

106TH CONGRESS  
1ST SESSION

# H. R. 3331

To conserve Atlantic highly migratory species of fish, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 10, 1999

Mr. SAXTON introduced the following bill; which was referred to the  
Committee on Resources

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## A BILL

To conserve Atlantic highly migratory species of fish, and  
for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION. 1. SHORT TITLE.**

4       This Act may be cited as the “Atlantic Highly Migra-  
5       tory Species Conservation Act of 1999”.

6       **SEC. 2. FINDINGS.**

7       The Congress makes the following findings:

8               (1) Highly migratory species of fish, including  
9       North Atlantic swordfish, species of Atlantic billfish,  
10       and Atlantic large coastal sharks, are overfished and  
11       require greater conservation as confirmed by recent

1 scientific assessments. In its most recent analysis,  
2 the Standing Committee on Research and Statistics  
3 (SCRS) of the International Commission for the  
4 Conservation of Atlantic Tunas (ICCAT) estimated  
5 that a number of key stocks of highly migratory spe-  
6 cies have less than the biomass needed to produce  
7 their respective maximum sustainable yields. The  
8 1999 SCRS stock assessment estimated that the  
9 North Atlantic swordfish stock was at 65 percent of  
10 the necessary biomass to produce maximum sustain-  
11 able yield (MSY). The 1997 SCRS stock assessment  
12 estimated that the Atlantic blue marlin stock was at  
13 24 percent and the Atlantic white marlin stock was  
14 at 23 percent of the necessary biomass to produce  
15 MSY. In its most recent stock assessment for Atlan-  
16 tic sailfish/spearfish, the SCRS estimated these  
17 stocks were at 62 percent of the necessary biomass  
18 to produce MSY. Also, the National Marine Fish-  
19 eries Service has identified North Atlantic swordfish,  
20 Atlantic blue marlin, Atlantic white marlin, Atlantic  
21 sailfish/spearfish, and other highly migratory species  
22 of fish as overfished.

23 (2) A reduction in the mortality of juvenile  
24 swordfish will contribute substantially to the rebuild-  
25 ing of North Atlantic swordfish as confirmed by a

1 1998 SCRS report that expressed “concern about  
2 the high catches (landings plus discards) of small  
3 swordfish” and “emphasized that gains in the yield  
4 could accrue if fishing mortality on small fish could  
5 be further reduced.”

6 (3) In 1998, ICCAT adopted a resolution di-  
7 recting the SCRS to develop options for rebuilding  
8 North Atlantic swordfish to levels that would  
9 produce the maximum sustainable yield, including  
10 alternative methods for reducing small fish mor-  
11 tality, for consideration at the ICCAT meeting in  
12 1999.

13 (4) Reducing the mortality of species of Atlan-  
14 tic billfish, including Atlantic blue marlin, Atlantic  
15 white marlin, and Atlantic sailfish/spearfish, will  
16 contribute substantially to the rebuilding of these  
17 stocks.

18 (5) In 1990, ICCAT encouraged its member  
19 states to take appropriate measures within their na-  
20 tional jurisdictions to protect small swordfish, in-  
21 cluding the establishment of time and area closures.

22 (6) Significant reductions in the mortality of ju-  
23 venile swordfish, Atlantic white marlin, Atlantic blue  
24 marlin, Atlantic sailfish/spearfish, species of Atlantic  
25 large coastal sharks, and other highly migratory spe-

1       cies of fish within the exclusive economic zone of the  
2       United States can be achieved by the design and im-  
3       plementation of discrete, scientifically-based time-  
4       area closures for pelagic longline fishing.

5           (7) A credible, scientifically-based time-area clo-  
6       sure for pelagic longline fishing that would achieve  
7       reductions in the bycatch and mortality of overfished  
8       highly migratory species within the United States  
9       Exclusive Economic Zone will provide a model for  
10      applying the same conservation concept more broad-  
11      ly in international waters through ICCAT in further  
12      pursuit of the goal of rebuilding the stocks of these  
13      species.

14          (8) The time-area closures for pelagic longline  
15      fishing within the United States Exclusive Economic  
16      Zone that will achieve the conservation objectives for  
17      swordfish, billfish, and large coastal sharks in the  
18      Atlantic Ocean and Gulf of Mexico and that will re-  
19      duce conflicts between commercial and recreational  
20      fishermen will result in adverse economic impacts on  
21      United States commercial fishermen who engage in  
22      pelagic longline fishing, as well as their families and  
23      communities. Such adverse economic impacts can be  
24      minimized by a fair and equitable buyout of the per-

1 mits and licenses of certain pelagic longline fishing  
2 vessels.

3 (9) The commercial fishermen who sustain ad-  
4 verse economic impacts from such time-area closures  
5 and who should be eligible to participate in such a  
6 government buyout include those who, according to  
7 the National Marine Fisheries Service data, have—

8 (A) reported that at least 35 percent of  
9 their vessel's annual fishing sets were conducted  
10 in the proposed closed areas in any one year  
11 from 1992 through 1997;

12 (B) reported that they conducted at least  
13 25 pelagic longline gear sets during their quali-  
14 fying year;

15 (C) reported that at least 50 percent of  
16 their landings for the 1995–1997 period were  
17 comprised of pelagic longline target species, in-  
18 cluding swordfish, tunas, mahi-mahi, escolar,  
19 and oceanic sharks; and

20 (D) qualified for a Directed Swordfish Ini-  
21 tial Limited Access Permit.

22 (10) There is a great need for the National Ma-  
23 rine Fisheries Service to conduct additional scientific  
24 research, in cooperation with pelagic longline fishing  
25 vessels, to identify the uses and configurations of pe-

1       agic longline fishing gear that are most effective in  
2       reducing bycatch.

3   **SEC. 3. PURPOSES.**

4       The Congress declares that the purposes of this Act  
5   are—

6           (1) to expand the scientific knowledge and un-  
7       derstanding of Atlantic highly migratory species and  
8       the fisheries of the United States therefor;

9           (2) to contribute to the conservation and re-  
10      building of overfished stocks of highly migratory spe-  
11      cies, including North Atlantic swordfish, Atlantic  
12      white marlin, Atlantic blue marlin, Atlantic sailfish/  
13      spearfish, and Atlantic large coastal sharks, through  
14      reductions in mortality and the protection of those  
15      nursery and spawning areas that may occur within  
16      the exclusive economic zone of the United States, to  
17      levels that will produce maximum sustainable yield,  
18      in compliance with United States obligations under  
19      the International Convention for the Conservation of  
20      Atlantic Tunas and consistent with National Stand-  
21      ard (1) and section 304 of the Magnuson-Stevens  
22      Act;

23           (3) to minimize socio-economic impacts on  
24      United States commercial fishermen and their fami-  
25      lies, consistent with National Standard (8) of the

1 Magnuson-Stevens Act and the requirements of the  
2 Regulatory Flexibility Act, resulting from the con-  
3 servation actions taken under this Act;

4 (4) to ensure a sustainable fishery and a sus-  
5 tainable United States pelagic longline fishery for  
6 the future;

7 (5) to minimize bycatch, including regulatory  
8 discards, consistent with the Magnuson-Stevens Act  
9 and the international obligations of the United  
10 States;

11 (6) to support and encourage the United States  
12 Government's efforts to obtain international agree-  
13 ments that provide for effective fishery conservation  
14 and management consistent with the policies set  
15 forth in section 2(c) of the Magnuson-Stevens Act  
16 and to provide the necessary leadership for achieving  
17 greater international conservation of highly migra-  
18 tory species; and

19 (7) to reduce conflicts within the exclusive eco-  
20 nomic zone of the United States between the pelagic  
21 longline and recreational fisheries for highly migra-  
22 tory species.

23 **SEC. 4. POLICY.**

24 It is declared to be the policy of the Congress in this  
25 Act that, consistent with the Magnuson-Stevens Act, all

1 United States fishermen shall be treated fairly in achiev-  
2 ing national and international fishery conservation and  
3 management objectives and obligations for highly migra-  
4 tory species of the Atlantic Ocean and Gulf of Mexico.

5 **SEC. 5. DEFINITIONS.**

6 In this Act, the following definitions apply:

7 (1) **AFFECTED STATE.**—The term “affected  
8 State” means one of the following States: South  
9 Carolina, Georgia, Florida, Alabama, Mississippi,  
10 Louisiana, and Texas.

11 (2) **BILLFISH.**—The term “billfish” means blue  
12 marlin, spearfish, sailfish and white marlin.

13 (3) **BYCATCH.**—The term “bycatch” means fish  
14 which are harvested in a fishery, but which are not  
15 sold or kept for personal use, and includes economic  
16 discards and regulatory discards. The term does not  
17 include fish released alive under a recreational catch  
18 and release fishery management program.

19 (4) **COMMERCIAL FISHING.**—The term “com-  
20 mercial fishing” means fishing in which the fish har-  
21 vested, either in whole or in part, are intended to  
22 enter commerce or enter commerce through sale,  
23 barter, or trade.—

24 (5) **ELIGIBLE PERMIT HOLDER.**—The term “el-  
25 igible permit holder” means the person or group of



1 persons who, on the date of enactment of this Act,  
2 holds the Directed Swordfish Limited Access Permit  
3 that was issued based on the landings of an eligible  
4 vessel.

5 (6) ELIGIBLE VESSEL.—The term “eligible ves-  
6 sel” means each vessel listed in section 7(a) of this  
7 Act.

8 (7) FISH.—The term “fish” means finfish, mol-  
9 lusks, crustaceans, and all other forms of marine  
10 animal and plant life other than marine mammals  
11 and birds.

12 (8) FISHING.—The term “fishing” means—

13 (A) the catching, taking, or harvesting of  
14 fish;

15 (B) the attempted catching, taking, or har-  
16 vesting of fish;

17 (C) any other activity which can reason-  
18 ably be expected to result in the catching, tak-  
19 ing, or harvesting of fish; or

20 (D) any operations at sea in support of, or  
21 in preparation for, any activity described in  
22 subparagraphs (A) through (C).

23 The term does not include any scientific research ac-  
24 tivity that is authorized by the Secretary.

1           (9) FISHING VESSEL.—The term “fishing ves-  
2       sel” means any vessel, boat, ship, or other craft  
3       which is used for, equipped to be used for, or of a  
4       type which is normally used for—

5                   (A) fishing; or

6                   (B) aiding or assisting one or more vessels  
7       at sea in the performance of any activity relat-  
8       ing to fishing, including but not limited to prep-  
9       aration, supply, storage, refrigeration, transpor-  
10      tation, or processing.—

11          (10) GEODESIC.—The term “geodesic” means  
12      the shortest line between two points that lies on the  
13      surface of the Earth.—

14          (11) HIGHLY MIGRATORY SPECIES.—The term  
15      “highly migratory species” means tuna species, bill-  
16      fish, oceanic sharks, and swordfish.

17          (12) MAGNUSON-STEVENSON ACT.—The term  
18      “Magnuson-Stevens Act” means the Magnuson-Ste-  
19      vens Fishery Conservation and Management Act (16  
20      U.S.C. 1801 et seq.).

21          (13) MID-ATLANTIC BIGHT.—The term “mid-  
22      Atlantic bight” means all waters of the Atlantic  
23      Ocean north of 35 degrees north latitude and west  
24      of 71 degrees west longitude.

1           (14) OBSERVER.—The term “observer” has the  
2           meaning that term has in the Magnuson-Stevens  
3           Fishery Management Conservation Act (16 U.S.C.  
4           1801 et seq.).

5           (15) PELAGIC LONGLINE FISHING.—The term  
6           “pelagic longline fishing” means a method of fishing  
7           that uses any fishing gear consisting of a length of  
8           line suspended horizontally in the water above the  
9           bottom from lines attached to surface floats and to  
10          which gangions and hooks are attached and are used  
11          to target pelagic species.

12          (16) PERSON.—The term “person” means any  
13          individual, corporation, partnership, association, or  
14          other entity (whether or not organized or existing  
15          under the laws of any State).

16          (17) RECREATIONAL FISHING.—The term “rec-  
17          reational fishing” means fishing for sport or pleas-  
18          ure.

19          (18) RECORD ADDRESS.—The term “record ad-  
20          dress” means the address of record for each permit  
21          holder and swordfish dealer as maintained in the  
22          National Marine Fisheries Service’s databases.

23          (19) SECRETARY.—The term “Secretary”  
24          means the Secretary of Commerce.

1           (20) SWORDFISH DEALER.—The term “sword-  
2       fish dealer” means any person who purchases, trades  
3       for, or barter for the receipt of any Atlantic sword-  
4       fish (whether imported or domestic and regardless of  
5       origin) for any commercial purpose (including sell-  
6       ing, trading, or bartering such swordfish to others).

7   **SEC. 6. HIGHLY MIGRATORY SPECIES CONSERVATION**  
8           **ZONES.**

9       (a) ATLANTIC CONSERVATION ZONE FOR HIGHLY  
10   MIGRATORY SPECIES.—No person may engage in pelagic  
11   longline fishing in the Atlantic Conservation Zone For  
12   Highly Migratory Species, which is the area, seaward of  
13   the baseline from which the territorial sea is measured,  
14   that is enclosed by a series of geodesics connecting in suc-  
15   cession the points at the following coordinates:

16           (1) 26 degrees 30 minutes north latitude, 82  
17       degrees 0 minutes west longitude.

18           (2) 24 degrees 0 minutes north latitude, 82 de-  
19       grees 0 minutes west longitude.

20           (3) 24 degrees 0 minutes north latitude, 79 de-  
21       grees 0 minutes west longitude.

22           (4) 31 degrees 0 minutes north latitude, 79 de-  
23       grees 0 minutes west longitude.

24           (5) 31 degrees 0 minutes north latitude, 78 de-  
25       grees 0 minutes west longitude.

1           (6) 32 degrees 0 minutes north latitude, 78 de-  
2       grees 0 minutes west longitude.

3           (7) 32 degrees 0 minutes north latitude, 77 de-  
4       grees 0 minutes west longitude.

5           (8) 33 degrees 0 minutes north latitude, 77 de-  
6       grees 0 minutes west longitude.

7           (9) 33 degrees 0 minutes north latitude, 78 de-  
8       grees 0 minutes west longitude.

9           (10) 33 degrees 51 minutes north latitude, 78  
10       degrees 33 minutes west longitude.

11       (b) GULF OF MEXICO CONSERVATION ZONE FOR  
12   SWORDFISH.—Every year, during the period of January  
13   1 through Memorial Day, no person may engage in pelagic  
14   longline fishing in the Gulf of Mexico Conservation Zone  
15   For Swordfish, which is the area enclosed by a series of  
16   geodesics connecting in succession the points at the fol-  
17   lowing coordinates:

18           (1) 30 degrees 0 minutes north latitude, 87 de-  
19       grees 30 minutes west longitude.

20           (2) 30 degrees 0 minutes north latitude, 86 de-  
21       grees 0 minutes west longitude.

22           (3) 29 degrees 0 minutes north latitude, 86 de-  
23       grees 0 minutes west longitude.

24           (4) 29 degrees 0 minutes north latitude, 87 de-  
25       grees 30 minutes west longitude.

1       (c) GULF OF MEXICO CONSERVATION ZONE FOR  
2 HIGHLY MIGRATORY SPECIES.—During the period that  
3 begins on the first Memorial Day after the date of enact-  
4 ment of this Act and continues through Labor Day of the  
5 same calendar year, and during the period of Memorial  
6 Day through Labor Day in each of the next four calendar  
7 years, no person may engage in pelagic longline fishing  
8 in the Gulf of Mexico Conservation Zone For Highly Mi-  
9 gratory Species, which is the area seaward of the baseline  
10 from which the territorial sea is measured, that is enclosed  
11 by a series of geodesics connecting in succession the points  
12 at the following coordinates:

13           (1) 26 degrees 0 minutes north latitude, 97 de-  
14       grees 10 minutes west longitude (at approximately  
15       the border between the United States and Mexico).

16           (2) 26 degrees 0 minutes north latitude, 96 de-  
17       grees 0 minutes west longitude.

18           (3) 27 degrees 30 minutes north latitude, 94  
19       degrees 30 minutes west longitude.

20           (4) 27 degrees 30 minutes north latitude, 90  
21       degrees 0 minutes west longitude.

22           (5) 28 degrees 0 minutes north latitude, 90 de-  
23       grees 0 minutes west longitude.

24           (6) 28 degrees 0 minutes north latitude, 89 de-  
25       grees 30 minutes west longitude.

1 (7) 29 degrees 0 minutes north latitude, 87 de-  
2 grees 30 minutes west longitude.

3 (8) 29 degrees 0 minutes north latitude, 86 de-  
4 grees 0 minutes west longitude.

5 (9) 29 degrees 40 minutes north latitude, 85  
6 degrees 20 minutes west longitude (at Cape San  
7 Blas, Florida).

8 (d) SCIENTIFIC RESEARCH EXCEPTION.—The re-  
9 strictions under this section on fishing do not apply to pe-  
10 lagic longline fishery research authorized by the Secretary.  
11 No fish caught under the research program may be sold  
12 unless authorized by the Secretary.

13 (e) EFFECTIVE DATE.—This section shall be effective  
14 on and after the 165th day after the date of enactment  
15 of this Act, except that subsection (c) shall be effective  
16 on the first Memorial Day after the date of enactment of  
17 this Act.

18 **SEC. 7. PELAGIC LONGLINE FISHING VESSEL PERMIT**  
19 **HOLDER COMPENSATION PROGRAM.**

20 (a) VOLUNTARY COMPENSATION PROGRAM.—The  
21 Secretary shall conduct a voluntary Pelagic Longline Ves-  
22 sel Permit Holder Compensation Program. Except as pro-  
23 vided in subsection (b), the following vessels are eligible  
24 for the Compensation Program:

1           (1) ALEX JAMES, United States official num-  
2       ber 593864.

3           (2) AMANDA KAY, United States official  
4       number 691398.

5           (3) BEAU, United States official number  
6       647878.

7           (4) BETTE BOOP, United States official num-  
8       ber 673527.

9           (5) BETTY B, United States official number  
10      689987.

11          (6) BIGEYE, United States official number  
12      628300.

13          (7) BLACK JACK ONE, United States official  
14      number 592219.

15          (8) BONNEY ANNE, United States official  
16      number 666686.

17          (9) BUCKAROO, United States official number  
18      576503.

19          (10) CANDACE, United States official number  
20      673556.

21          (11) CAPT. BOB, United States official num-  
22      ber 929813.

23          (12) CAROL ANN, United States official num-  
24      ber 609121.



1           (13) CHARLESTON STAR, United States of-  
2       ficial number 591301.

3           (14) CHRISTOPHER JOE, United States offi-  
4       cial number 608436.

5           (15) CHRISTY, United States official number  
6       933833.

7           (16) CLAYTON REED, United States official  
8       number 683286.

9           (17) CORAL LADY, United States official  
10      number 649372.

11          (18) DAKOTA, United States official number  
12      956008.

13          (19) ERICA-LYNN, United States official  
14      number 611243.

15          (20) EXPLORER, United States official num-  
16      ber 643055.

17          (21) FATHER & SON, United States official  
18      number 611056.

19          (22) GINA D, United States official number  
20      602788.

21          (23) GRAND CRU, United States official num-  
22      ber 508393.

23          (24) HAPPY NIGHT TONIGHT, United  
24      States official number 632057.

1           (25) ITALIAN STALLION, United States offi-  
2           cial number 603239.

3           (26) JACQUELINE L., United States official  
4           number 551612.

5           (27) JANICE ANN, United States official  
6           number 646506.

7           (28) JOAN MARIE, United States official  
8           number 599408.

9           (29) JOSHUA NICOLE, United States official  
10          number 912738.

11          (30) JUST RIGHT, United States official  
12          number 692184.

13          (31) KELLY ANN, United States official num-  
14          ber 633432.

15          (32) KRISTIN LEE, United States official  
16          number 656259.

17          (33) LADY LAURA, State of Florida registra-  
18          tion number FL2054GY.

19          (34) LINDSEY JEANETTE, United States of-  
20          ficial number 618472.

21          (35) LINNEA C, United States official number  
22          665962.

23          (36) LISA ANN, United States official number  
24          659897.

1           (37) LORI MARIE, United States official num-  
2       ber 674417.

3           (38) MAR JACK, United States official num-  
4       ber 640008.

5           (39) MARION FRANCES, United States offi-  
6       cial number 541694.

7           (40) MARY ANN, United States official num-  
8       ber 596805.

9           (41) MGB, United States official number  
10      656564.

11          (42) MISS DANIELLE, United States official  
12      number 697038.

13          (43) MISS MANDY, United States official  
14      number 636385.

15          (44) MISS MELISSA, United States official  
16      number 593587.

17          (45) MISS SUZANNE, United States official  
18      number 510728.

19          (46) MISS TAKE, United States official num-  
20      ber 667970.

21          (47) MISS-SHELL, United States official  
22      number 637883.

23          (48) OUTLAW, United States official number  
24      643282.

1           (49) PEACEFUL LADY, United States official  
2           number 918933.

3           (50) PROUD MARY ELLEN, United States  
4           official number 615810.

5           (51) PROVIDER, United States official num-  
6           ber 602041.

7           (52) PROVIDER II, United States official  
8           number 648979.

9           (53) R&R, United States official number  
10          945535.

11          (54) RAW DAWG, United States official num-  
12          ber 677230.

13          (55) REBECCA PAGE, United States official  
14          number 684131.

15          (56) REBEL LADY, United States official  
16          number 628471.

17          (57) ROYAL LADY, United States official  
18          number 615626.

19          (58) RUTH-ANNE, United States official num-  
20          ber 598591.

21          (59) SEA ANGEL, United States official num-  
22          ber 926754.

23          (60) SEVEN ARROWS, United States official  
24          number 611304.

1           (61) SHERRIE ANN II, State of Florida reg-  
2           istration number FL3716JU.

3           (62) SOUTHERN GALE, United States offi-  
4           cial number 588452.

5           (63) STRAIGHT FLUSH, United States offi-  
6           cial number 663691.

7           (64) SUSAN II, United States official number  
8           594618.

9           (65) SYLVIA JEAN, United States official  
10          number 609788.

11          (66) TRI LINER, United States official num-  
12          ber 624323.

13          (67) TRIPLE THREAT, United States official  
14          number 646718.

15          (68) UNCLOUDY DAY, United States official  
16          number 950979.

17          (b) INELIGIBILITY DUE TO PERMIT OR VESSEL  
18          TRANSFER AFTER NOVEMBER 10, 1999.—A vessel listed  
19          under subsection (a) shall not be eligible if the vessel or  
20          any Federal fishing permit or license applicable to that  
21          vessel is transferred to a different person after November  
22          10, 1999.

23          (c) COMPENSATION NOTIFICATION.—No later than  
24          the 15th calendar day after the date of enactment of this  
25          Act, the Secretary shall, by certified mail return receipt

1 requested, addressed to each permit holder at its record  
2 address, notify each permit holder of—

3 (1) the compensation provisions of this Act; and

4 (2) any other compensation instructions or  
5 guidance that the Secretary may (but not by regula-  
6 tion or further notice of any other kind) establish.

7 (d) COMPENSATION AMOUNT.—The compensation  
8 amount shall include, a permit package payment of  
9 \$125,000 per eligible permit holder plus, either—

10 (1) zero for any eligible permit holder that did  
11 not report any landings of highly migratory species  
12 by the associated eligible vessel to the National Ma-  
13 rine Fisheries Service for the period beginning on  
14 January 1, 1999, and ending on October 1, 1999;  
15 or

16 (2) for every other eligible permit holder, a  
17 landing payment that the Secretary determines in  
18 accordance with subsection (e).

19 (e) LANDING PAYMENT DETERMINATION.—The Sec-  
20 retary's determinations of all landing payments shall be  
21 final and in accordance with the following:

22 (1) The basis for each landing payment shall be  
23 the gross ex-vessel value of all fish (regardless of  
24 species) landed by the eligible vessel during any one  
25 calendar year in the period beginning with the cal-

1       endar year 1992 and ending with calendar year  
2       1998.

3           (2) The amount of each landing payment shall  
4       be 100 percent of such basis not to exceed  
5       \$325,000.

6           (3) No later than the 75th calendar day after  
7       the date of enactment of this Act each permit holder  
8       who desires to be compensated under this Act  
9       must—

10           (A) advise the Secretary which single cal-  
11       endar year from 1992 through 1998 the permit  
12       holder chooses as the basis for the permit hold-  
13       er's landing payment; and

14           (B) submit to the Secretary the permit  
15       holder's documentation for the gross ex-vessel  
16       value of all fish (regardless of species) landed  
17       by the eligible vessel during the basis year cho-  
18       sen, that—

19           (i) is the form of trip tickets (or other  
20       landing documentation issued by the first  
21       ex-vessel fish buyer or buyers) for the eligi-  
22       ble vessel that clearly establishes on their  
23       face the identity and location of the first  
24       fish buyer,

1 (ii) states each vessel from which the  
2 fish was bought,

3 (iii) states the date the fish was  
4 bought, how many pounds of each species  
5 of fish was bought; and

6 (iv) states how much per pound the  
7 landing vessel was paid for each species of  
8 fish bought (no other documentation shall  
9 be acceptable); or

10 (C) advise the Secretary that the permit  
11 holder does not possess adequate documentation  
12 and, consequently elects to have the Secretary  
13 calculate a default landing payment.

14 (4) If the permit holder submits adequate docu-  
15 mentation the Secretary shall use it to calculate the  
16 landing payment. If the permit holder elects to have  
17 the Secretary calculate a default landing payment  
18 (or submits inadequate documentation), the Sec-  
19 retary shall calculate a default payment by applying  
20 average ex-vessel prices (where possible, for each  
21 month of landing and state or area of landing as  
22 maintained in the National Marine Fisheries Serv-  
23 ice's databases) to each pound of species of fish  
24 landed by the permit holder's eligible vessel during  
25 the basis year that the permit holder chooses.



1 (f) COMPENSATION OFFER.—No later than the 135th  
2 calendar day after the date of enactment of this Act, the  
3 Secretary shall, by certified mail return receipt requested,  
4 addressed to each eligible permit holder at its record ad-  
5 dress, offer each eligible permit holder compensation for  
6 an amount determined in accordance with this section.  
7 The Secretary’s offer shall be final and not subject to ne-  
8 gotiation or counteroffer.

9 (g) COMPENSATION OFFER ACCEPTANCE.—(1) Each  
10 eligible permit holder who desires to be compensated in  
11 accordance with this Act must accept the Secretary’s com-  
12 pensation offer no later than the 165th calendar day after  
13 the date of enactment of this Act. Such acceptance—

14 (A) must be in writing signed by the permit  
15 holder or permit holder’s duly authorized representa-  
16 tive and delivered to the Chief, Financial Services  
17 Division, National Marine Fisheries Service, 1315  
18 East-West Highway, Silver Spring, MD 20910–  
19 3282, and the acceptance letter should include direct  
20 wire transfer instructions;

21 (B) shall constitute the permit holder’s irrev-  
22 ocable consent for all other restrictions that this Act  
23 permanently requires with respect to the eligible ves-  
24 sel and all such restrictions shall immediately be in  
25 effect; and

1 (C) shall be accompanied by all commercial  
2 fishing permits and licenses held by the permit hold-  
3 er that are applicable to the eligible vessel.

4 (2) If the acceptance is mailed, it must be mailed by  
5 certified mail return receipt requested. The Secretary shall  
6 consider the date of acceptance to be the date on which  
7 it was mailed.

8 (3) If acceptance is delivered by any other means, the  
9 Secretary shall consider the date of acceptance to be the  
10 date on which the Secretary first received the acceptance.  
11 The Secretary's determinations regarding the timeliness  
12 of the acceptance shall be final.

13 (h) COMPENSATION PAYMENT.—No later than the  
14 195th calendar day after the date of enactment of this  
15 Act, the Secretary shall, in accordance with this section,  
16 pay compensation in full to each permit holder whose ac-  
17 ceptance of the Secretary's offer was timely.

18 (i) FEDERAL LOAN.—Under the authority of sections  
19 1111 and 1112 of title XI of the Merchant Marine Act,  
20 1936 (46 U.S.C. App. 1279f and 1279g), the Secretary  
21 shall provide up to \$10,000,000 through a direct loan obli-  
22 gation for any payments authorized under this section that  
23 are not fully paid for by funds appropriated under sub-  
24 section (j) of this section. For purposes of such sections  
25 1111 and 1112, these payments shall be treated as pay-

1 ments under a fishing capacity reduction program estab-  
2 lished under section 312 of the Magnuson-Stevens Act (16  
3 U.S.C. 1861a). Notwithstanding subsection (b)(4) of such  
4 section 1111, the debt obligation under this subsection  
5 shall have a maturity of 30 years.

6 (j) AUTHORIZATION OF APPROPRIATIONS.—There  
7 shall be authorized to be appropriated \$100,000 for the  
8 costs required by the Federal Credit Reform Act for the  
9 \$10,000,000 direct loan authorized under subsections (a)  
10 through (i) and \$15,000,000 for the balance of the com-  
11 pensation payments authorized under subsections (a)  
12 through (i).

13 (k) MID-ATLANTIC BIGHT BUYOUT PROGRAM.—(1)  
14 The Secretary shall establish a second voluntary buyout  
15 program for permitted vessels that have recorded landings  
16 of swordfish of at least 40 percent in the mid-Atlantic  
17 bight in any 1 year during the period of 1992 through  
18 1999. The compensation package shall be fair and equi-  
19 table and shall be based on a similar compensation for-  
20 mula outlined in this section.

21 (2) The Secretary shall reduce the overall United  
22 States quota of swordfish based on the landings of each  
23 vessel as it is bought out. The reduction shall reflect the  
24 vessel's overall percentage of the total landings within the

1 mid-Atlantic Bight. The Secretary shall reduce the overall  
2 United States quota by that specific percent.

3 (3) Section 6(c)(3)(K) of the Atlantic Tunas Conven-  
4 tion Act (16 U.S.C. 971d) is amended by adding at the  
5 end the following: “The Secretary may only reduce the  
6 United States allocation or quota of swordfish by the  
7 amount directly related to amount of landings reduced in  
8 the mid-Atlantic bight as a direct result of the buyout  
9 under section 7(k) of the Atlantic Highly Migratory Spe-  
10 cies Conservation Act of 1999.”.

11 (4) There are authorized to be appropriated  
12 \$5,000,000 for the compensation payments authorized  
13 under paragraph (1).

14 **SEC. 8. RESTRICTIONS ON VESSELS.**

15 (a) IN GENERAL.—(1) All commercial fishing permits  
16 or licenses held by an eligible permit holder accepting com-  
17 pensation under section 7 shall be revoked upon receipt  
18 by the Secretary of the letter of acceptance under section  
19 7(g).

20 (2) For each eligible vessel for which an eligible per-  
21 mit holder whose commercial fishing permits and licenses  
22 have been revoked and who accepted a landing payment,  
23 such vessel shall never again be used by any person any-  
24 where in the world (regardless of the national status of  
25 such person) for commercial fishing.

1 (b) INELIGIBILITY FOR FISHERIES ENDORSE-  
 2 MENT.—Section 12108(d) of title 46, United States Code,  
 3 is amended by inserting “, or a vessel whose commercial  
 4 fishing permits and licenses have been revoked under sec-  
 5 tion 8(a)(2) of the Atlantic Highly Migratory Species Con-  
 6 servation Act of 1999,” before “is not eligible”.

7 (c) TRANSFER TO FOREIGN OWNERSHIP OR REG-  
 8 ISTRY PROHIBITED.—

9 (1) PROHIBITED TRANSFER.—No person may—

10 (A) sell, lease, charter, deliver, or in any  
 11 manner transfer, or agree to sell, lease, charter,  
 12 deliver, or in any manner transfer, to a person  
 13 not a citizen of the United States, any interest  
 14 in or control of a vessel whose commercial fish-  
 15 ing permits and licenses have been revoked; or

16 (B) place that vessel under foreign registry  
 17 or operate that vessel under the authority of a  
 18 foreign country.

19 (2) VOID EFFECT.—Any charter, sale, or trans-  
 20 fer of a vessel, or interest in or control of that ves-  
 21 sel, in violation of this subsection is void.

22 (d) PENALTIES.—

23 (1) CRIMINAL PENALTY.—Any person that  
 24 knowingly charters, sells, or transfers a vessel (or in-  
 25 terest in or control of that vessel) in violation of this

1 section, or knowingly uses that vessel for commercial  
2 fishing in violation of this section, or knowingly sub-  
3 mits false documentation for the landing payment  
4 under section 7 shall be fined under title 18, United  
5 States Code, imprisoned for not more than 5 years,  
6 or both.

7 (2) FORFEITURE.—A vessel (including its fish-  
8 ing gear, furniture, appurtenances, stores, and  
9 cargo) may be seized by, and forfeited to, the United  
10 States Government if—

11 (A)(i) the vessel is placed under foreign  
12 registry or operated under the authority of a  
13 foreign country in violation of this section;

14 (ii) a person knowingly charters, sells, or  
15 transfers a vessel, or interest or control in that  
16 vessel, in violation of this section;

17 (B) the vessel is used for commercial fish-  
18 ing in violation of this section; or

19 (C) the permit holder submits false docu-  
20 mentation for the landing payment under sec-  
21 tion 7.

22 (3) CIVIL PENALTY.—A person that charters,  
23 sells, or transfers a vessel (or an interest in or con-  
24 trol of a vessel) in violation of this section, uses a  
25 vessel for commercial fishing in violation of this sec-

1       tion, or submits false documentation for the landing  
2       payment under section 7 is liable to the United  
3       States Government for a civil penalty of not more  
4       than \$10,000 for each violation.

5       (e) VESSEL IDENTIFICATION SYSTEM.—The Sec-  
6       retary of Transportation shall ensure that, for each vessel  
7       whose commercial fishing permits and licenses have been  
8       revoked, information is recorded and maintained in the  
9       vessel identification system established under chapter 125  
10      of title 46, United States Code, stating that the vessel is  
11      forbidden under this Act from engaging in commercial  
12      fishing anywhere in the world, that the vessel is not eligi-  
13      ble for any commercial fishing permit or license (regard-  
14      less of whether the permit or license is issued by the Fed-  
15      eral Government, or a State government or political sub-  
16      division thereof), and that use of the vessel in any com-  
17      mercial fishing operation may result in Federal civil and  
18      criminal penalties and forfeiture of the vessel and its cargo  
19      and equipment.

20   **SEC. 9. REPAYMENT OF DIRECT LOAN.**

21       (a) IN GENERAL.—There is established a fishery con-  
22      servation fee system, to be administered by the Secretary,  
23      for repayment of the direct loan made under section 7(f),  
24      with the commercial share to be repaid under subsection  
25      (b) of this section and the recreational share to be repaid

1 under subsection (c) of this section. Fees under this sec-  
2 tion are established notwithstanding the requirements of  
3 section 304 or 312 of the Magnuson-Stevens Act (16  
4 U.S.C. 1854 and 1861a).

5 (b) COMMERCIAL SHARE.—

6 (1) DESCRIPTION.—The commercial share of  
7 the fishery conservation fee system shall be 50 per-  
8 cent of the original principal amount of the loan plus  
9 all interest accruing on that 50 percent of the prin-  
10 cipal amount.

11 (2) METHOD OF PAYMENT.—The Secretary  
12 shall, for the repayment of the commercial share of  
13 the loan obligation, plus associated interest, estab-  
14 lish a fee, which—

15 (A) shall be an amount determined by the  
16 Secretary to be sufficient to amortize the com-  
17 mercial share over the loan term of 30 years,  
18 not to exceed five cents, for each pound of all  
19 Atlantic swordfish sold by swordfish dealers;

20 (B) shall be collected beginning on the  
21 365th day after the date of enactment of this  
22 Act and continue without interruption, regard-  
23 less of the loan's maturity until such commer-  
24 cial share is fully paid; and



1 (C) shall be deducted by the swordfish  
2 dealer from all proceeds received from the sale  
3 by the dealer of all Atlantic swordfish and ac-  
4 counted for and forwarded by the dealer to the  
5 Secretary in the following manner:

6 (i) The fee for all proceeds received  
7 during each month shall be forwarded by  
8 not later than the 15th calendar day of  
9 each month immediately following the  
10 month for which the fees were collected  
11 and fee payments shall be late if not re-  
12 ceived at the lock box by the 20th calendar  
13 day of each such immediately following  
14 month.

15 (ii) All fees forwarded shall include a  
16 settlement sheet that establishes the total  
17 proceeds received during the previous  
18 month, the total pounds of all Atlantic  
19 swordfish sold upon which such receipts  
20 were based, and the total fee forwarded.

21 (iii) All fees shall be forwarded to a  
22 lock box account that the Secretary shall  
23 designate by a letter to each swordfish  
24 dealer holding a swordfish dealer's permit  
25 at its record address.

1 (iv) All fee matters shall be in accord-  
2 ance with such other conditions as the Sec-  
3 retary shall establish, and amend from  
4 time to time by a letter (but not by regula-  
5 tion or any other form of notice) sent to  
6 each swordfish dealer holding a swordfish  
7 dealer's permit at its record address.

8 (3) DUTY OF PROMPT NOTIFICATION.—The  
9 Secretary shall immediately notify swordfish dealers  
10 and swordfish limited access permit holders when  
11 the commercial share has been fully repaid and the  
12 collection requirement terminates. This shall be ac-  
13 complished by the Secretary's letter sent to each  
14 swordfish dealer, holding a swordfish dealer's permit  
15 and each swordfish access permit holder at its  
16 record address.

17 (4) AUDIT.—The Secretary may at reasonable  
18 times and places conduct audits of swordfish dealer's  
19 books and records to determine compliance with this  
20 section. Swordfish dealers shall furnish such books  
21 and records as the Secretary may reasonably require  
22 for the conduct of such audits.

23 (5) PENALTY INTEREST ON LATE FEE PAY-  
24 MENTS.—Swordfish dealers shall pay penalty inter-  
25 est equal to one and one-half percent the full

1 amount of each late fee payment for each month, or  
2 portion thereof, in which a late fee payment remains  
3 unpaid.

4 (6) ENFORCEMENT.—The Secretary shall col-  
5 lect all unpaid fees by such manner as the Secretary  
6 considers appropriate, including bringing collection  
7 enforcement actions at law and attaching and liqui-  
8 dating swordfish dealers' assets.

9 (7) CONTINUING OBLIGATION.—Notwith-  
10 standing that the commercial share of the loan is  
11 not paid in full by the loan's maturity date, the fee  
12 shall continue without interruption until such time  
13 as the commercial share is paid in full.

14 (c) RECREATIONAL SHARE.—

15 (1) DESCRIPTION.—The recreational share of  
16 the fishery conservation fee system shall be 50 per-  
17 cent of the original principal amount of the loan plus  
18 all interest accruing on 50 percent of the principal  
19 amount.

20 (2) METHODS OF PAYMENT.—The recreational  
21 share of the loan obligation, plus associated interest,  
22 shall be repaid through payment by affected States  
23 under paragraph (3), and by the sale of fishery con-  
24 servation permits issued under paragraph (4).

1           (3) PAYMENT BY AFFECTED STATE.—A vessel  
2       registered in an affected State will not be required  
3       to purchase a Federal fishery conservation permit if  
4       the State, no later than the 240th calendar day after  
5       the date of enactment of this Act, makes a binding,  
6       legally enforceable agreement with the United States  
7       Government to pay fully, within 4 years after the  
8       date of enactment of this Act, the State's rec-  
9       reational share allocation, plus associated interest.  
10      The allocations for each affected State shall not ex-  
11      ceed 40 percent for any affected States and will be  
12      based on the State's percentage of the total length  
13      of coastline adjacent to any area closed under sec-  
14      tion 6 and the total number of marine anglers for  
15      all seven States. Such allocations are as follows:

16                   (A) South Carolina—9.4 percent.

17                   (B) Georgia—4.3 percent.

18                   (C) Florida—40.0 percent.

19                   (D) Alabama—3.2 percent.

20                   (E) Mississippi—2.6 percent.

21                   (F) Louisiana—14.6 percent.

22                   (G) Texas—19.9 percent.

23      (4) FISHERY CONSERVATION PERMITS.—

24                   (A) ISSUANCE AND SALE.—On or about  
25      one year after the date of enactment of this Act

1 and thereafter until the recreational share is  
2 fully repaid, the Secretary shall issue for \$25  
3 each an annual fishery conservation permit to  
4 vessels over eighteen feet in length wishing to  
5 engage in recreational fishing for highly migra-  
6 tory species in any area closed under section 6.  
7 For vessels registered in a state electing to pay  
8 the recreational share, the Secretary shall issue  
9 the permit free of charge.

10 (B) MEANS OF SALE OR ISSUANCE.—The  
11 Secretary—

12 (i) may, to the extent practicable, au-  
13 thorize the permits to be issued or sold by  
14 a variety of persons, including state agen-  
15 cies, retail dealers, and through convenient  
16 means, including the Internet and toll-free  
17 telephone numbers; and

18 (ii) may establish procedures for such  
19 persons to account for and forward the  
20 proceeds of sale to the Secretary.

21 (C) LIMITATION ON PERMITTING.—The  
22 Secretary shall not be authorized to issue such  
23 permit upon the repayment of the recreational  
24 share of the loan obligation.

1 (D) OBTAINING FISHERY CONSERVATION  
2 PERMIT.—Vessels registered in affected states  
3 agreeing to pay the recreational share shall ob-  
4 tain a fishery conservation permit from the Sec-  
5 retary or the affected state where the vessel is  
6 registered.

7 (5) PROHIBITION.—After the 240th day of the  
8 date of enactment until the recreational share is  
9 fully repaid under this Act, no person may engage  
10 in recreational fishing for highly migratory species  
11 in any closed area from a vessel of 18 feet or more  
12 in length, unless the vessel has been issued a valid  
13 fishery conservation permit. It shall be a rebuttable  
14 presumption that any 18 foot or larger recreational  
15 vessel with gear aboard capable of catching highly  
16 migratory species shall be presumed to be fishing for  
17 highly migratory species.

18 (6) DUTY OF PROMPT NOTIFICATION.—The  
19 Secretary shall immediately notify the Coast Guard,  
20 the heads of the agencies of the affected States that  
21 have responsibility for marine fishery law enforce-  
22 ment, retail dealers and others who sell fishery con-  
23 servation permits under this subsection, and the  
24 public when—

1 (A) payment of the recreational share be-  
2 gins, and

3 (B) the recreational share has been fully  
4 repaid.

5 This shall be accomplished by a Federal Register no-  
6 tice, direct communication, and such other means as  
7 the Secretary determines are effective and appro-  
8 priate.

9 (7) REPAYMENT.—Money received under para-  
10 graphs (3) and (4), shall be accounted for and paid  
11 by the Secretary into the subaccount of the Treasury  
12 established for the repayment of the direct loan  
13 made under section 7(i).

14 **SEC. 10. PROHIBITED ACT UNDER MAGNUSON-STEVENSON**  
15 **ACT.**

16 A person who violates this Act shall, in addition to  
17 any other penalties provided in this Act or elsewhere, be  
18 considered to have committed an act prohibited under sec-  
19 tion 307(1)(A) of the Magnuson-Stevens Act (16 U.S.C.  
20 1857(1)(A)).

21 **SEC. 11. BILLFISH BYCATCH MORTALITY REDUCTION RE-**  
22 **SEARCH PROGRAM.**

23 (a) ESTABLISHMENT OF PROGRAM.—There is estab-  
24 lished within the National Marine Fisheries Service at the  
25 Southeast Fisheries Science Center a Pelagic Longline

1 Billfish Bycatch and Mortality Reduction Research Pro-  
2 gram. The Program shall identify and test a variety of  
3 pelagic longline fishing gear configurations and uses and  
4 determine which of those configurations and uses are the  
5 most effective in reducing billfish bycatch mortality in the  
6 pelagic longline fisheries of the Gulf of Mexico and in the  
7 exclusive economic zone north of the Atlantic Conservation  
8 Zone established under section 6. The program shall also  
9 include provision for observers to be placed on pelagic  
10 longline fishing vessels for the purposes of monitoring the  
11 fishery and participating in the research program. To fund  
12 the observers, the Secretary shall collect a fee to recover  
13 only the actual costs directly related to the observer pro-  
14 gram in the mid-Atlantic bight to monitor billfish bycatch  
15 and mortality and substantial net increase in vessels or  
16 effort. Such a fee shall not exceed 1 percent of the ex-  
17 vessel value of fish harvested in the mid-Atlantic bight,  
18 and shall be collected at either the time of the landing,  
19 filing of a landing report, or sale of such fish during a  
20 fishing season in the last quarter of the calendar year in  
21 which the fish is harvested.

22 (b) PROGRAM DESIGN.—The Program design shall  
23 be developed through a scientific workshop organized and  
24 convened by the Southeast Fisheries Science Center of the  
25 National Marine Fisheries Service. Knowledgeable mem-



1 bers of the pelagic longline fishing sector and the rec-  
2 reational billfish sector, along with scientists associated  
3 with each such industry, shall be invited to participate on  
4 the workshop design team. The Center shall make its best  
5 efforts to ensure that each such sector is fairly represented  
6 on the design team. The program design shall be sub-  
7 mitted to the Secretary no later than the 120th calendar  
8 day after the date of enactment of this Act and shall in-  
9 clude a scientifically-based recommendation for the level  
10 of observer coverage on pelagic longline fishing vessels  
11 that is necessary to monitor the fishery effectively and  
12 participate in the research program. The Secretary is di-  
13 rected to aggressively monitor the mid-Atlantic bight dur-  
14 ing the months of June, July, and August to determine  
15 if there has been a substantial net increase in the number  
16 of vessels or effort from the remaining pelagic longline  
17 fleet and whether that net increase is negatively impacting  
18 billfish bycatch. In the event the Secretary so finds, the  
19 Secretary shall immediately report the finding to the Com-  
20 mittee on Commerce, Science and Transportation of the  
21 Senate and the Committee on Resources of the House of  
22 Representatives along with his recommendations to ad-  
23 dress the impact.

24 (c) REPORT TO CONGRESS.—No later than the 90th  
25 calendar day after the third year of closure of the Gulf

1 Of Mexico Conservation Zone For Highly Migratory Spe-  
2 cies under section 6(c), the Secretary shall submit a report  
3 on the Program's determinations to the Committee on  
4 Commerce, Science, and Transportation of the Senate and  
5 the Committee on Resources of the House of Representa-  
6 tives. The report shall include any recommendations for  
7 legislation that may be appropriate prior to the expiration  
8 of the closure of the Gulf Of Mexico Conservation Zone  
9 For Highly Migratory Species.

10 **SEC. 12. RESTRICTIONS ON PELAGIC LONGLINE VESSELS**  
11 **IN MID-ATLANTIC BIGHT.**

12 Upon enactment of this Act, permitted pelagic  
13 longline vessels fishing in the mid-Atlantic bight from  
14 June through August shall not—

15 (1) increase their total pelagic longline effort  
16 (defined as number of hooks and sets, length of line,  
17 and soak time) by more than 10 percent based on  
18 the average total effort in the mid-Atlantic bight  
19 from 1992 through 1997, and

20 (2) increase days at sea in the mid-Atlantic  
21 bight by more than 10 percent based on the average  
22 days at sea from 1992 through 1997.

23 **SEC. 13. INTERIM REGULATIONS.**

24 (a) INTERIM REGULATIONS.—The Secretary may not  
25 propose, approve or implement before a date that is either

1 one year after the date on which the Secretary submits  
2 its report to Congress on the results of the Billfish By-  
3 catch Mortality Reduction Research Program under sec-  
4 tion 11(c) or four years from the date of enactment of  
5 this Act, whichever is later, any rules or regulations that  
6 have the effect of establishing any time-area closures for  
7 pelagic longline fishing in the Atlantic by United States  
8 fishing vessels that are in addition to, or otherwise expand,  
9 those time-area closures established under this Act.

10 (b) EXCEPTION.—The prohibition set forth in sub-  
11 section (b) shall not apply—

12 (1) to rules or regulations necessary to imple-  
13 ment any future recommendation of ICCAT or Act  
14 of Congress;

15 (2) to strictly technical and conforming correc-  
16 tions to those time-area closures established under  
17 this Act that the Secretary finds are necessary for  
18 public safety and enforcement of this Act; or

19 (3) if the Secretary, after consultation with the  
20 Commissioners appointed under the Atlantic Tunas  
21 Convention Act, finds that—

22 (A) fishing by United States pelagic  
23 longline fishing vessels is causing an emergency  
24 with respect to the conservation of an Atlantic  
25 highly migratory species of fish;

1 (B) such emergency can not or will not be  
2 addressed by the International Commission for  
3 the Conservation of Atlantic Tunas in a timely  
4 manner; and

5 (C) time-area closures for pelagic longline  
6 fishing in the Atlantic by United States fishing  
7 vessels that are in addition to, or otherwise ex-  
8 pand, those time-area closures established  
9 under this Act are necessary to address such  
10 emergency and there are no other practicable  
11 means available to address such emergency.

12 **SEC. 14. VESSEL MONITORING DEVICE.**

13 (a) VESSEL MONITORING DEVICE REQUIREMENT.—  
14 After the 165th day after the date of enactment of this  
15 Act, no pelagic longline vessel shall operate within the At-  
16 lantic highly migratory species fishery without a vessel  
17 monitoring device approved by the Secretary.

18 (b) LIMITATION ON REQUIREMENT.—No vessel ac-  
19 cepting the buyout under section 7 will be required to  
20 carry a vessel monitoring device.

21 (c) RESPONSIBILITY OF THE SECRETARY FOR  
22 COSTS.—Any costs attributable to the purchase and in-  
23 stallation of vessel monitoring devices on any pelagic  
24 longline vessel fishing in the Atlantic highly migratory spe-

1 cies fishery that is required to carry such a device under  
2 this section shall be the responsibility of the Secretary.

3 **SEC. 15. NULLIFICATION.**

4 If Congress fails to appropriate funds adequate to  
5 complete the buyout under section 7, then no provision  
6 of this Act shall be effective. If the Congress fails to ap-  
7 propriate funds adequate to place vessel monitoring de-  
8 vices on vessels, then the requirement to carry such de-  
9 vices shall have no effect.

10 **SEC. 16. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated to the  
12 Secretary—

13 (1) \$250,000 per fiscal year as the cost of car-  
14 rying out the compensation program;

15 (2) \$2,250,000 for vessel monitoring devices;  
16 and

17 (3) \$3,000,000 for research;

18 plus such other sums as may be necessary for carrying  
19 out all other functions in the Act. In addition, there are  
20 authorized to be appropriated to the Secretary not more  
21 than \$400,000 for the Southeast Fisheries Science Center  
22 to conduct additional research on billfish and swordfish.

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