended) by the House Committee on Resources on October 16, 2002 (H.Rept. 107-760). H.R. 1985, H.R. 3208, H.R. 4657, S. 976, and S. 1768 would have authorized an “environmental water account” for the CALFED project to provide water for protection and recovery of fish; H.R. 3208 was reported (amended) by the House Committee on Resources on February 14, 2002 (H.Rept. 107-360, Part I), and S. 1768 was reported

(amended) by the Senate Committee on Energy and Natural Resources on June 24, 2002 (S.Rept. 107-171). Section 302 of H.R. 2404 would have established performance objectives for fish population management under the California Bay-Delta Project, and required annual reports to Congress. On July 26, 2001, the House Resources Subcommittee on Water and Power held a hearing on H.R. 2404. Section 10905 of P.L. 107-171 authorized the Secretary of the Interior to study the feasibility of providing for fish passage at Chiloquin Dam, Oregon.

Atlantic Salmon. Section 10812 of P.L. 107-171 extends, for 20 years, the consent of Congress to the interstate compact on restoring Atlantic salmon in the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission. S.Res. 277 would have expressed the sense of the Senate regarding the policy of the United States at the 19th Annual Meeting of the North Atlantic Salmon Conservation Organization. Section 5604 of H.R. 5569 would have authorized appropriations for the Connecticut River Atlantic Salmon Commission through FY2010. No action was taken on either S.Res. 277 or H.R. 5569.

Military Waiver from State Fishing Regulations. Section §2811(a)(2) of P.L. 107-107 authorized the waiver of state fishing regulations, including the authority to extend but not reduce seasons, at military installations.

Hydropower and Fish. Section 6403 of H.R. 4 and §404 of H.R. 2436 proposed to study and implement increased operational efficiencies at hydroelectric power projects. H.R. 2436 was reported by the House Committee on Resources on July 25, 2001 (H.Rept. 107-160, Part 1). Section 701(b) of S. 597, §401 in both H.R. 4 and H.R. 2587, §16 of H.R. 3800, and §301(b) of S. 1766 would have allowed federal hydropower licensees to propose alternative fishways to any required by the Federal Energy Regulatory Commission as long as the alternative was based on sound science and would result in equal or greater fish passage. Section §4(a)(2)(D) of H.R. 2460, §1403(a)(8) of S. 597, §1221(b)(8) of S. 1766, §2004(a)(2)(D) of H.R. 4, §101(a)(6) of H.R. 2478, and §102(a)(6) of H.R. 2324 would have established a federal hydropower technology goal of developing, with industry, a new generation of turbine technologies that was less damaging to fish and aquatic ecosystems. H.R. 2587 was reported on July 25, 2001 (H.Rept. 107-162, Part 1), with a supplemental report on August 1, 2001 (H.Rept. 107-162, Part II). H.R. 2460 was reported (amended) on July 31, 2001 (H.Rept. 107-177). H.R. 4 was passed by the House, amended, on August 2, 2001, and passed the Senate, amended to contain much of the language of S. 1766, on April 25, 2002. A conference committee deliberated on H.R. 4. The Senate Committee on Energy and Natural Resources held an extensive series of hearings on S. 597. Section 2(a) of H.R. 1832, §4(a) of S. 71, and §724(a) in both S. 388 and S. 389 proposed to modify the federal licensing process to increase hydroelectric power generation by altering how factors were to be considered before requiring fishways under the Federal Power Act. Hearings were held on S. 71 by the Committee on Energy and Natural Resources on July 19, 2001, while an extensive series of hearings has been held by the same Committee on S. 388.

Aquatic Invasive Species. H.R. 2732 proposed to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to direct the Secretary of the Interior to prevent westward spread of aquatic nuisance species across the 100th meridian, monitor water bodies, and provide rapid response capacity in Western States. H.R. 5395 and Title II of S. 2964 would have established marine and freshwater research, development, and demonstration programs to prevent, control, and eradicate invasive species. H.R. 5396 and

Titles I and III of S. 2964 would have reauthorized the Nonindigenous Aquatic Nuisance Prevention and Control Act through FY2007 and amended this Act to expand programs to address aquatic invasive species control. On November 14, 2002, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans and the House Science Subcommittee on Environment, Technology, and Standards held a joint hearing on H.R. 5395 and H.R. 5396. Section 7 of P.L. 107-299 authorized priority funding of \$5 million annually to the National Sea Grant College Program for FY2003-2008 for competitive grants in each of the following areas: 1) zebra mussel biology and control; 2) oyster diseases, oyster restoration, and oyster-related human health risks; and 3) the biology, prevention, and forecasting of harmful algal blooms, including *Pfiesteria piscicida*; also \$3 million in competitive grants for fishery extension activities was identified. H.Res. 560 would have expressed support for ballast water treatment regulations. H.R. 3558 would have authorized a state native species protection assessment grant program, a native heritage grant program, refuge system demonstration projects, and a rapid response capability address harmful nonnative species concerns: three House Resources Committee Subcommittees held a joint hearing on H.R. 3558 on March 14, 2002. This measure was reported (amended) on June 18, 2002 (H.Rept. 107-512). No action was taken on any of the other measures.

Vessel Safety. S. 162 and H.R. 2419 proposed to amend the Internal Revenue Code to provide a business credit against income for the purchase of fishing vessel safety equipment; no action was taken on either bill. H.R. 2228 would have authorized assistance to families of fishermen involved in disasters; the House Transportation and Infrastructure's Subcommittee on Coast Guard and Maritime Transportation held a hearing on this measure on June 12, 2002. P.L. 107-295 included §331 extending the authorization of the U.S. Coast Guard's Commercial Fishing Industry Vessel Safety Advisory Committee through FY2005; §430 authorizing Coast Guard support for fishing vessel safety training; and §441 eliminating the requirement that a fishing vessel owner also sign any employment agreement for crew. Section 558 of P.L. 107-217 authorized the donation of forfeited vessels to educational institutions with a commercial fishing vessel safety program or other vessel safety, education and training program.

Fishery Trade. S. 1813 would have required the U.S. Trade Representative to inform key House and Senate Committees on negotiations and agreements on fish and shellfish. H.R. 5578 would have modified certain aid programs that benefit seven nations exporting large quantities of shrimp to the United States. No action was taken on either S. 1813 or H.R. 5578. S. 1100 and Title V of S. 1209/H.R. 3670/S.2737 would have authorized a program for trade adjustment assistance to fishermen; S. 1209 was reported (amended) on February 4, 2002, by the Senate Committee on Finance (S.Rept. 107-134). Section 3103(b)(4) of P.L. 107-210 established a general rule for tuna imported from Bolivia, Colombia, Ecuador, and Peru to 1) include a U.S. or Andean flagged vessel rule of origin requirement; and 2) authorize the President to grant duty-free treatment for Andean exports of tuna packed in foil containers weighing not more than 6.8 kg. In addition, §3106 modified calculation of the MFN tariff-rate quota on tuna to be based on 4.8% of apparent domestic consumption of tuna in airtight containers rather than domestic production. Language that would have provided trade adjustment assistance to fishermen, added by the Senate, was deleted in conference.

Coral. H.R. 2272 would have amended the Foreign Assistance Act of 1961 to provide debt relief to developing countries that protect coral reef habitat; this measure was passed

(amended) by the House on October 16, 2001. Section 209 of P.L. 107-206 directs that \$2.5 million be expended for a cooperative agreement with the National Defense Center of Excellence for Research in Ocean Sciences to conduct coral mapping near the Hawaiian Islands. On June 27, 2002, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held an oversight hearing on the Coral Reef Conservation Act of 2000, Executive Order 13089, and the oceanic conditions contributing to coral reef decline.

Miscellaneous Reauthorizations. P.L. 107-372 reauthorized 1) the Interjurisdictional Fisheries Act (§302), 2) the Anadromous Fish Conservation Act (§303), 3) the Atlantic Tunas Convention Act of 1975 (§304), and 4) the Northwest Atlantic Fisheries Convention Act of 1995 (§305). All authorizations were extended through FY2006. In addition, this measure extended the deadline for the Commission on Ocean Policy Report) and increased the authorization of appropriations for this Commission.

International Fisheries. P.L. 107-228 extended authorizations for international fishery commissions through FY2003 (§114(4)), modified travel provided for Great Lakes Fishery Commission advisory committee members (§208), and clarified that authority under the Fishermen's Protective Act resides with the Secretary of State (§209). S.Res. 311 would have expressed the sense of the Senate that U.S. officials, at the World Summit on Sustainable Development and in binding international agreements, support and pursue means to 1) reduce global fishing fleet overcapacity to sustainable levels; 2) reduce bycatch and protect endangered migratory species, such as sea turtles, marine mammals, and sea birds; 3) address the international aspects of marine debris; 4) combat the degradation and destruction of coral reefs; and 5) reduce land-based pollution such as sewage and other nutrients; no action was taken on S.Res. 311.

Bankruptcy. On March 15, 2001, S. 420 was amended in §1007 to include similar provisions for family fishermen as currently apply to family farmers under Chapter 12 of the bankruptcy laws, and was passed by the Senate on a vote of 83-15. On July 17, 2001, the Senate amended H.R. 333 to include the language of S. 420 relating to protection of family fishermen, and passed H.R. 333, as amended, by a vote of 82-16. On July 26, 2002, a conference report was filed on H.R. 333 (H.Rept. 107-617), including the family fishermen provisions in §1007. On November 15, 2002, the House amended H.R. 333 to insert the language of H.R. 5745. The family fishermen language appeared in §1007 of H.R. 5744/H.R. 5745. Section 8 of H.R. 5348/S. 3174 would have separately addressed this same issue; no action was taken on H.R. 5348, H.R. 5744, or S. 3174. In addition, H.Con.Res. 488 proposed incorporating the language from §8 of H.R. 5348 as Title V of H.R. 2215 during consideration of the conference report on H.R. 2215; this was not adopted.

Sport Fish Restoration. Section 106(b) of S. 990 would have exempted the Dingell-Johnson Sport Fish Restoration Program from the Federal Advisory Committee Act; this measure was reported (amended) on December 13, 2001 (S.Rept. 107-123) and passed by the Senate on December 20, 2001. The House passed S. 990 (amended) on November 15, 2002. Section 5(c)(2)(A) of S. 2678 and §3(b)(1)(B) of S. 2861 would have extended the transfer of Highway Trust Funds into the Sport Fish Restoration Account from FY2005 to FY2009 (S. 2861) or FY2011 (S. 2678); no action was taken on either measure.

Organic Labeling. On February 13, 2002, the Senate passed H.R. 2646 after amending this measure to include the language of the Senate's amended S. 1731, containing

§1055 authoring the labeling of wild fish as organic. The conference report on H.R. 2646 was filed on May 1, 2002 (H.Rept. 107-424), deleting this provision.

Chesapeake Bay. Section 401 of P.L. 107-372 reauthorized NOAA's Chesapeake Bay Office and associated fishery programs through FY2006.

Tax Provisions. Section 105 of H.R. 546/H.R. 2111/H.R. 2761, §8 in both S. 312 and H.R. 2347, §506 of H.R. 1018, and §7 of S. 1676 would have allowed income averaging by commercial fishermen. S. 313, H.R. 662, §2 in both S. 312 and H.R. 2347, and §509 of H.R. 1018 would have amended the Internal Revenue Code to allow commercial fishermen to establish tax-deferred Farm, Fishing, and Ranch Risk Management Accounts to shelter a portion of fishery income. No action was taken on any of these measures.

State Funding. Section 102(c) in both H.R. 701 and S. 1328 would have authorized funding to states for fishery stock surveys, fishery observers in state or federal waters, coordination and preparation of cooperative fishery conservation and management plans, and preparation and implementation of state fishery management plans. On October 16, 2002, H.R. 701 was reported (amended) by the House Committee on Resources (H.Rept. 107-758, Part I). No action was taken on S. 1328.

Seafood Safety. S. 555 would have required the U.S. Food and Drug Administration to establish a tolerance for methylmercury in seafood. S. 1501 would have created an independent Food Safety Administration to consolidate all food safety and inspection services. S. 2759 would have modified controls on the entry of contaminated seafood into the United States. H.R. 2729, H.R. 5079, and S. 1875 would have increased the public information requirements for notification of waters where fish or shellfish contamination was a concern. H.R. 5266 and S. 2815 would have amended §482 of the Clean Air Act to direct the EPA Administrator to enhance research to improve the understanding of the contribution of mercury emissions from electricity generation to mercury in fish. No action was taken on any of these measures.

Habitat. H.R. 325 and S. 678 (Fishable Waters Act of 2001) would have amended the Federal Water Pollution Control Act to establish a program for fishery habitat protection, restoration, and enhancement; no action was taken on these bills.

Federal Government Structure. H.R. 375 proposed eliminating the Department of Commerce and establishing an independent NOAA; no action was taken on this bill. H.R. 4966 would have modified coastal and ocean resource programs within NOAA; this measure was reported (amended) on October 16, 2002, by the House Resources Committee (H.Rept. 107-759, Part I).

Recreational Fishing. S. 1314, H.R. 3104, and H.R. 3547 would have placed limits on the federal government's ability under the Magnuson Act to promulgate regulations that would close areas to recreational fishing. H.Res. 570 would have expressed concern for continued recreational fishing access to waters near the Revillagigedo Islands of Mexico. No action was taken on any of these measures.

Quinault Claims. H.R. 2524 and S. 1308 would have established the Quinault Permanent Fisheries Fund to manage funds received from the settlement of claims. S. 1308

was reported on September 3, 2002 (S.Rept. 107-252) and passed by the Senate on September 18, 2002; no action was taken on H.R. 2524.

Atlantic Tuna and Billfish. On November 13, 2001, the Senate approved S.Res. 180 expressing the sense of the Senate regarding U.S. policy at the 17th Regular Meeting of the International Convention for the Conservation of Atlantic Tunas.

Endangered Fish. Section 2(h)(3) of H.R. 3570 would have authorized investigations of endangered fish in the Missouri River, including pallid sturgeon response to mainstem reservoirs. P.L. 107-375 extended the authorization for capital construction projects associated with endangered fish recovery programs for the Upper Colorado and San Juan Rivers through FY2008.

Capital Construction Fund. S. 1962 and H.R. 3898 would have provided for qualified withdrawals from Capital Construction Fund accounts for fishermen leaving the industry for rollover into individual retirement plans; no action was taken on either measure.

Cormorants. H.R. 3727 would have directed the Secretary of the Interior to issue regulations under the Migratory Bird Treaty Act authorizing States to establish hunting seasons for double-crested cormorants; no action was taken on this measure. H.R. 5686 would have authorized the Great Lakes Fishery Commission to investigate the effect of migratory birds on fish productivity. No action was taken on either H.R. 3727 or H.R. 5686.

Lake Champlain. S. 2928 would have amended the Clean Water Act to direct the U.S. Fish and Wildlife Service to restore Lake Champlain fisheries using hatcheries and fish culture; the Senate Committee on Environment and Public Works reported (amended) this measure on November 13, 2002 (S.Rept. 107-339).

Marine Turtles. S. 2897 would have authorized assistance and created a multinational conservation fund for marine turtles; this measure was reported (amended) by the Senate Committee on Environment and Public Works on October 8, 2002 (S.Rept. 107-303). On November 15, 2002, the House passed S. 990 (amended) with the language of S. 2897 incorporated as Title XII.

Territorial Sea. Section 104 of P.L. 107-295 extended the territorial jurisdiction of the United States from 3 miles offshore to 12 miles offshore, consistent with the 1988 Presidential Proclamation 5928.

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 (catfish and trout farms are examples [<http://www.usda.gov/nass/pubs/stathigh/1998/lv-aq.htm>]); shellfish and seaweed culture; net-pen culture, used by the salmon industry wherein fish remain captive throughout their lives in marine pens built from nets; and ocean ranching, used by the Pacific Coast salmon

industry which cultures juveniles, releases them to mature in the open ocean, and catches them when they return as adults to spawn. Fish hatcheries are government and commercial aquaculture facilities that raise fish from recreational and commercial stocking as well as for mitigation of aquatic resource and habitat damage [<http://aquanic.org/>].

Miscellaneous Issues

Country of Origin. P.L. 107-171 contained §10816 requiring the labeling of both farm-raised and wild fish as to country of origin and to distinguish between wild and farm-raised fish. Regulations to implement this language are required by September 30, 2004. For additional information on this subject, see CRS Report 97-508, *Country-of-Origin Labeling for Foods: Current Law and Proposed Changes*. Section 208 of P.L. 107-206 modified the definition of “wild fish” contained in P.L. 107-171. Country of origin language that was included as §1001 of H.R. 3009, as passed by the Senate, was deleted in conference and did not appear in P.L. 101-210.

Catfish. S. 1494 would have amended the Federal Food, Drug, and Cosmetic Act to limit the use of the common name ‘catfish’ in the marketing of fish. H.R. 2964 would have clarified the market name for the fish *Pangasius bocourti* relative to compliance with §403 of the Federal Food, Drug, and Cosmetic Act. P.L. 107-171 contained §10806 limiting the labeling and advertizing as “catfish” to only fish from the family *Ictaluridae*. Section 755 of P.L. 107-76 prohibited Food and Drug Administration FY2002 funds to be used to admit fish or fish products labeled wholly or in part as ‘catfish’ unless the products were taxonomically from the family *Ictaluridae*.

Aquacultural Research. P.L. 107-171 contained §7116 extending the authorization of appropriations for aquaculture research facilities of the U.S. Department of Agriculture through FY2007. FY2002 appropriations for U.S. Department of Agriculture research in aquaculture were provided in P.L. 107-76; FY2003 appropriations were considered in H.R. 5263 (H.Rept. 107-623) and S. 2801 (S.Rept. 107-223). Action was not completed on FY2003 appropriations during the 107th Congress.

National Aquaculture Act Reauthorization. Section 7139 of P.L. 107-171 authorized appropriations for the National Aquaculture Act through FY2007.

Bankruptcy. On March 15, 2001, S. 420 was amended in §1007 to include similar provisions for family fishermen (including aquaculture operations) as currently apply to family farmers under Chapter 12 of the bankruptcy laws, and was passed the Senate on a vote of 83-15. On July 17, 2001, the Senate amended H.R. 333 to include the language of S. 420 relating to protection of en, and passed H.R. 333, as amended, by a vote of 82-16. On July 26, 2002, a conference report was filed on H.R. 333 (H.Rept. 107-617), including the family fishermen provisions in §1007. On November 15, 2002, the House amended H.R. 333 to insert the language of H.R. 5745. The family fishermen language appeared in §1007 of H.R. 5744/H.R. 5745. Section 8 of H.R. 5348/S. 3174 would have separately addressed this same issue; no action was taken on H.R. 5348, H.R. 5744, or S. 3174. In addition, H.Con.Res. 488 proposed incorporating the language from §8 of H.R. 5348 as Title V of H.R. 2215 during consideration of the conference report on H.R. 2215; this was not adopted.

Permitting. Section 103 of H.R. 897 would have authorized Coastal Zone Enhancement Grants for developing a coordinated process among state agencies to regulate and issue permits for coastal aquaculture facilities; no action was taken on this measure.

Taxation. Section 2(e)(2) of S. 455 and §101(e)(2) of S. 1507 would have amended the Internal Revenue Code to exclude aquaculture businesses from qualified small business (QSB) stock provisions (§1202); no action was taken on either measure.

Cormorants. H.R. 3727 would have directed the Secretary of the Interior to issue regulations under the Migratory Bird Treaty Act authorizing States to establish hunting seasons for double-crested cormorants; no action was taken on this measure. H.R. 5686 would have authorized the Great Lakes Fishery Commission to investigate the effect of migratory birds on fish productivity. No action was taken on either H.R. 3727 or H.R. 5686.

Product Safety. S. 2759 would have modified controls on the entry of contaminated seafood into the United States; no action was taken on this measure.

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 may claim the MMPA is scientifically irrational by selecting one group of organisms for special protection unrelated to their abundance or ecological role, this Act 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 Act established a moratorium on the “taking” of marine mammals in U.S. waters and by U.S. nationals on the high seas. The Act also established a moratorium on importing marine mammals and marine mammal products into the United States. Under the Act, the Secretary of Commerce, acting through NOAA Fisheries, is responsible for the conservation and management of whales, dolphins, porpoises, seals, and sea lions]. The Secretary of the Interior, acting through the Fish and Wildlife Service (FWS), is responsible for walrus [http://species.fws.gov/bio_walr.html], sea and marine otters, polar bears [http://species.fws.gov/bio_pola.html], manatees [http://species.fws.gov/bio_mana.html], and dugongs. This division of authority derives from agency responsibilities as they existed when the MMPA was enacted. Title II of the Act established an independent Marine Mammal Commission (MMC) and its Committee of Scientific Advisors on Marine Mammals to oversee and recommend actions necessary to meet the requirements of the Act.

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 assessment of marine mammal stocks in U.S. waters, for the development and implementation of take reduction plans for stocks that may be reduced or are being maintained below their optimum

sustainable population levels due to interactions with commercial fisheries, and for studies of pinniped-fishery interactions. For more information on the 1994 amendments, see CRS Report 94-751 ENR, *Marine Mammal Protection Act Amendments of 1994*.

Congressional Action. At issue for the 107th Congress were the terms and conditions of provisions designed to reauthorize and amend the MMPA to address the concerns of various interest groups. On October 11, 2001, the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held an oversight hearing on reauthorizing the Marine Mammal Protection Act. H.R. 4781 was the only reauthorization bill that was introduced; the House Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans held a hearing on this bill on June 13, 2002, and marked up this measure on July 25, 2002. H.R. 5597/S. 3104 proposed to 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; no action was taken on either measure. For additional information on reauthorization issues in the 107th Congress, see CRS Report RL30120, *Marine Mammal Protection Act: Reauthorization Issues for the 107th Congress*.

Other Miscellaneous Issues

Glacier Bay. Section 130 of P.L. 107-63 (FY2002 Department of the Interior appropriations) required the National Park Service to prepared an environmental impact statement (EIS) on vessel entries to Glacier Bay National Park to assess impacts on whales, while maintaining the current number of vessel entries until the required EIS is completed.

Whaling. H.Con.Res. 180, S.Res. 121, and S.Res. 267 would have reaffirmed U.S. opposition to commercial and lethal scientific whaling and suggested U.S. policy at the annual meetings of the International Whaling Commission (IWC). S.Res. 311 would have expressed U.S. policy at the World Summit on Sustainable Development as opposing commercial whaling, efforts to reopen international trade in whalemeat, and downlisting any whale listed under the Convention on International Trade in Endangered Species. H.Con.Res. 193 would have directed U.S. delegates to the IWC to protect the ability of Native people of the United States to continue to legally harvest whales. H.Con.Res. 370 would have expressed the sense of Congress that the United States support the use of sound science in IWC management, the prompt completion of the IWC's revised management scheme, and the ability of Native peoples to legally harvest whales. S.Res. 285 would have condemned the IWC's failure in providing for subsistence needs of Alaska Natives. No action was taken on any of these measures. Section 403 of P.L. 107-372 authorized the emergency towing of an Alaskan subsistence-harvested whale to prevent whale loss.

DOD Compliance. Section 3(a) of H.R. 2154 would have required the Department of Defense to fully comply with the MMPA. Section 1201(a) of S. 2225 would have modified the definition of harassment under the MMPA applicable to military readiness activities. On July 9, 2002, the Senate Committee on Environment and Public Works held a hearing on S. 2225; no action was taken on H.R. 2154.

State Funding. Section 102(c) in H.R. 701 and S. 1328 would have authorized funding for state marine mammal stock surveys as well as preparation and implementation of state mammal management plans. On October 16, 2002, H.R. 701 was reported

(amended) by the House Committee on Resources (H.Rept. 107-758, Part I). No action was taken on S. 1328.

Taxation. S. 713 would have amended the Internal Revenue Code to provide a charitable deduction for certain expenses incurred in support a Native Alaskan subsistence whaling; no action was taken on this measure.

North Atlantic Right Whales. S. 1380 and H.R. 3095 proposed to coordinate and expand U.S. and international programs to conserve and protect North Atlantic right whales; no action was taken on either measure.

NOAA Fisheries Appropriations

The Bush administration's proposed FY2003 budget for NOAA Fisheries was about \$7 million larger than its proposed FY2002 budget, and about \$34 million less than the enacted FY2002 funding. The 107th Congress did not complete action on FY2003 appropriations.

Table 1. NOAA Fisheries Appropriations

(x \$1000)

	FY2001 Request	FY2001 Enacted	FY2002 Request	FY2002 Enacted	FY2003 Request	FY2003 S.Rept. (S. 2778)
Fisheries	429,426	376,921	598,036	342,671	348,826	277,039
Protected Resources		143,600		150,660	157,220	111,271
Habitat Conservation		48,193		44,545	46,415	40,151
Enforcement Surveillance		38,500		41,320	50,994	47,145
Base	not ident.	112,246				
Acquisition of Data	25,944	26,841	0	0	0	0
SUBTOTAL	455,370	634,055	598,036	579,196	603,455	587,852
Construction	21,900	54,180	14,700	37,184	17,000	24,000
Fleet Replacement	—	8,282	0	0	0	50,874
Pacific Coastal Salmon Recovery	100,000	89,803	90,000	110,000	90,000	95,000
Pacific Salmon Treaty	60,000	19,956	20,000	47,419	20,000	20,000

	FY2001 Request	FY2001 Enacted	FY2002 Request	FY2002 Enacted	FY2003 Request	FY2003 S.Rept. (S. 2778)
Other Accounts	19,691	9,362	11,475	1,430	10,781	1,145
TOTAL	656,961	815,638	734,211	775,229	741,236	778,871

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

LEGISLATION

Related public laws and bills are discussed in the text of this document under “Background and Analysis.”

Fisheries

P.L. 107-20 (H.R. 2216); P.L. 107-77 (H.R. 2500); P.L. 107-107 (S. 1438); P.L. 107-117 (H.R. 3338); P.L. 107-171 (H.R. 2646); P.L. 107-206 (H.R. 4775); P.L. 107-210 (H.R. 3009); P.L. 107-217 (H.R. 2068); P.L. 107-228 (H.R. 1646); P.L. 107-295 (S. 1214); P.L. 107-299 (H.R. 3389); P.L. 107-372 (H.R. 4883); and P.L. 107-375 (H.R. 5099).

H.Con.Res. 353 (Nussle); H.Con.Res. 427 (Gilchrest); H.Con.Res. 488 (Holden); H.Res. 560 (Camp); H.Res. 570 (Cunningham); H.R. 4 (Tauzin); H.R. 108 (Hefley); H.R. 325 (Tanner); H.R. 333 (Gekas); H.R. 375 (Royce); H.R. 470 (Pallone); H.R. 546 (Quinn); H.R. 553 (Young of Alaska); H.R. 642 (Gilchrest); H.R. 644 (Gilchrest); H.R. 662 (Hulshof); H.R. 701 (Young of Alaska); H.R. 1018 (Toomey); H.R. 1157 (Thompson of California); H.R. 1367 (Saxton); H.R. 1832 (Townes); H.R. 1985 (Calvert); H.R. 1989 (Gilchrest); H.R. 2111 (Quinn); H.R. 2202 (Rehberg); H.R. 2228 (Green of Wisconsin); H.R. 2272 (Kirk); H.R. 2324 (Woolsey); H.R. 2347 (Nussle); H.R. 2376 (Capps); H.R. 2404 (George Miller); H.R. 2409 (Otter); H.R. 2419 (Simmons); H.R. 2436 (Hansen); H.R. 2439 (Ross); H.R. 2460 (Boehlert); H.R. 2478 (Woolsey); H.R. 2524 (Dicks); H.R. 2570 (Farr); H.R. 2573 (McDermott); H.R. 2587 (Tauzin); H.R. 2673 (Faleomavaega); H.R. 2729 (Allen); H.R. 2732 (Baird); H.R. 2761 (Hooley); H.R. 3104 (Peterson of Minnesota); H.R. 3208 (Calvert); H.R. 3547 (Peterson of Minnesota); H.R. 3558 (Rahall); H.R. 3570 (Bereuter); H.R. 3670 (Bentsen); H.R. 3727 (Peterson of Minnesota); H.R. 3800 (Dingell); H.R. 3898 (Capps); H.R. 4003 (Hefley); H.R. 4618 (Hunter); H.R. 4657 (Napolitano); H.R. 4749 (Gilchrest); H.R. 4895 (Saxton); H.R. 4948 (Thompson of California); H.R. 4966 (Gilchrest); H.R. 5030 (Young of Alaska); H.R. 5079 (Pallone); H.R. 5093 (Skeen); H.R. 5266 (Barton); H.R. 5348 (Baldwin); H.R. 5395 (Ehlers); H.R. 5396 (Gilchrest); H.R. 5428 (Young of Alaska); H.R. 5569 (Hansen); H.R. 5578 (Paul); H.R. 5595 (Sanchez); H.R. 5686 (Stupak); H.R. 5698 (Thompson of California); H.R. 5744 (Gekas); H.R. 5745 (Gekas); S.Res. 180 (Kerry); S.Res. 277 (Snowe); S.Res. 311 (Kerry); S. 71 (Craig); S. 162 (Collins); S. 312 (Grassley); S. 313 (Grassley); S. 388 (Murkowski); S. 389 (Murkowski); S. 420 (Grassley); S. 525 (Graham); S. 555 (Leahy); S. 597 (Bingaman); S. 637 (Snowe); S. 678 (Bond); S. 755 (Murray); S. 973 (Wyden); S. 976 (Feinstein); S. 990 (Smith of New Hampshire); S. 1045 (Sarbanes); S. 1100 (Conrad); S. 1148 (Burns); S. 1209 (Bingaman);

S. 1308 (Murray); S. 1314 (Breaux); S. 1328 (Landrieu); S. 1501 (Durbin); S. 1676 (Kerry); S. 1766 (Daschle); S. 1768 (Feinstein); S. 1813 (Snowe); S. 1825 (Boxer); S. 1826 (Wyden); S. 1875 (Leahy); S. 1962 (Wyden); S. 2535 (Boxer); S. 2593 (Torricelli); S. 2627 (Cleland); S. 2678 (Baucus); S. 2711 (Inouye); S. 2737 (Baucus); S. 2759 (Hollings); S. 2778 (Hollings); S. 2815 (Smith of New Hampshire); S. 2861 (Inhofe); S. 2897 (Jeffords); S. 2928 (Jeffords); S. 2964 (Levin); S. 2972 (Snowe); S. 3018 (Baucus); S. 3110 (Collins); and S. 3174 (Grassley).

Aquaculture

P.L. 107-76 (H.R. 2330); P.L. 107-171 (H.R. 2646); and P.L. 107-206 (H.R. 4775).

H.R. 333 (Gekas); H.R. 897 (Saxton); H.R. 2439 (Ross); H.R. 2964 (Pickering); H.R. 3727 (Peterson of Minnesota); H.R. 5263 (Bonilla); H.R. 5348 (Baldwin); H.R. 5686 (Stupak); H.R. 5744 (Gekas); H.R. 5745 (Gekas); S. 420 (Grassley); S. 455 (Collins); S. 1494 (Lincoln); S. 1507 (Collins); S. 1628 (Harkin); S. 1673 (Lincoln); S. 1731 (Harkin); S. 2759 (Hollings); S. 2801 (Kohl); and S. 3174 (Grassley).

Marine Mammals

P.L. 107-63 (H.R. 2217) and P.L. 107-372 (H.R. 4883).

H.Con.Res. 180 (Delahunt); H.Con.Res. 193 (Young of Alaska); H.Con.Res. 370 (Young of Alaska); H.R. 701 (Young of Alaska); H.R. 2154 (Filner); H.R. 3095 (Delahunt); H.R. 4781 (Gilchrest); H.R. 5597 (Young of Alaska); S.Res. 121 (Kerry); S.Res. 267 (Kerry); S.Res. 285 (Murkowski); S.Res. 311 (Kerry); S. 713 (Murkowski); S. 1328 (Landrieu); S. 1380 (Kerry); S. 2225 (Levin); and S. 3104 (Murkowski).