

STAFF SUMMARY OF FEDERAL LEGISLATION IN THE 111TH U.S. CONGRESS OF
PARTICULAR INTEREST TO THE PACIFIC FISHERY MANAGEMENT COUNCIL

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. 1080 - Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2009 *To strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, and for other purposes.*

Introduced February 13, 2009 by Congresswoman Bordallo, Guam. Referred to the Subcommittee on Insular Affairs, Oceans and Wildlife. Subcommittee hearings held on March 19, 2009.

Amends specified Acts related to commercial fishing and marine resources, to provide for increased cooperation, as well as increased penalties for violations of such acts and increased enforcement and inspection authorities relating to driftnet fishing, illegal, unreported, or unregulated fishing, and bycatch of a protected living marine resource.

Three “other purposes” under H.R. 1080 directly related to Council activity, H.R. 1080:

- Corrects confusing language in the Western and Central Pacific Fisheries Commission Implementation Act (WCPFCIA) to clarify that the U.S. shall be represented by five U.S. Commissioners, “one of whom shall be a member of the Western Pacific Fishery Management Council, and one of whom shall be a member of the Pacific Fishery Management Council.”
- Removes unintentional ethics and conflict-of-interest restriction on U.S. representatives as currently specified in the WCPFCIA and the Pacific Whiting Act of 2008. Under the proposed amendments in H.R.1080, individuals appointed to serve the U.S. through either the Western and Central Pacific Fisheries Commission or the U.S./Canada Pacific Whiting Agreement “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.”
- Amends the Pacific Whiting Act of 2008 to specify that the U.S. shall appoint no more than two rather than six scientific experts to the joint technical committee under the U.S./Canada Pacific Whiting Agreement.

H.R. 860 - Coral Reef Conservation Amendments Act of 2009, *To reauthorize the Coral Reef Conservation Act of 2000, and for other purposes..*

Referred to the Subcommittee on Insular Affairs, Oceans and Wildlife.

Introduced February 4, 2009 by Congresswoman Bordallo, Guam. Referred to the Subcommittee on Insular Affairs, Oceans and Wildlife. Subcommittee hearings held on February 25, 2009.

Amends the Coral Reef Conservation Act of 2000 to extend the award of remaining coral reef conservation program grant funds to appropriate projects, including monitoring and assessment, research, pollution reduction, education, and technical support. Authorizes actions to minimize injury to a coral reef or loss of an ecosystem function from vessel impacts, derelict fishing gear, vessel anchors and anchor chains, and unforeseen or disaster-related circumstances as a result of human activities and to stabilize, repair, or restore the reef, including vessel removal and emergency stabilization of the vessel or reef. Deems specified terms (such as "sanctuary resources" and "national marine sanctuary") to include any coral reef that is subject to the jurisdiction of the United States or (subject to state consent) any state, regardless of whether the reef is in a national marine sanctuary.

H.R. 14 and S.173 – Ocean Acidification, *To provide for ocean acidification research and monitoring*

Introduced January 8, 2009 in the U.S. Senate by Senator Lautenberg, Florida. Introduced in the U.S. House of Representatives January 6, 2009 by Congressman Baird, Washington. Referred to the House Committee on Science and Technology.

Defines "ocean acidification," for this Act, as the decrease in pH of the Earth's oceans and changes in ocean chemistry caused by chemical inputs from the atmosphere, including carbon dioxide. Requires the Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council to develop a strategic plan for federal ocean acidification research and monitoring that provides for an assessment of ocean acidification impacts on marine organisms and ecosystems and the development of adaptation and mitigation strategies to conserve marine organisms and ecosystems. Directs the Secretary of Commerce to conduct research and monitoring and authorizes the Secretary to establish an ocean acidification program in the National Oceanic and Atmospheric Administration (NOAA) consistent with the strategic research plan.

In addition to these two bills on ocean acidification, substantial legislation has been introduced to focused on ocean mapping, monitoring, and/or research. These include:

- **H.R. 365 - Ocean and Coastal Mapping Integration Act**, *To direct the President to establish a program to develop a coordinated and comprehensive Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States, and for other purposes.* Introduced by Congresswoman Bordallo, Guam.
- **H.R. 366 - Ocean Research and Exploration Enhancement Act of 2009**, *To direct the President to establish a program to develop a coordinated and comprehensive Federal*

ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States, and for other purposes. Introduced by Congressman Farr, California.

- **H.R. 367 - Integrated Coastal and Ocean Observation System Act of 2009**, *To establish a national integrated system of ocean, coastal, and Great Lakes observing systems, and for other purposes.* Introduced by Congresswoman Capps, California.

H.R. 81 – Shark Conservation Act of 2009, *To amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.*

Introduced January 6, 2009 by Congresswoman Bordallo, Guam. Passed the U.S. House of Representatives on March 2, 2009. Referred to the U.S. Senate Committee on Commerce, Science, and Transportation on March 3, 2009..

Amends the High Seas Driftnet Fishing Moratorium Protection Act to direct the Secretary of Commerce to list a nation in the biennial report on international compliance if the nation's fishing vessels are or have been engaged in fishing activities that target or incidentally catch sharks and the nation has not adopted a shark conservation program that is comparable, taking into account different conditions, to that of the United States, including measures to prohibit removal any of the fins of a shark (including the tail) and discarding the carcass of the shark at sea.

Amends the Magnuson-Stevens Fishery Conservation and Management Act to revise provisions prohibiting the removal of shark fins to make it a prohibited act to: (1) remove any shark fin (including the tail) at sea; (2) have a fin aboard a fishing vessel unless the fin is naturally attached to the carcass; (3) transfer a fin from one vessel to another or receive a fin unless it is naturally attached; or (4) land a fin that is not naturally attached to a carcass or land a carcass without fins naturally attached. Revises the current rebuttable presumption provision concerning shark fins on fishing vessels to create a rebuttable presumption that, if any shark fin (including the tail) is aboard a non-fishing vessel without being naturally attached, the fin was transferred from a fishing vessel in violation.

H.R. 843 – Amendment to the Marine Mammal Act of 1972, *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*

Introduced February 3, 2009 in the U.S. House of Representatives by Congressman Young, Alaska. Referred to the Subcommittee on Insular Affairs, Oceans and Wildlife.

Amends the Marine Mammal Protection Act of 1972 to repeal the long-term goal of reducing to zero the incidental mortality and serious injury of marine mammals in commercial fishing operations. Makes reduction of such incidental mortality and serious injury (but not to any specified percentage) the long-term goal. Requiring that commercial fishermen achieve a zero mortality rate goal for a species or population stock of marine mammals that is equal to or less than 10 percent of the potential biological removal of a given marine mammal species or

population stock is unnecessary to achieve that Act's goal of maintaining species and stocks at their optimum sustainable population and penalizes commercial fishermen. Species and populations stocks of marine mammal that have reached historic levels are impeding the recovery of endangered species and threatened species through predation or competition in the ecosystem. The fundamental principles of ecosystem management are defeated by giving one species a preeminent position in the ecosystem through imposition of a zero mortality rate goal. All persons that interact with marine mammals should seek to reduce and eliminate marine mammal injuries and mortalities through the use of the best equipment and techniques that are economically and technologically feasible.

S. 532 - Commercial Fishermen Safety Act of 2009, *A bill to amend the Internal Revenue Code of 1986 to provide a business credit against income for the purchase of fishing safety equipment.*

Introduced March 5, 2009 in the U.S. Senate by Senator Collins, Maine. Referred to the Committee on Finance.

Commercial Fishermen Safety Act of 2009 - Amends the Internal Revenue Code to allow commercial fishermen a business-related tax credit for up to 75% of the cost of certain fishing safety equipment. Limits the annual amount of such credit to \$1,500.

S. 477 - Fishermen's Collective Marketing Act of 2009, *A bill to amend the Act entitled "An Act authorizing associations of producers of aquatic products" to include persons engaged in the fishery industry as charter boats or recreational fishermen, and for other purposes..*

Introduced February 25, 2009 in the U.S. Senate by Senator Nelson, Florida. Referred to the Committee on Finance.

Amends the Act authorizing persons engaged in the fishery industry as charter boat or recreational fishing services providers to act together in associations in collectively undertaking and marketing such activities and services, including implementing a vessel capacity reduction program, improving the operational and economic efficiency of a fishery, undertaking research, and improving the conservation and management of a fishery resource.

Legislation reintroduced in the 111th Congress that were the subject of Council and Legislative Committee comments in the 110th Congress

H.R. 21 - Ocean Conservation, Education, and National Strategy for the 21st Century Act, *To establish a national policy for our oceans, to strengthen the National Oceanic and Atmospheric Administration, to establish a national and regional ocean governance structure, and for other purposes*

Introduced January 6, 2009 in the U.S. House of Representatives by Congressman Farr, California. Referred to the Subcommittee on Insular Affairs, Oceans and Wildlife.

H.R. 223 - Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act, *To expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, and for other purposes.*

Introduced January 6, 2009 in the U.S. House of Representatives by Congresswoman Woolsey, California. Referred to the Subcommittee on Insular Affairs, Oceans and Wildlife.

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