STAFF SUMMARY OF FEDERAL LEGISLATION IN THE 111TH U.S. CONGRESS ON THE LEGISLATIVE COMMITTEE AGENDA

This summary is intended as a general overview for discussion purposes. Full text of these bills, additional summary and background information, and current status can be found by entering the bill number in the search engine at the THOMAS web site of the Library of Congress (http://thomas.loc.gov). Portions of this report are derived from summaries provided by the Congressional Research Service of the Library of Congress.

H.R. 4363 - National Sustainable Offshore Aquaculture Act of 2009. A bill to establish a regulatory system and research program for sustainable offshore aquaculture in the United States exclusive economic zone, and for other purposes.

Introduced December 16, 2009 by Congresswoman Capps, California and referred to the U.S. House Subcommittee on Insular Affairs, Oceans and Wildlife on January 4, 2010.

The Council comments on previous bills pertaining to offshore aquaculture have focused on ensuring the ability of the coastal States to "opt-out" of offshore aquaculture activities off their coastlines and in assuring that appropriate environmental reviews are conducted and research and monitoring plans developed prior to the permitting of any proposed aquaculture activities.

H.R. 4363 would, among other things;

- Establish an Office of Sustainable Offshore Aquaculture within the National Marine Fisheries Service,
- Require the U.S. Secretary of Commerce (Secretary) to complete Regional Programmatic Environmental Impact Statements including one for the west coast,
- Establish an application process and allow the Secretary to approve transferrable permits for up to 10-year periods with an option to renew permits for subsequent 10-year periods,
- Require the Secretary to notify a coastal State upon receiving an application for any new aquaculture operation proposed within 12 miles of the coastline,
- Allows a State to submit a list of locations, species or categories of species for which the State opposes the conduct of offshore aquaculture and the Secretary may not issue or renew any permits included in such a list.
- Limit aquaculture to species of a genotype native to the geographic region of operation that have not been genetically altered or are not listed under the Endangered Species Act,
- Require marking of cultured stocks that identify them as belonging to the permittee,
- Prohibit the use of wild fish feed ingredients unless soured from healthy populations under ecosystem-based management while minimizing the use of fishmeal or fish oil derived from forage species, and
- Establish a research program for sustainable offshore aquaculture.

S. 2870 - International Fisheries Stewardship and Enforcement Act. A bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes including implement the Antigua Convention.

Introduced December 10, 2009 by Senator Inouye, Hawaii and referred to the U.S. Senate Committee on Commerce, Science, and Transportation.

- TITLE IV – Implementation of the Antigua Convention.
  (Italicized text represents text directly from S.2870, portions of which are underlined for emphasis.)
  The Inter-American Tropical Tuna Commission (IATTC) adopted the Convention for the Strengthening of the [IATTC] (Antigua Convention) in June of 2003 which cannot be fully implemented without U.S. ratification and implementing Federal legislation. S.2870 would implement the Antigua Convention by amending the Tuna Conventions Act of 1950 to, among other things, strengthen enforcement, reduce bycatch, and to specify U.S. representation to the IATTC and its advisory groups. Under this bill, five U.S. Commissioners would be appointed by the President "*among individuals who are knowledgeable or experienced concerning highly migratory fish stocks in the eastern tropical Pacific Ocean, one of whom shall be an officer or employee of the Department of Commerce, one of whom shall be the chairman or a member of the Western Pacific Fishery Management Council, and one of whom shall be the chairman or a member of the Pacific Fishery Management Council. Not more than 2 Commissioners may be appointed who reside in a State other than a State whose vessels maintain a substantial fishery in the area of the Convention*." Additionally, the IATTC General Advisory Committee would include "*the chair of the Pacific Fishery Management Council's Advisory Subpanel for Highly Migratory Fisheries.*" Members of the General Advisory Committee would receive per diem but no pay and would not have a conflict of interest as they "*shall not be considered Federal employees except for purposes of injury compensation and tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code*". Regarding the IATTC's Scientific Advisory Committee the bill states that, "*The Secretary [of Commerce], in consultation with the Secretary of State, shall appoint a Scientific Advisory Subcommittee of not less than 5 nor more than 15 qualified scientists with balanced representation from the public and private sectors, including nongovernmental conservation organizations*."

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