

Calendar No. 678

106TH CONGRESS
2D SESSION**S. 1911****[Report No. 106–339]**

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 10, 1999

Mr. BREAUX (for himself, Ms. SNOWE, Mr. HOLLINGS, Mr. SHELBY, Mr. KERRY, Mr. SESSIONS, Ms. LANDRIEU, and Mrs. HUTCHISON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JULY 12, 2000

Reported by Mr. MCCAIN, with an amendment

[Strike all after the enacting clause and insert the part printed in italic]

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”.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

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

1 sailfish/spearfish, and other highly migratory species
 2 of fish as overfished.

3 (2) A reduction in the mortality of juvenile
 4 swordfish will contribute substantially to the rebuild-
 5 ing of North Atlantic swordfish as confirmed by a
 6 1998 SCRS report that expressed “concern about
 7 the high catches (landings plus discards) of small
 8 swordfish” and “emphasized that gains in the yield
 9 could accrue if fishing mortality on small fish could
 10 be further reduced”.

11 (3) In 1998, ICCAT adopted a resolution di-
 12 recting the SCRS to develop options for rebuilding
 13 North Atlantic swordfish to levels that would
 14 produce the maximum sustainable yield, including
 15 alternative methods for reducing small fish mor-
 16 tality, for consideration at the ICCAT meeting in
 17 1999.

18 (4) Reducing the mortality of species of Atlan-
 19 tic billfish, including Atlantic blue marlin, Atlantic
 20 white marlin, and Atlantic sailfish/spearfish, will
 21 contribute substantially to the rebuilding of these
 22 stocks.

23 (5) In 1990, ICCAT encouraged its member
 24 states to take appropriate measures within their na-

1 tional jurisdictions to protect small swordfish, in-
2 cluding the establishment of time and area closures.

3 (6) Significant reductions in the mortality of ju-
4 venile swordfish, species of Atlantic billfish, species
5 of Atlantic large coastal sharks, and other highly mi-
6 gratory species of fish within the exclusive economic
7 zone of the United States can be achieved by the de-
8 sign and implementation of discrete, scientifically-
9 based time-area closures for pelagic longline fishing.

10 (7) Conflicts between the commercial pelagic
11 longline fishery and the recreational fishery for high-
12 ly migratory species exist in certain areas of the
13 U.S. Exclusive Economic Zone in the Atlantic Ocean
14 and Gulf of Mexico and can be substantially reduced
15 by the design and implementation of discrete, sci-
16 entifically-based time-area closures for pelagic
17 longline fishing.

18 (8) A credible, scientifically-based time-area clo-
19 sure for pelagic longline fishing that would achieve
20 reductions in the bycatch and mortality of overfished
21 highly migratory species within the United States
22 Exclusive Economic Zone will provide a model for
23 applying the same conservation concept more broad-
24 ly in international waters through ICCAT in further

1 pursuit of the goal of rebuilding the stocks of these
2 species.

3 (9) The time-area closures for pelagic longline
4 fishing within the United States Exclusive Economic
5 Zone that will contribute to achieving the conserva-
6 tion objectives for swordfish, billfish, and large
7 coastal sharks in the Atlantic Ocean and Gulf of
8 Mexico and that will reduce conflicts between com-
9 mercial and recreational fishermen will result in sub-
10 stantial adverse economic impacts on United States
11 commercial fishermen who engage in pelagic longline
12 fishing, as well as their families and communities.
13 Such adverse economic impacts can be minimized by
14 a fair and equitable buyout of the permits and li-
15 censes of certain pelagic longline fishing vessels.

16 (10) The commercial fishermen who sustain
17 substantial adverse economic impacts from such
18 time-area closures and who should be eligible to par-
19 ticipate in such a government buyout include those
20 who, according to the National Marine Fisheries
21 Service data, have—

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

1 (B) reported that they conducted at least
2 25 pelagic longline gear sets during their quali-
3 fying year;

4 (C) reported that at least 50 percent of
5 their landings for the 1995–1997 period were
6 comprised of pelagic longline target species, in-
7 cluding swordfish, tunas, mahi-mahi, escolar,
8 and oceanic sharks; and

9 (D) qualified for a Directed Swordfish Ini-
10 tial Limited Access Permit.

11 (11) There is a great need for the National Ma-
12 rine Fisheries Service to conduct additional scientific
13 research, in cooperation with pelagic longline fishing
14 vessels, to identify the uses and configurations of pe-
15 lagic longline fishing gear that are most effective in
16 reducing bycatch.

17 **SEC. 3. PURPOSES.**

18 The purposes of this Act are—

19 (1) to contribute to the conservation and re-
20 building of overfished stocks of highly migratory spe-
21 cies, including North Atlantic swordfish, species of
22 Atlantic billfish, and Atlantic large coastal sharks,
23 through reductions in mortality and the protection
24 of those nursery and spawning areas that may occur
25 within the exclusive economic zone of the United

1 States, to levels that will produce maximum sustain-
2 able yield, in compliance with United States obliga-
3 tions under the International Convention for the
4 Conservation of Atlantic Tunas and consistent with
5 National Standard (1) and section 304 of the Mag-
6 nuson-Stevens Act;

7 (2) to minimize adverse socio-economic impacts
8 on United States commercial fishermen and their
9 families, small fishing business entities, and fishing
10 communities consistent with National Standard (8)
11 of the Magnuson-Stevens Act and the requirements
12 of the Regulatory Flexibility Act, resulting from the
13 conservation actions taken under this Act;

14 (3) to enhance both the socio-economic viability
15 of the remaining United States pelagic longline fish-
16 ing industry and recreational fishing opportunities
17 for highly migratory species;

18 (4) to minimize bycatch, including regulatory
19 discards, consistent with the Magnuson-Stevens Act
20 and the international obligations of the United
21 States;

22 (5) to support and encourage the United States
23 Government's efforts to obtain international agree-
24 ments that provide for effective fishery conservation
25 and management consistent with the policies set

1 forth in section 2(c) of the Magnuson-Stevens Act
 2 and to provide the necessary leadership for achieving
 3 greater international conservation of highly migra-
 4 tory species;

5 (6) to reduce conflicts within the exclusive eco-
 6 nomic zone of the United States between the pelagic
 7 longline and recreational fisheries for highly migra-
 8 tory species; and

9 (7) to expand the scientific knowledge and un-
 10 derstanding of Atlantic highly migratory species and
 11 the fisheries of the United States.

12 **SEC. 4. POLICY.**

13 It is declared to be the policy of the Congress in this
 14 Act and the Atlantic Tunas Convention Act of 1975 that,
 15 consistent with the Magnuson-Stevens Act, all United
 16 States fishermen shall be treated fairly and equitably in
 17 achieving national and international fishery conservation
 18 and management objectives and obligations for highly mi-
 19 gratory species of the Atlantic Ocean and Gulf of Mexico.

20 **SEC. 5. DEFINITIONS.**

21 In this Act, the following definitions apply:

22 (1) **AFFECTED STATE.**—The term “affected
 23 State” means one of the following States: South
 24 Carolina, Georgia, Florida, Alabama, Mississippi,
 25 Louisiana, and Texas.

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

3 (3) BYCATCH.—The term “bycatch” means fish
4 which are harvested in a fishery, but which are not
5 sold or kept for personal use, and includes economic
6 discards and regulatory discards. The term does not
7 include fish released alive under a recreational catch
8 and release fishery management program.

9 (4) ELIGIBLE PERMIT HOLDER.—The term “el-
10 igible permit holder” means the person or group of
11 persons who, on the date of enactment of this Act,
12 holds the Directed Swordfish Limited Access Permit
13 that was issued based on the landings of an eligible
14 vessel.

15 (5) COMMERCIAL FISHING.—The term “com-
16 mercial fishing” means fishing in which the fish har-
17 vested, either in whole or in part, are intended to
18 enter commerce or enter commerce through sale,
19 barter, or trade.

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

23 (7) FISH.—The term “fish” means finfish, mol-
24 lusk, crustaceans, and all other forms of marine

1 animal and plant life other than marine mammals
2 and birds.

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

4 (A) the catching, taking, or harvesting of
5 fish;

6 (B) the attempted catching, taking, or har-
7 vesting of fish;

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

11 (D) any operations at sea in support of, or
12 in preparation for, any activity described in
13 subparagraphs (A) through (C).

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

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

20 (A) fishing; or

21 (B) aiding or assisting one or more vessels
22 at sea in the performance of any activity relat-
23 ing to fishing, including but not limited to prep-
24 aration, supply, storage, refrigeration, transpor-
25 tation, or processing.

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

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

7 (12) MAGNUSON-STEVENSON ACT.—The term
8 “Magnuson-Stevens Act” means the Magnuson-Stevens
9 Fishery Conservation and Management Act (16
10 U.S.C. 1801 et seq.).

11 (13) PELAGIC LONGLINE FISHING.—The term
12 “pelagic longline fishing” means a method of fishing
13 that uses any fishing gear consisting of a length of
14 line suspended horizontally in the water above the
15 bottom from lines attached to surface floats and to
16 which gangions and hooks are attached.

17 (14) PERSON.—The term “person” means any
18 individual, corporation, partnership, association, or
19 other entity (whether or not organized or existing
20 under the laws of any State).

21 (15) RECREATIONAL FISHING.—The term “recreational
22 fishing” means fishing for sport or pleasure.
23 ure.

24 (16) RECORD ADDRESS.—The term “record address”
25 means the address of record for each permit

1 holder and swordfish dealer as maintained in the
2 National Marine Fisheries Service's databases.

3 ~~(17)~~ SECRETARY.—The term “Secretary”
4 means the Secretary of Commerce.

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

11 **SEC. 6. HIGHLY MIGRATORY SPECIES CONSERVATION**
12 **ZONES.**

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

20 (1) 26 degrees 30 minutes north latitude, 82
21 degrees 0 minutes west longitude;

22 (2) 24 degrees 0 minutes north latitude, 82 de-
23 grees 0 minutes west longitude;

24 ~~(3)~~ 24 degrees 0 minutes north latitude, 81 de-
25 grees 08 minutes west longitude;

1 (4) seaward extension of the Exclusive Eco-
2 nomic Zone;

3 (5) 28 degrees 17 minutes north latitude, 79
4 degrees 0 minutes west longitude;

5 (6) 31 degrees 0 minutes north latitude, 78 de-
6 grees 0 minutes west longitude;

7 (7) 32 degrees 0 minutes north latitude, 78 de-
8 grees 0 minutes west longitude;

9 (8) 32 degrees 0 minutes north latitude, 77 de-
10 grees 0 minutes west longitude;

11 (9) 33 degrees 0 minutes north latitude, 77 de-
12 grees 0 minutes west longitude;

13 (10) 33 degrees 0 minutes north latitude, 78
14 degrees 0 minutes west longitude; and

15 (11) 33 degrees 51 minutes north latitude, 78
16 degrees 33 minutes west longitude.

17 (b) GULF OF MEXICO CONSERVATION ZONE FOR
18 SWORDFISH.—Every year, during the period of January
19 1 through Memorial Day, no person may engage in pelagic
20 longline fishing in the Gulf Of Mexico Conservation Zone
21 For Swordfish, which is the area enclosed by a series of
22 geodesics connecting in succession the points at the fol-
23 lowing coordinates:

24 (1) 30 degrees 0 minutes north latitude, 87 de-
25 grees 30 minutes west longitude;

1 (2) 30 degrees 0 minutes north latitude, 86 de-
2 grees 0 minutes west longitude;

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

5 (4) 29 degrees 0 minutes north latitude, 87 de-
6 grees 30 minutes west longitude.

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

19 (1) 26 degrees 0 minutes north latitude, 97 de-
20 grees 10 minutes west longitude (at approximately
21 the border between the United States and Mexico);

22 (2) 26 degrees 0 minutes north latitude, 96 de-
23 grees 0 minutes west longitude;

24 (3) 27 degrees 30 minutes north latitude, 94
25 degrees 30 minutes west longitude;

1 (4) 27 degrees 30 minutes north latitude, 90
2 degrees 0 minutes west longitude;

3 (5) 28 degrees 0 minutes north latitude, 90 de-
4 grees 0 minutes west longitude;

5 (6) 28 degrees 0 minutes north latitude, 89 de-
6 grees 30 minutes west longitude;

7 (7) 29 degrees 0 minutes north latitude, 87 de-
8 grees 30 minutes west longitude;

9 (8) 29 degrees 0 minutes north latitude, 86 de-
10 grees 0 minutes west longitude; and

11 (9) 29 degrees 40 minutes north latitude, 85
12 degrees 20 minutes west longitude (at Cape San
13 Blas, Florida).

14 (d) SCIENTIFIC RESEARCH EXCEPTION.—The re-
15 strictions under this section on fishing do not apply to pe-
16 lagic longline fishery research authorized by the Secretary.
17 No fish caught under the research program may be sold
18 unless authorized by the Secretary.

19 (e) EFFECTIVE DATE.—This section shall be effective
20 on the 165th day after the date of enactment of this Act,
21 except that subsection (c) shall be effective on the first
22 Memorial Day after the date of enactment of this Act.

1 **SEC. 7. PELAGIC LONGLINE FISHING VESSEL PERMIT**
 2 **HOLDER COMPENSATION PROGRAM.**

3 (a) **VOLUNTARY COMPENSATION PROGRAM.**—The
 4 Secretary shall conduct a voluntary Pelagic Longline Ves-
 5 sel Permit Holder Compensation Program. Except as pro-
 6 vided in subsection (b), the following vessels are eligible
 7 for the Compensation Program:

8 (1) **ALEX JAMES**, United States official num-
 9 ber 593864.

10 (2) **AMANDA KAY**, United States official
 11 number 691398.

12 (3) **BEAU**, United States official number
 13 647878.

14 (4) **BETTE BOOP**, United States official num-
 15 ber 673527.

16 (5) **BETTY B**, United States official number
 17 689987.

18 (6) **BIGEYE**, United States official number
 19 628300.

20 (7) **BLACK JACK ONE**, United States official
 21 number 592219.

22 (8) **BONNEY ANNE**, United States official
 23 number 666686.

24 (9) **BUCKAROO**, United States official number
 25 576503.

1 ~~(10) CANDACE, United States official number~~
2 ~~673556.~~

3 ~~(11) CAPT. BOB, United States official num-~~
4 ~~ber 929813.~~

5 ~~(12) CAROL ANN, United States official num-~~
6 ~~ber 609121.~~

7 ~~(13) CHARLESTON STAR, United States of-~~
8 ~~ficial number 591301.~~

9 ~~(14) CHRISTOPHER JOE, United States offi-~~
10 ~~cial number 608436.~~

11 ~~(15) CHRISTY, United States official number~~
12 ~~933833.~~

13 ~~(16) CLAYTON REED, United States official~~
14 ~~number 683286.~~

15 ~~(17) CORAL LADY, United States official~~
16 ~~number 649372.~~

17 ~~(18) DAKOTA, United States official number~~
18 ~~956008.~~

19 ~~(19) ERICA-LYNN, United States official~~
20 ~~number 611243.~~

21 ~~(20) EXPLORER, United States official num-~~
22 ~~ber 643055.~~

23 ~~(21) FATHER & SON, United States official~~
24 ~~number 611056.~~

1 ~~(22) GINA D, United States official number~~
2 ~~602788.~~

3 ~~(23) GRAND CRU, United States official num-~~
4 ~~ber 508393.~~

5 ~~(24) HAPPY NIGHT TONIGHT, United~~
6 ~~States official number 632057.~~

7 ~~(25) ITALIAN STALLION, United States offi-~~
8 ~~cial number 603239.~~

9 ~~(26) JACQUELINE L., United States official~~
10 ~~number 551612.~~

11 ~~(27) JANICE ANN, United States official~~
12 ~~number 646506.~~

13 ~~(28) JOAN MARIE, United States official~~
14 ~~number 599408.~~

15 ~~(29) JOSHUA NICOLE, United States official~~
16 ~~number 912738.~~

17 ~~(30) JUST RIGHT, United States official~~
18 ~~number 692184.~~

19 ~~(31) KELLY ANN, United States official num-~~
20 ~~ber 633432.~~

21 ~~(32) KRISTIN LEE, United States official~~
22 ~~number 656259.~~

23 ~~(33) LADY LAURA, State of Florida registra-~~
24 ~~tion number FL2054GY.~~

1 ~~(34) LINDSEY JEANETTE, United States of-~~
2 ~~ficial number 618472.~~

3 ~~(35) LINNEA C, United States official number~~
4 ~~665962.~~

5 ~~(36) LISA ANN, United States official number~~
6 ~~659897.~~

7 ~~(37) LORI MARIE, United States official num-~~
8 ~~ber 674417.~~

9 ~~(38) MAR JACK, United States official num-~~
10 ~~ber 640008.~~

11 ~~(39) MARION FRANCES, United States offi-~~
12 ~~cial number 541694.~~

13 ~~(40) MARY ANN, United States official num-~~
14 ~~ber 596805.~~

15 ~~(41) MGB, United States official number~~
16 ~~656564.~~

17 ~~(42) MISS DANIELLE, United States official~~
18 ~~number 697038.~~

19 ~~(43) MISS MANDY, United States official~~
20 ~~number 636385.~~

21 ~~(44) MISS MELISSA, United States official~~
22 ~~number 593587.~~

23 ~~(45) MISS SUZANNE, United States official~~
24 ~~number 510728.~~

1 (46) MISS TAKE, United States official num-
2 ber 667970.

3 (47) MISS-SHELL, United States official
4 number 637883.

5 (48) OUTLAW, United States official number
6 643282.

7 (49) PEACEFUL LADY, United States official
8 number 918933.

9 (50) PROUD MARY ELLEN, United States
10 official number 615810.

11 (51) PROVIDER, United States official num-
12 ber 602041.

13 (52) PROVIDER II, United States official
14 number 648979.

15 (53) R&R, United States official number
16 945535.

17 (54) RAW DAWG, United States official num-
18 ber 677230.

19 (55) REBECCA PAGE, United States official
20 number 684131.

21 (56) REBEL LADY, United States official
22 number 628471.

23 (57) ROYAL LADY, United States official
24 number 615626.

1 ~~(58) RUTH-ANNE, United States official num-~~
2 ~~ber 598591.~~

3 ~~(59) SEA ANGEL, United States official num-~~
4 ~~ber 926754.~~

5 ~~(60) SEVEN ARROWS, United States official~~
6 ~~number 611304.~~

7 ~~(61) SHERRIE ANN H, State of Florida reg-~~
8 ~~istration number FL3716JU.~~

9 ~~(62) SOUTHERN GALE, United States offi-~~
10 ~~cial number 588452.~~

11 ~~(63) STRAIGHT FLUSH, United States offi-~~
12 ~~cial number 663691.~~

13 ~~(64) SUSAN H, United States official number~~
14 ~~594618.~~

15 ~~(65) SYLVIA JEAN, United States official~~
16 ~~number 609788.~~

17 ~~(66) TRI LINER, United States official num-~~
18 ~~ber 624323.~~

19 ~~(67) TRIPLE THREAT, United States official~~
20 ~~number 646718.~~

21 ~~(68) UNCLOUDY DAY, United States official~~
22 ~~number 950979.~~

23 ~~(b) INELIGIBILITY DUE TO PERMIT OR VESSEL~~
24 ~~TRANSFER AFTER NOVEMBER 10, 1999.—A vessel listed~~
25 ~~under subsection (a) shall not be eligible if the vessel or~~

1 any Federal fishing permit or license applicable to that
 2 vessel is transferred to a different person after November
 3 10, 1999.

4 (c) COMPENSATION NOTIFICATION.—No later than
 5 the 15th calendar day after the date of enactment of this
 6 Act, the Secretary shall, by certified mail return receipt
 7 requested, addressed to each permit holder at its record
 8 address, notify each permit holder of—

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

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

13 (d) COMPENSATION AMOUNT.—The compensation
 14 amount shall include, a permit package payment of
 15 \$125,000 per eligible permit holder plus, either—

16 (1) zero for any eligible permit holder that did
 17 not report any landings of highly migratory species
 18 by the associated eligible vessel to the National Ma-
 19 rine Fisheries Service for the period beginning on
 20 January 1, 1999, and ending on October 1, 1999;
 21 or

22 (2) for every other eligible permit holder, a
 23 landing payment that the Secretary determines in
 24 accordance with subsection (c).

1 (c) **LANDING PAYMENT DETERMINATION.**—The Sec-
 2 retary's determinations of all landing payments shall be
 3 final and in accordance with the following:

4 (1) **BASIS.**—The basis for each landing pay-
 5 ment shall be the gross ex-vessel value of all fish (re-
 6 gardless of species) landed by the eligible vessel dur-
 7 ing any one calendar year in the period beginning
 8 with the calendar year 1992 and ending with cal-
 9 endar year 1998.

10 (2) **MAXIMUM AMOUNT.**—The amount of each
 11 landing payment shall be 100 percent of such basis
 12 not to exceed \$325,000.

13 (3) **HOLDER TO ADVISE SECRETARY.**—No later
 14 than the 75th calendar day after the date of enact-
 15 ment of this Act each permit holder who desires to
 16 be compensated under this Act shall—

17 (A) advise the Secretary which single cal-
 18 endar year from 1992 through 1998 the permit
 19 holder chooses as the basis for the permit hold-
 20 er's landing payment; and

21 (B) submit to the Secretary the permit
 22 holder's documentation for the gross ex-vessel
 23 value of all fish (regardless of species) landed
 24 by the eligible vessel during the basis year cho-
 25 sen; or

1 (C) advise the Secretary that the permit
2 holder does not possess adequate documentation
3 and, consequently elects to have the Secretary
4 calculate a default landing payment.

5 (4) DOCUMENTATION.—Documentation under
6 paragraph (3)(C) shall be in the form of trip tickets
7 (or other landing documentation issued by the first
8 ex-vessel fish buyer or buyers) for the eligible vessel
9 that clearly establishes on their face the identity and
10 location of the first fish buyer, the vessel from whom
11 the fish was bought, the date the fish was bought,
12 how many pounds of each species of fish was
13 bought, and how much per pound the landing vessel
14 was paid for each species of fish bought (no other
15 documentation shall be acceptable)

16 (5) CALCULATION OF AMOUNT.—If the permit
17 holder submits adequate documentation the Sec-
18 retary shall use it to calculate the landing payment.
19 If the permit holder elects to have the Secretary cal-
20 culate a default landing payment (or submits inad-
21 equate documentation), the Secretary shall calculate
22 a default payment by applying average ex-vessel
23 prices (where possible, for each month of landing
24 and state or area of landing as maintained in the
25 National Marine Fisheries Service's databases) to

1 each pound of species of fish landed by the permit
 2 holder's eligible vessel during the basis year that the
 3 permit holder chooses.

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

12 ~~(g) COMPENSATION OFFER ACCEPTANCE.—~~

13 ~~(1) IN GENERAL.—Each eligible permit holder~~
 14 ~~who desires to be compensated in accordance with~~
 15 ~~this Act must accept the Secretary's compensation~~
 16 ~~offer no later than the 165th calendar day after the~~
 17 ~~date of enactment of this Act.~~

18 ~~(2) REQUIREMENTS.—The acceptance—~~

19 ~~(A) must be in writing signed by the per-~~
 20 ~~mit holder or permit holder's duly authorized~~
 21 ~~representative and delivered to the Chief, Fi-~~
 22 ~~nancial Services Division, National Marine~~
 23 ~~Fisheries Service, 1315 East-West Highway,~~
 24 ~~Silver Spring, MD 20910-3282, and include di-~~
 25 ~~rect wire transfer instructions;~~

1 ~~(B)~~ shall constitute the permit holder's ir-
 2 revocable consent for all other restrictions that
 3 this Act permanently requires with respect to
 4 the eligible vessel and all such restrictions shall
 5 immediately be in effect; and

6 ~~(C)~~ shall be accompanied by all commercial
 7 fishing permits and licenses held by the permit
 8 holder that are applicable to the eligible vessel.

9 ~~(3) FORM OF DELIVERY.—~~

10 ~~(A)~~ If the acceptance is mailed, it must be
 11 mailed by certified mail return receipt re-
 12 quested. The Secretary shall consider the date
 13 of acceptance to be the date on which it was
 14 mailed.

15 ~~(B)~~ If the acceptance is delivered by any
 16 other means, the Secretary shall consider the
 17 date of acceptance to be the date on which the
 18 Secretary first received the acceptance. The
 19 Secretary's determinations regarding the timeli-
 20 ness of the acceptance shall be final.

21 ~~(h) COMPENSATION PAYMENT.—~~No later than the
 22 195th calendar day after the date of enactment of this
 23 Act, the Secretary shall, in accordance with this section,
 24 pay compensation in full to each permit holder whose ac-
 25 ceptance of the Secretary's offer was timely.

1 (i) ~~FEDERAL LOAN.~~—Under the authority of sections
 2 1111 and 1112 of title XI of the Merchant Marine Act,
 3 1936 (46 U.S.C. App. 1279f and 1279g), the Secretary
 4 shall provide up to \$10,000,000 through a direct loan obli-
 5 gation for any payments authorized under this section that
 6 are not fully paid for by funds appropriated under sub-
 7 section (j) of this section. For purposes of such sections
 8 1111 and 1112, these payments shall be treated as pay-
 9 ments under a fishing capacity reduction program estab-
 10 lished under section 312 of the Magnuson-Stevens Act (16
 11 U.S.C. 1861a). Notwithstanding subsection (b)(4) of such
 12 section 1111, the debt obligation under this subsection
 13 shall have a maturity of 30 years.

14 (j) ~~AUTHORIZATION OF APPROPRIATIONS.~~—There
 15 shall be authorized to be appropriated \$100,000 for the
 16 costs required by the Federal Credit Reform Act for the
 17 \$10,000,000 direct loan authorized under this section and
 18 \$15,000,000 for the balance of the compensation pay-
 19 ments authorized under this Act.

20 **SEC. 8. RESTRICTIONS ON VESSELS.**

21 (a) ~~IN GENERAL.~~—

22 (1) All commercial fishing permits or licenses
 23 held by an eligible permit holder accepting com-
 24 pensation under section 7 shall be revoked upon re-

1 receipt by the Secretary of the letter of acceptance
2 under section 7(g).

3 (2) For each eligible vessel for which an eligible
4 permit holder whose commercial fishing permits and
5 licenses have been revoked and who accepted a land-
6 ing payment, such vessel shall never again be used
7 by any person anywhere in the world (regardless of
8 the national status of such person) for commercial
9 fishing.

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

16 (c) TRANSFER TO FOREIGN OWNERSHIP OR REG-
17 ISTRY PROHIBITED.—

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

19 (A) sell, lease, charter, deliver, or in any
20 manner transfer, or agree to sell, lease, charter,
21 deliver, or in any manner transfer, to a person
22 not a citizen of the United States, any interest
23 in or control of a vessel whose commercial fish-
24 ing permits and licenses have been revoked; or

1 ~~(B)~~ place that vessel under foreign registry
 2 or operate that vessel under the authority of a
 3 foreign country.

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

7 ~~(d) PENALTIES.—~~

8 ~~(1) CRIMINAL PENALTY.—~~Any person that
 9 knowingly charters, sells, or transfers a vessel (or in-
 10 terest in or control of that vessel) in violation of this
 11 section, or knowingly uses that vessel for commercial
 12 fishing in violation of this section, or knowingly sub-
 13 mits false documentation for the landing payment
 14 under section 7 shall be fined under title 18, United
 15 States Code, imprisoned for not more than 5 years,
 16 or both.

17 ~~(2) FORFEITURE.—~~A vessel (including its fish-
 18 ing gear, furniture, appurtenances, stores, and
 19 cargo) may be seized by, and forfeited to, the United
 20 States Government if—

21 ~~(A)(i)~~ the vessel is placed under foreign
 22 registry or operated under the authority of a
 23 foreign country in violation of this section;

1 (ii) a person knowingly charters, sells, or
 2 transfers a vessel, or interest or control in that
 3 vessel, in violation of this section;

4 (B) the vessel is used for commercial fish-
 5 ing in violation of this section

6 (C) the permit holder submits false docu-
 7 mentation for the landing payment under sec-
 8 tion 7.

9 (3) CIVIL PENALTY.—A person that charters,
 10 sells, or transfers a vessel (or an interest in or con-
 11 trol of a vessel) in violation of this section, uses a
 12 vessel for commercial fishing in violation of this sec-
 13 tion, or submits false documentation for the landing
 14 payment under section 7 is liable to the United
 15 States Government for a civil penalty of not more
 16 than \$10,000 for each violation.

17 (e) VESSEL IDENTIFICATION SYSTEM.—The Sec-
 18 retary of Transportation shall ensure that, for each vessel
 19 whose commercial fishing permits and licenses have been
 20 revoked, information is recorded and maintained in the
 21 vessel identification system established under chapter 125
 22 of title 46, United States Code, stating that the vessel is
 23 forbidden under this Act from engaging in commercial
 24 fishing anywhere in the world, that the vessel is not eligi-
 25 ble for any commercial fishing permit or license (regard-

1 less of whether the permit or license is issued by the Fed-
 2 eral Government, or a State government or political sub-
 3 division thereof), and that use of the vessel in any com-
 4 mercial fishing operation may result in Federal civil and
 5 criminal penalties and forfeiture of the vessel and its cargo
 6 and equipment.

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

8 (a) IN GENERAL.—There is established a fishery con-
 9 servation fee system, to be administered by the Secretary,
 10 for repayment of the direct loan made under section 7(f),
 11 with the commercial share to be repaid under subsection
 12 (b) of this section and the recreational share to be repaid
 13 under subsection (c) of this section. Fees under this sec-
 14 tion are established notwithstanding the requirements of
 15 section 304 or 312 of the Magnuson-Stevens Act (16
 16 U.S.C. 1854 and 1861a).

17 (b) COMMERCIAL SHARE.—

18 (1) DESCRIPTION.—The commercial share of
 19 the fishery conservation fee system shall be 50 per-
 20 cent of the original principal amount of the loan plus
 21 all interest accruing on that 50 percent of the prin-
 22 cipal amount.

23 (2) METHOD OF PAYMENT.—The Secretary
 24 shall, for the repayment of the commercial share of

1 the loan obligation, plus associated interest, estab-
2 lish a fee, which—

3 (A) shall be an amount determined by the
4 Secretary to be sufficient to amortize the com-
5 mercial share over the loan term of 30 years,
6 not to exceed five cents, for each pound of all
7 Atlantic swordfish sold by swordfish dealers;

8 (B) shall be collected beginning on the
9 365th day after the date of enactment of this
10 Act and continue without interruption, regard-
11 less of the loan's maturity until such commer-
12 cial share is fully paid; and

13 (C) shall be deducted by the swordfish
14 dealer from all proceeds received from the sale
15 by the dealer of all Atlantic swordfish and ac-
16 counted for and forwarded by the dealer to the
17 Secretary in the following manner:

18 (i) The fee for all proceeds received
19 during each month shall be forwarded by
20 not later than the 15th calendar day of
21 each month immediately following the
22 month for which the fees were collected
23 and fee payments shall be late if not re-
24 ceived at the lock box by the 20th calendar

1 day of each such immediately following
2 month.

3 (ii) All fees forwarded shall include a
4 settlement sheet that establishes the total
5 proceeds received during the previous
6 month, the total pounds of all Atlantic
7 swordfish sold upon which such receipts
8 were based, and the total fee forwarded.

9 (iii) All fees shall be forwarded to a
10 lock box account that the Secretary shall
11 designate by a letter to each swordfish
12 dealer holding a swordfish dealer's permit
13 at its record address.

14 (iv) All fee matters shall be in accord-
15 ance with such other conditions as the Sec-
16 retary shall establish, and amend from
17 time to time by a letter (but not by regula-
18 tion or any other form of notice) sent to
19 each swordfish dealer holding a swordfish
20 dealer's permit at its record address.

21 ~~(3)~~ DUTY OF PROMPT NOTIFICATION.—The
22 Secretary shall immediately notify swordfish dealers
23 and swordfish limited access permit holders when
24 the commercial share has been fully repaid and the
25 collection requirement terminates. This shall be ac-

1 accomplished by the Secretary's letter sent to each
2 swordfish dealer, holding a swordfish dealer's permit
3 and each swordfish limited access permit holder at
4 its record address.

5 (4) AUDIT.—The Secretary may at reasonable
6 times and places conduct audits of swordfish dealer's
7 books and records to determine compliance with this
8 section. Swordfish dealers shall furnish such books
9 and records as the Secretary may reasonably require
10 for the conduct of such audits.

11 (5) PENALTY INTEREST ON LATE FEE PAY-
12 MENTS.—Swordfish dealers shall pay penalty inter-
13 est equal to one and one-half percent the full
14 amount of each late fee payment for each month, or
15 portion thereof, in which a late fee payment remains
16 unpaid.

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

22 (7) CONTINUING OBLIGATION.—Notwith-
23 standing that the commercial share of the loan is
24 not paid in full by the loan's maturity date, the fee

1 shall continue without interruption until such time
2 as the commercial share is paid in full.

3 ~~(c) RECREATIONAL SHARE.—~~

4 (1) DESCRIPTION.—The recreational share of
5 the fishery conservation fee system shall be 50 per-
6 cent of the original principal amount of the loan plus
7 all interest accruing on 50 percent of the principal
8 amount.

9 (2) METHODS OF PAYMENT.—The recreational
10 share of the loan obligation, plus associated interest,
11 shall be repaid through payment by affected States
12 under paragraph (3), and by the sale of fishery con-
13 servation permits issued under paragraph (4).

14 (3) PAYMENT BY AFFECTED STATE.—A vessel
15 registered in an affected State will not be required
16 to purchase a Federal fishery conservation permit if
17 the State, no later than the 240th calendar day after
18 the date of enactment of this Act, makes a binding,
19 legally enforceable agreement with the United States
20 Government to pay fully, within 4 years after the
21 date of enactment of this Act, the State's rec-
22 reational share allocation, plus associated interest.
23 The allocations for each affected State shall not ex-
24 ceed 40 percent for any affected States and will be
25 based on the State's percentage of the total length

of coastline adjacent to any area closed under section 6 and the total number of marine anglers for all 7 States. Such allocations are as follows:

(A) South Carolina—9.4 percent;

(B) Georgia—4.3 percent;

(C) Florida—40.0 percent;

(D) Alabama—3.2 percent;

(E) Mississippi—2.6 percent;

(F) Louisiana—14.6 percent; and

(G) Texas—19.9 percent.

(4) FISHERY CONSERVATION PERMITS.—

(A) ISSUANCE AND SALE.—On or about one year after the date of enactment of this Act and thereafter until the recreational share is fully repaid, the Secretary shall issue for \$25 each an annual fishery conservation permit to vessels over 18 feet in length wishing to engage in recreational fishing for highly migratory species in any area closed under section 6. For vessels registered in a State electing to pay the recreational share, the Secretary shall issue the permit free of charge.

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

(i) may, to the extent practicable, authorize the permits to be issued or sold by a variety of persons, including state agencies, retail dealers, and through convenient means, including the Internet and toll-free telephone numbers; and

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

(C) EXCEPTION.—The Secretary may not issue such permits after the repayment of the recreational share of the loan obligation.

(D) VESSELS REGISTERED IN AFFECTED STATES.—Vessels registered in affected States agreeing to pay the recreational share shall obtain a fishery conservation permit from the Secretary or the affected State where the vessel is registered.

(5) PROHIBITION.—After the 240th day after the date of enactment of this Act until the recreational share is fully repaid under this Act, no person may engage in recreational fishing for highly migratory species in any closed area from a vessel of 18 feet or more in length, unless the vessel has been issued a valid fishery conservation permit. Such per-

1 mit must be retained on the vessel. It shall be a re-
2 buttable presumption that any 18 foot or larger rec-
3 reational vessel with gear aboard capable of catching
4 HMS species shall be presumed to be fishing for
5 HMS species. Once the recreational share has been
6 fully repaid this prohibition shall be null and void.

7 (6) DUTY OF PROMPT NOTIFICATION.—The
8 Secretary shall immediately notify the Coast Guard,
9 the heads of the agencies of the affected States that
10 have responsibility for marine fishery law enforce-
11 ment, retail dealers and others who sell fishery con-
12 servation permits under this subsection, and the
13 public when: payment of the recreational share be-
14 gins, and the recreational share has been fully re-
15 paid. This shall be accomplished by a Federal Reg-
16 ister notice, direct communication, and such other
17 means as the Secretary determines are effective and
18 appropriate.

19 (7) REPAYMENT.—Money received under sub-
20 sections (3) and (4), shall be accounted for and paid
21 by the Secretary into the subaccount of the Treasury
22 established for the repayment of the direct loan
23 made under section 7(i).

1 **SEC. 10. PROHIBITED ACT UNDER MAGNUSON-STEVENSON**
 2 **ACT.**

3 A person who violates this Act shall, in addition to
 4 any other penalties provided in this Act or elsewhere, be
 5 considered to have committed an act prohibited under sec-
 6 tion 307(1)(A) of the Magnuson-Stevens Act (16 U.S.C.
 7 1857(1)(A)).

8 **SEC. 11. BILLFISH BYCATCH MORTALITY REDUCTION RE-**
 9 **SEARCH PROGRAM.**

10 (a) **ESTABLISHMENT OF PROGRAM.**—There is estab-
 11 lished within the National Marine Fisheries Service at the
 12 Southeast Fisheries Science Center a Pelagic Longline
 13 Billfish Bycatch and Mortality Reduction Research Pro-
 14 gram. The Program shall identify and test a variety of
 15 pelagic longline fishing gear configurations and uses and
 16 determine which of those configurations and uses are the
 17 most effective in reducing billfish bycatch mortality in the
 18 pelagic longline fisheries of the Gulf of Mexico and in the
 19 exclusive economic zone north of the Atlantic Conservation
 20 Zone established under section 6. The program shall also
 21 include provision for observers to be placed on pelagic
 22 longline fishing vessels for the purposes of monitoring the
 23 fishery and participating in the research program.

24 (b) **PROGRAM DESIGN.**—The Program design shall
 25 be developed through a scientific workshop organized and
 26 convened by the Southeast Fisheries Science Center of the

1 National Marine Fisheries Service. Knowledgeable mem-
2 bers of the pelagic longline fishing sector and the rec-
3 reational billfish sector, along with scientists associated
4 with each such industry, shall be invited to participate on
5 the workshop design team. The Center shall make its best
6 efforts to ensure that each such sector is fairly represented
7 on the design team. The program design shall be sub-
8 mitted to the Secretary no later than the 120th calendar
9 day after the date of enactment of this Act and shall in-
10 clude a scientifically-based recommendation for the level
11 of observer coverage on pelagic longline fishing vessels
12 that is necessary to monitor the fishery effectively and
13 participate in the research program.

14 (c) MONITOR AND REPORT.—The Secretary is di-
15 rected to aggressively monitor the mid-Atlantic bight dur-
16 ing the months of June, July, and August to determine
17 if there has been a substantial net increase in the number
18 of vessels or effort from the remaining pelagic longline
19 fleet and whether that net increase is causing significant
20 negative impact on the recreational billfish catch. In the
21 event the Secretary so finds, the Secretary shall imme-
22 diately report the finding to the Committee on Commerce,
23 Science, and Transportation of the Senate and the Com-
24 mittee on Resources of the House of Representatives along
25 with his recommendations to address the impact.

1 (d) **REPORT TO CONGRESS.**—No later than the 90th
 2 calendar day after the third year of closure of the Gulf
 3 Of Mexico Conservation Zone For Highly Migratory Spe-
 4 cies under section 6(c), the Secretary shall submit a report
 5 on the Program’s determinations to the Committee on
 6 Commerce, Science, and Transportation of the Senate and
 7 the Committee on Resources of the House of Representa-
 8 tives. The report shall include any recommendations for
 9 legislation that may be appropriate prior to the expiration
 10 of the closure of the Gulf Of Mexico Conservation Zone
 11 For Highly Migratory Species.

12 **SEC. 12. INTERIM REGULATIONS.**

13 (a) **INTERIM REGULATIONS.**—The Secretary may not
 14 propose, approve, or implement before a date that is either
 15 one year after the date on which the Secretary submits
 16 the report to Congress on the results of the Billfish By-
 17 catch Mortality Reduction Research Program under sec-
 18 tion 11(c) or 4 years after the date of enactment of this
 19 Act, whichever is later, any rules or regulations that have
 20 the effect of establishing any time-area closures for pelagic
 21 longline fishing in the Atlantic by United States fishing
 22 vessels that are in addition to, or otherwise expand, those
 23 time-area closures established under this Act.

24 (b) **EXCEPTION.**—The prohibition set forth in sub-
 25 section (a) shall not apply—

1 (1) to rules or regulations necessary to imple-
2 ment any future recommendation of ICCAT or Act
3 of Congress;

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

8 (3) if the Secretary, after consultation with the
9 Commissioners appointed under the Atlantic Tunas
10 Convention Act of 1975, finds that—

11 (A) fishing by United States pelagic
12 longline fishing vessels is causing an emergency
13 with respect to the conservation of an Atlantic
14 highly migratory species of fish;

15 (B) such emergency can not or will not be
16 addressed by the International Commission for
17 the Conservation of Atlantic Tunas in a timely
18 manner; and

19 (C) time-area closures for pelagic longline
20 fishing in the Atlantic by United States fishing
21 vessels that are in addition to, or otherwise ex-
22 pand, those time-area closures established
23 under this Act are necessary to address such
24 emergency and there are no other practicable
25 means available to address such emergency.

1 **SEC. 13. VESSEL MONITORING DEVICE.**

2 (a) IN GENERAL.— After the 165th day of enactment
3 of this Act, no pelagic longline vessel shall operate within
4 the Atlantic HMS fishery without a vessel monitoring de-
5 vice approved by the Secretary.

6 (b) NOT REQUIRED TO CARRY MONITORING DE-
7 VICE.—No vessel accepting the buyout under section 7 will
8 be required to carry a vessel monitoring device.

9 (c) COSTS.—Any costs attributable to the purchase
10 and installation of vessel monitoring devices on any pelagic
11 longline vessel fishing in the Atlantic HMS fishery that
12 is required to carry such a device under this section shall
13 be the responsibility of the Secretary.

14 **SEC. 14. NULLIFICATION.**

15 In the event Congress fails to appropriate funds ade-
16 quate to complete the buyout under section 7 then no pro-
17 vision of this Act shall be effective. In the event Congress
18 fails to appropriate funds adequate to place vessel moni-
19 toring devices on vessels, then the requirement to carry
20 such devices shall have no effect.

21 **SEC. 15. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated to the Sec-
23 retary \$250,000 per year as the cost of carrying out the
24 compensation program; \$2,250,000 for vessel monitoring
25 devices; \$3,000,000 for research; plus such other sums as
26 may be necessary for carrying out all other functions in

1 the Act. In addition, there are authorized to be appro-
 2 priated to the Secretary not more than \$400,000 for the
 3 Southeast Fisheries Science Center to conduct additional
 4 research on billfish and swordfish.

5 **SECTION 1. SHORT TITLE.**

6 *This Act may be cited as the “Atlantic Highly Migra-*
 7 *tory Species Conservation Act of 1999”.*

8 **SEC. 2. FINDINGS.**

9 *The Congress makes the following findings:*

10 *(1) Highly migratory species of fish, including*
 11 *North Atlantic swordfish, species of Atlantic billfish,*
 12 *and Atlantic large coastal sharks, are overfished and*
 13 *require greater conservation as confirmed by recent*
 14 *scientific assessments. In its most recent analysis, the*
 15 *Standing Committee on Research and Statistics*
 16 *(SCRS) of the International Commission for the Con-*
 17 *servation of Atlantic Tunas (ICCAT) estimated that*
 18 *a number of key stocks of highly migratory species*
 19 *have less than the biomass needed to produce their re-*
 20 *spective maximum sustainable yields. The 1999*
 21 *SCRS stock assessment estimated that the North At-*
 22 *lantic swordfish stock was at 65 percent of the nec-*
 23 *essary biomass to produce maximum sustainable yield*
 24 *(MSY). The 1997 SCRS stock assessment estimated*
 25 *that the Atlantic blue marlin stock was at 24 percent*

1 *and the Atlantic white marlin stock was at 23 percent*
 2 *of the necessary biomass to produce MSY. In its most*
 3 *recent stock assessment for Atlantic sailfish/spearfish,*
 4 *the SCRS estimated these stocks were at 62 percent*
 5 *of the necessary biomass to produce MSY. Also, the*
 6 *National Marine Fisheries Service has identified*
 7 *North Atlantic swordfish, Atlantic blue marlin, At-*
 8 *lantic white marlin, Atlantic sailfish/spearfish, and*
 9 *other highly migratory species of fish as overfished.*

10 *(2) A reduction in the mortality of juvenile or*
 11 *undersized swordfish will contribute substantially to*
 12 *the rebuilding of North Atlantic swordfish as con-*
 13 *firmed by a 1998 SCRS report that expressed “con-*
 14 *cern about the high catches (landings plus discards)*
 15 *of small swordfish” and “emphasized that gains in*
 16 *the yield could accrue if fishing mortality on small*
 17 *fish could be further reduced”.*

18 *(3) In 1998, ICCAT adopted a resolution direct-*
 19 *ing the SCRS to develop options for rebuilding North*
 20 *Atlantic swordfish to levels that would produce the*
 21 *maximum sustainable yield, including alternative*
 22 *methods for reducing small fish mortality, for consid-*
 23 *eration at the ICCAT meeting in 1999.*

24 *(4) Reducing the mortality of species of Atlantic*
 25 *billfish, including Atlantic blue marlin, Atlantic*

1 *white marlin, and Atlantic sailfish/spearfish, will*
 2 *contribute substantially to the rebuilding of these*
 3 *stocks.*

4 (5) *In 1990, ICCAT encouraged its member*
 5 *states to take appropriate measures within their na-*
 6 *tional jurisdictions to protect small swordfish, includ-*
 7 *ing the establishment of time and area closures.*

8 (6) *Significant reductions in the mortality of ju-*
 9 *venile swordfish, species of Atlantic billfish, species of*
 10 *Atlantic large coastal sharks, and other highly migra-*
 11 *tory species of fish within the exclusive economic zone*
 12 *of the United States can be achieved by the design*
 13 *and implementation of discrete, scientifically-based*
 14 *time-area closures for pelagic longline fishing.*

15 (7) *Conflicts between the commercial pelagic*
 16 *longline fishery and the recreational fishery for highly*
 17 *migratory species exist in certain areas of the U.S.*
 18 *Exclusive Economic Zone in the Atlantic Ocean and*
 19 *Gulf of Mexico and can be substantially reduced by*
 20 *the design and implementation of discrete, scientif-*
 21 *ically-based time-area closures for pelagic longline*
 22 *fishing.*

23 (8) *A credible, scientifically-based time-area clo-*
 24 *sure for pelagic longline fishing that would achieve*
 25 *real and significant reductions in the bycatch and*

1 *mortality of overfished highly migratory species with-*
2 *in the United States Exclusive Economic Zone will*
3 *provide a model for applying the same conservation*
4 *concept more broadly in international waters through*
5 *ICCAT in further pursuit of the goal of rebuilding the*
6 *stocks of these species.*

7 (9) *The time-area closures for pelagic longline*
8 *fishing within the United States Exclusive Economic*
9 *Zone that will contribute to achieving the conserva-*
10 *tion objectives for swordfish, billfish, and large coastal*
11 *sharks in the Atlantic Ocean and Gulf of Mexico and*
12 *that will reduce conflicts between commercial and rec-*
13 *reational fishermen will result in substantial adverse*
14 *economic impacts on United States commercial fish-*
15 *ermen who engage in pelagic longline fishing, as well*
16 *as their families and communities. Such adverse eco-*
17 *nom ic impacts can be minimized by a fair and equi-*
18 *table buyout of the permits and licenses of certain pe-*
19 *lagic longline fishing vessels.*

20 (10) *To ensure its effectiveness and equity, the*
21 *design of such a governmental buyout should be con-*
22 *sistent with the standards set for capacity reduction*
23 *programs under section 312(b) of the Magnuson-Ste-*
24 *vens Fishery Conservation and Management Act (16*
25 *U.S.C. 1861 a).*

1 (11) *The commercial fishermen who sustain sub-*
 2 *stantial adverse economic impacts from such time-*
 3 *area closures and who should be eligible to participate*
 4 *in such a government buyout include those who, ac-*
 5 *cording to the National Marine Fisheries Service*
 6 *data, have—*

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

11 (B) *reported that they conducted at least 25*
 12 *pelagic longline gear sets during their qualifying*
 13 *year;*

14 (C) *reported that at least 50 percent of their*
 15 *landings for the 1995–1997 period were com-*
 16 *prised of pelagic longline target species, includ-*
 17 *ing swordfish, tunas, mahi-mahi, escolar, and*
 18 *oceanic sharks; and*

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

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

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

3 **SEC. 3. PURPOSES.**

4 *The purposes of this Act are—*

5 *(1) to contribute to the conservation and rebuild-*
6 *ing of overfished stocks of highly migratory species,*
7 *including North Atlantic swordfish, species of Atlan-*
8 *tic billfish, and Atlantic large coastal sharks, through*
9 *reductions in mortality and the protection of those*
10 *nursery and spawning areas that may occur within*
11 *the exclusive economic zone of the United States, to*
12 *levels that will produce maximum sustainable yield,*
13 *in compliance with United States obligations under*
14 *the International Convention for the Conservation of*
15 *Atlantic Tunas and consistent with National Stand-*
16 *ard (1) and section 304 of the Magnuson-Stevens Act;*
17 *(2) to minimize adverse socio-economic impacts*
18 *on United States commercial fishermen and their*
19 *families, small fishing business entities, and fishing*
20 *communities consistent with National Standard (8) of*
21 *the Magnuson-Stevens Act and the requirements of the*
22 *Regulatory Flexibility Act, resulting from the con-*
23 *servation actions taken under this Act;*
24 *(3) to enhance both the socio-economic viability*
25 *of the remaining United States pelagic longline fish-*

1 *ing industry and recreational fishing opportunities*
2 *for highly migratory species;*

3 *(4) to minimize and, to the extent practicable, to*
4 *prevent displacement of fishing effort resulting from*
5 *the conservation actions taken under this Act;*

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

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

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

22 *(8) to expand the scientific knowledge and un-*
23 *derstanding of Atlantic highly migratory species and*
24 *the fisheries of the United States.*

1 **SEC. 4. POLICY.**

2 *It is declared to be the policy of the Congress in this*
 3 *Act and the Atlantic Tunas Convention Act of 1975 that,*
 4 *consistent with the Magnuson-Stevens Act, all United States*
 5 *fishermen shall be treated fairly and equitably in achieving*
 6 *national and international fishery conservation and man-*
 7 *agement objectives and obligations for highly migratory spe-*
 8 *cies of the Atlantic Ocean and Gulf of Mexico.*

9 **SEC. 5. DEFINITIONS.**

10 *In this Act, the following definitions apply:*

11 (1) *AFFECTED STATE.*—*The term “affected*
 12 *State” means one of the following States: South Caro-*
 13 *lina, Georgia, Florida, Alabama, Mississippi, Lou-*
 14 *isiana, and Texas.*

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

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

23 (4) *ELIGIBLE PERMIT HOLDER.*—*The term “eli-*
 24 *gible permit holder” means the person or group of*
 25 *persons who, on the date of enactment of this Act,*
 26 *holds the Directed Swordfish Limited Access Permit*

1 *that was issued based on the landings of an eligible*
 2 *vessel.*

3 (5) *COMMERCIAL FISHING.*—*The term “commer-*
 4 *cial fishing” means fishing in which the fish har-*
 5 *vested, either in whole or in part, are intended to*
 6 *enter commerce or enter commerce through sale, bar-*
 7 *ter, or trade.*

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

11 (7) *FISH.*—*The term “fish” means finfish, mol-*
 12 *lusks, crustaceans, and all other forms of marine ani-*
 13 *mal and plant life other than marine mammals and*
 14 *birds.*

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

16 (A) *the catching, taking, or harvesting of*
 17 *fish;*

18 (B) *the attempted catching, taking, or har-*
 19 *vesting of fish;*

20 (C) *any other activity which can reasonably*
 21 *be expected to result in the catching, taking, or*
 22 *harvesting of fish; or*

23 (D) *any operations at sea in support of, or*
 24 *in preparation for, any activity described in*
 25 *subparagraphs (A) through (C).*

1 *The term does not include any scientific research ac-*
 2 *tivity that is authorized by the Secretary.*

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

7 (A) *fishing; or*

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

13 (10) *GEODESIC.*—*The term “geodesic” means the*
 14 *shortest line between two points that lies on the sur-*
 15 *face of the Earth.*

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

19 (12) *MAGNUSON-STEVENSON ACT.*—*The term “Mag-*
 20 *nuson-Stevens Act” means the Magnuson-Stevens*
 21 *Fishery Conservation and Management Act (16*
 22 *U.S.C. 1801 et seq.).*

23 (13) *PELAGIC LONGLINE FISHING.*—*The term*
 24 *“pelagic longline fishing” means a method of fishing*
 25 *that uses any fishing gear consisting of a length of*

1 *line suspended horizontally in the water above the*
 2 *bottom from lines attached to surface floats and to*
 3 *which gangions and hooks are attached.*

4 (14) *PERSON.*—*The term “person” means any*
 5 *individual, corporation, partnership, association, or*
 6 *other entity (whether or not organized or existing*
 7 *under the laws of any State).*

8 (15) *RECREATIONAL FISHING.*—*The term “rec-*
 9 *reational fishing” means fishing for sport or pleasure.*

10 (16) *RECORD ADDRESS.*—*The term “record ad-*
 11 *dress” means the address of record for each permit*
 12 *holder and swordfish dealer as maintained in the Na-*
 13 *tional Marine Fisheries Service’s databases.*

14 (17) *SECRETARY.*—*The term “Secretary” means*
 15 *the Secretary of Commerce.*

16 (18) *SWORDFISH DEALER.*—*The term “swordfish*
 17 *dealer” means any person who purchases, trades for,*
 18 *or barterers for the receipt of any Atlantic swordfish*
 19 *(whether imported or domestic and regardless of ori-*
 20 *gin) for any commercial purpose (including selling,*
 21 *trading, or bartering such swordfish to others).*

22 **SEC. 6. HIGHLY MIGRATORY SPECIES CONSERVATION**
 23 **ZONES.**

24 (a) *ATLANTIC CONSERVATION ZONE FOR HIGHLY MI-*
 25 *GRATORY SPECIES.*—*No person may engage in pelagic*

1 *longline fishing in the Atlantic Conservation Zone For*
 2 *Highly Migratory Species, which is the area, seaward of*
 3 *the baseline from which the territorial sea is measured, that*
 4 *is enclosed by a series of geodesics connecting in succession*
 5 *the points at the following coordinates:*

6 (1) *26 degrees 30 minutes north latitude, 82 de-*
 7 *grees 0 minutes west longitude;*

8 (2) *24 degrees 0 minutes north latitude, 82 de-*
 9 *grees 0 minutes west longitude;*

10 (3) *24 degrees 0 minutes north latitude, 81 de-*
 11 *grees 08 minutes west longitude;*

12 (4) *seaward extension of the Exclusive Economic*
 13 *Zone;*

14 (5) *27 degrees 52 minutes north latitude, 79 de-*
 15 *grees 0 minutes west longitude;*

16 (6) *31 degrees 0 minutes north latitude, 79 de-*
 17 *grees 0 minutes west longitude;*

18 (7) *32 degrees 0 minutes north latitude, 78 de-*
 19 *grees 0 minutes west longitude;*

20 (8) *32 degrees 0 minutes north latitude, 77 de-*
 21 *grees 0 minutes west longitude;*

22 (9) *33 degrees 0 minutes north latitude, 77 de-*
 23 *grees 0 minutes west longitude;*

24 (10) *33 degrees 0 minutes north latitude, 78 de-*
 25 *grees 0 minutes west longitude; and*

1 (11) 33 degrees 51 minutes north latitude, 78 de-
2 grees 33 minutes west longitude.

3 (b) *GULF OF MEXICO CONSERVATION ZONE FOR*
4 *SWORDFISH.*—Every year, during the period of January
5 1 through Memorial Day, no person may engage in pelagic
6 longline fishing in the Gulf Of Mexico Conservation Zone
7 For Swordfish, which is the area enclosed by a series of
8 geodesics connecting in succession the points at the fol-
9 lowing coordinates:

10 (1) 30 degrees 0 minutes north latitude, 87 de-
11 grees 30 minutes west longitude;

12 (2) 30 degrees 0 minutes north latitude, 86 de-
13 grees 0 minutes west longitude;

14 (3) 29 degrees 0 minutes north latitude, 86 de-
15 grees 0 minutes west longitude; and

16 (4) 29 degrees 0 minutes north latitude, 87 de-
17 grees 30 minutes west longitude.

18 (c) *GULF OF MEXICO CONSERVATION ZONE FOR*
19 *HIGHLY MIGRATORY SPECIES.*—During the period that be-
20 gins on the first Memorial Day after the date of enactment
21 of this Act and continues through Labor Day of the same
22 calendar year, and during the period of Memorial Day
23 through Labor Day in each of the next four calendar years,
24 no person may engage in pelagic longline fishing in the
25 Gulf Of Mexico Conservation Zone For Highly Migratory

1 *Species, which is the area, seaward of the baseline from*
 2 *which the territorial sea is measured, that is enclosed by*
 3 *a series of geodesics connecting in succession the points at*
 4 *the following coordinates:*

5 (1) *26 degrees 0 minutes north latitude, 97 de-*
 6 *grees 10 minutes west longitude (at approximately the*
 7 *border between the United States and Mexico);*

8 (2) *26 degrees 0 minutes north latitude, 96 de-*
 9 *grees 0 minutes west longitude;*

10 (3) *27 degrees 30 minutes north latitude, 94 de-*
 11 *grees 30 minutes west longitude;*

12 (4) *27 degrees 30 minutes north latitude, 90 de-*
 13 *grees 0 minutes west longitude;*

14 (5) *28 degrees 0 minutes north latitude, 90 de-*
 15 *grees 0 minutes west longitude;*

16 (6) *28 degrees 0 minutes north latitude, 89 de-*
 17 *grees 30 minutes west longitude;*

18 (7) *29 degrees 0 minutes north latitude, 87 de-*
 19 *grees 30 minutes west longitude;*

20 (8) *29 degrees 0 minutes north latitude, 86 de-*
 21 *grees 0 minutes west longitude; and*

22 (9) *29 degrees 40 minutes north latitude, 85 de-*
 23 *grees 20 minutes west longitude (at Cape San Blas,*
 24 *Florida).*

1 (d) *SCIENTIFIC RESEARCH EXCEPTION.*—*The restric-*
 2 *tions under this section on fishing do not apply to pelagic*
 3 *longline fishery research authorized by the Secretary. No*
 4 *fish caught under the research program may be sold unless*
 5 *authorized by the Secretary.*

6 (e) *EFFECTIVE DATE.*—*This section shall be effective*
 7 *on the 165th day after the date of enactment of this Act,*
 8 *except that subsection (c) shall be effective on the first Me-*
 9 *morial Day after the date of enactment of this Act.*

10 **SEC. 7. PELAGIC LONGLINE FISHING VESSEL PERMIT HOLD-**
 11 **ER COMPENSATION PROGRAM.**

12 (a) *VOLUNTARY COMPENSATION PROGRAM.*—*The Sec-*
 13 *retary shall conduct a voluntary Pelagic Longline Vessel*
 14 *Permit Holder Compensation Program. Except as provided*
 15 *in subsection (b), the following vessels are eligible for the*
 16 *Compensation Program:*

17 (1) *ALEX JAMES, United States official num-*
 18 *ber 593864.*

19 (2) *AMANDA KAY, United States official num-*
 20 *ber 691398.*

21 (3) *BEAU, United States official number*
 22 *647878.*

23 (4) *BETTE BOOP, United States official num-*
 24 *ber 673527.*

1 (5) *BETTY B, United States official number*
2 689987.

3 (6) *BIGEYE, United States official number*
4 628300.

5 (7) *BLACK JACK ONE, United States official*
6 *number 592219.*

7 (8) *BONNEY ANNE, United States official*
8 *number 666686.*

9 (9) *BUCKAROO, United States official number*
10 576503.

11 (10) *CANDACE, United States official number*
12 673556.

13 (11) *CAPT. BOB, United States official number*
14 929813.

15 (12) *CAROL ANN, United States official num-*
16 *ber 609121.*

17 (13) *CHARLESTON STAR, United States offi-*
18 *cial number 591301.*

19 (14) *CHRISTOPHER JOE, United States offi-*
20 *cial number 608436.*

21 (15) *CHRISTY, United States official number*
22 933833.

23 (16) *CLAYTON REED, United States official*
24 *number 683286.*

1 (17) *CORAL LADY*, United States official num-
2 *ber* 649372.

3 (18) *DAKOTA*, United States official number
4 956008.

5 (19) *ERICA-LYNN*, United States official num-
6 *ber* 611243.

7 (20) *EXPLORER*, United States official number
8 643055.

9 (21) *FATHER & SON*, United States official
10 number 611056.

11 (22) *GINA D*, United States official number
12 602788.

13 (23) *GRAND CRU*, United States official num-
14 *ber* 508393.

15 (24) *HAPPY NIGHT TONIGHT*, United States
16 official number 632057.

17 (25) *ITALIAN STALLION*, United States offi-
18 cial number 603239.

19 (26) *JACQUELINE L.*, United States official
20 number 551612.

21 (27) *JANICE ANN*, United States official num-
22 *ber* 646506.

23 (28) *JOAN MARIE*, United States official num-
24 *ber* 599408.

1 (29) *JOSHUA NICOLE, United States official*
2 *number 912738.*

3 (30) *JUST RIGHT, United States official num-*
4 *ber 692184.*

5 (31) *KELLY ANN, United States official num-*
6 *ber 633432.*

7 (32) *KRISTIN LEE, United States official*
8 *number 656259.*

9 (33) *LADY LAURA, State of Florida registra-*
10 *tion number FL2054GY.*

11 (34) *LINDSEY JEANETTE, United States offi-*
12 *cial number 618472.*

13 (35) *LINNEA C, United States official number*
14 *665962.*

15 (36) *LISA ANN, United States official number*
16 *659897.*

17 (37) *LORI MARIE, United States official num-*
18 *ber 674417.*

19 (38) *MAR JACK, United States official number*
20 *640008.*

21 (39) *MARION FRANCES, United States official*
22 *number 541694.*

23 (40) *MARY ANN, United States official number*
24 *596805.*

1 (41) *MGB, United States official number*
2 656564.

3 (42) *MISS DANIELLE, United States official*
4 *number 697038.*

5 (43) *MISS MANDY, United States official num-*
6 *ber 636385.*

7 (44) *MISS MELISSA, United States official*
8 *number 593587.*

9 (45) *MISS SUZANNE, United States official*
10 *number 510728.*

11 (46) *MISS TAKE, United States official number*
12 667970.

13 (47) *MISS-SHELL, United States official num-*
14 *ber 637883.*

15 (48) *OUTLAW, United States official number*
16 643282.

17 (49) *PEACEFUL LADY, United States official*
18 *number 918933.*

19 (50) *PROUD MARY ELLEN, United States of-*
20 *ficial number 615810.*

21 (51) *PROVIDER, United States official number*
22 602041.

23 (52) *PROVIDER II, United States official num-*
24 *ber 648979.*

1 (53) *R&R, United States official number*
2 *945535.*

3 (54) *RAW DAWG, United States official number*
4 *677230.*

5 (55) *REBECCA PAGE, United States official*
6 *number 684131.*

7 (56) *REBEL LADY, United States official num-*
8 *ber 628471.*

9 (57) *ROYAL LADY, United States official num-*
10 *ber 615626.*

11 (58) *RUTH-ANNE, United States official num-*
12 *ber 598591.*

13 (59) *SEA ANGEL, United States official num-*
14 *ber 926754.*

15 (60) *SEVEN ARROWS, United States official*
16 *number 611304.*

17 (61) *SHERRIE ANN II, State of Florida reg-*
18 *istration number FL3716JU.*

19 (62) *SOUTHERN GALE, United States official*
20 *number 588452.*

21 (63) *STRAIGHT FLUSH, United States official*
22 *number 663691.*

23 (64) *SUSAN II, United States official number*
24 *594618.*

1 (65) *SYLVIA JEAN*, United States official num-
2 ber 609788.

3 (66) *TRI LINER*, United States official number
4 624323.

5 (67) *TRIPLE THREAT*, United States official
6 number 646718.

7 (68) *UNCLOUDY DAY*, United States official
8 number 950979.

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

14 (c) *COMPENSATION NOTIFICATION.*—No later than the
15 15th calendar day after the date of enactment of this Act,
16 the Secretary shall, by certified mail return receipt re-
17 quested, addressed to each eligible permit holder at its
18 record address, notify each eligible permit holder of—

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

20 (2) any other compensation instructions or guid-
21 ance that the Secretary may (but not by regulation
22 or further notice of any other kind) establish.

23 (d) *COMPENSATION AMOUNT.*—

1 (1) *IN GENERAL.*—*The compensation amount*
2 *shall include, a permit package payment of \$125,000*
3 *per eligible permit holder plus, either—*

4 (A) *zero for any eligible permit holder that*
5 *did not report any landings of highly migratory*
6 *species by the associated eligible vessel to the Na-*
7 *tional Marine Fisheries Service for the period be-*
8 *ginning on January 1, 1999, and ending on Oc-*
9 *tober 1, 1999; or*

10 (B) *for every other eligible permit holder, a*
11 *landing payment that the Secretary determines*
12 *in accordance with subsection (e).*

13 (2) *REDUCTION.*—*The compensation amount de-*
14 *termined under paragraph (1) shall be reduced by the*
15 *amount of any lien, judgement, or other such final ob-*
16 *ligation due the United States from the eligible per-*
17 *mit holder. Before making payment under this sec-*
18 *tion, the Secretary shall identify all such outstanding*
19 *obligations with respect to an eligible permit holder*
20 *and notify that person of the amount of the reduction*
21 *under this paragraph and the obligations taken into*
22 *account.*

23 (e) *LANDING PAYMENT DETERMINATION.*—*The Sec-*
24 *retary's determinations of all landing payments shall be*

1 *final, not subject to review under U.S.C. 551 et seq., and*
2 *in accordance with the following:*

3 (1) *BASIS.*—*The basis for each landing payment*
4 *shall be the gross ex-vessel value of all fish (regardless*
5 *of species) landed by the eligible vessel during any one*
6 *calendar year in the period beginning with the cal-*
7 *endar year 1992 and ending with calendar year 1998.*

8 (2) *MAXIMUM AMOUNT.*—*The amount of each*
9 *landing payment shall be 100 percent of such basis*
10 *not to exceed \$325,000.*

11 (3) *HOLDER TO ADVISE SECRETARY.*—*No later*
12 *than the 75th calendar day after the date of enact-*
13 *ment of this Act each permit holder who desires to be*
14 *compensated under this Act shall—*

15 (A) *advise the Secretary which single cal-*
16 *endar year from 1992 through 1998 the permit*
17 *holder chooses as the basis for the permit holder's*
18 *landing payment; and*

19 (B) *submit to the Secretary the permit hold-*
20 *er's documentation for the gross ex-vessel value of*
21 *all fish (regardless of species) landed by the eligi-*
22 *ble vessel during the basis year chosen; or*

23 (C) *advise the Secretary that the permit*
24 *holder does not possess adequate documentation*

1 *and, consequently elects to have the Secretary*
2 *calculate a default landing payment.*

3 (4) *DOCUMENTATION.—Documentation under*
4 *paragraph (3)(C) shall be in the form of trip tickets*
5 *(or other landing documentation issued by the first*
6 *ex-vessel fish buyer or buyers) for the eligible vessel*
7 *that clearly establishes on their face the identity and*
8 *location of the first fish buyer, the vessel from whom*
9 *the fish was bought, the date the fish was bought, how*
10 *many pounds of each species of fish was bought, and*
11 *how much per pound the landing vessel was paid for*
12 *each species of fish bought (no other documentation*
13 *shall be acceptable)*

14 (5) *CALCULATION OF AMOUNT.—If the permit*
15 *holder submits adequate documentation the Secretary*
16 *shall use it to calculate the landing payment. If the*
17 *permit holder elects to have the Secretary calculate a*
18 *default landing payment (or submits inadequate doc-*
19 *umentation), the Secretary shall calculate a default*
20 *payment by applying average ex-vessel prices (where*
21 *possible, for each month of landing and state or area*
22 *of landing as maintained in the National Marine*
23 *Fisheries Service's databases) to each pound of species*
24 *of fish landed by the permit holder's eligible vessel*
25 *during 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 an
 6 amount determined in accordance with this section. The
 7 Secretary’s offer shall be final and not subject to negotiation
 8 or counteroffer.

9 (g) *COMPENSATION OFFER ACCEPTANCE.*—

10 (1) *IN GENERAL.*—Each eligible permit holder
 11 who desires to be compensated in accordance with this
 12 Act must accept the Secretary’s compensation offer no
 13 later than the 165th calendar day after the date of en-
 14 actment of this Act.

15 (2) *REQUIREMENTS.*—The acceptance—

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

23 (B) shall constitute the eligible permit hold-
 24 er’s irrevocable consent for all other restrictions
 25 that this Act permanently requires with respect

1 to the eligible vessel and all such restrictions
2 shall immediately be in effect; and

3 (C) shall be accompanied by all commercial
4 fishing permits and licenses held by the eligible
5 permit holder that are or were applicable to the
6 eligible vessel.

7 (3) *FORM OF DELIVERY.*—

8 (A) If the acceptance is mailed, it must be
9 mailed by certified mail return receipt requested.
10 The Secretary shall consider the date of accept-
11 ance to be the date on which it was mailed.

12 (B) If the acceptance is delivered by any
13 other means, the Secretary shall consider the
14 date of acceptance to be the date on which the
15 Secretary first received the acceptance. The Sec-
16 retary's determinations regarding the timeliness
17 of the acceptance shall be final.

18 (h) *COMPENSATION PAYMENT.*—No later than the
19 195th calendar day after the date of enactment of this Act,
20 the Secretary shall, in accordance with this section, pay
21 compensation in full to each permit holder whose acceptance
22 of the Secretary's offer was timely.

23 (i) *FEDERAL LOAN.*—Under the authority of sections
24 1111 and 1112 of title XI of the Merchant Marine Act, 1936
25 (46 U.S.C. App. 1279f and 1279g), the Secretary shall pro-

1 *vide up to \$10,000,000 through a direct loan obligation for*
 2 *any payments authorized under this section that are not*
 3 *fully paid for by funds appropriated under subsection (j)*
 4 *of this section. For purposes of such sections 1111 and 1112,*
 5 *these payments shall be treated as payments under a fishing*
 6 *capacity reduction program established under section 312*
 7 *of the Magnuson-Stevens Act (16 U.S.C. 1861a). Notwith-*
 8 *standing subsection (b)(4) of such section 1111, the debt ob-*
 9 *ligation under this subsection shall have a maturity of 30*
 10 *years.*

11 *(j) AUTHORIZATION OF APPROPRIATIONS.—There shall*
 12 *be authorized to be appropriated \$100,000 for the costs re-*
 13 *quired by the Federal Credit Reform Act for the \$10,000,000*
 14 *direct loan authorized under this section and \$15,000,000*
 15 *for the balance of the compensation payments authorized*
 16 *under this Act.*

17 *(k) BLENDED FUNDING SOURCE.—All funds appro-*
 18 *priated under subsection (j) shall be available for the pay-*
 19 *ments authorized under this section and shall be applied*
 20 *so as to ensure that 40 percent of the cost of such payments*
 21 *is derived from the direct loan authorized under this section*
 22 *and 60 percent of the cost of such payments is derived from*
 23 *funds appropriated for payment under this section. If any*
 24 *amounts appropriated remain unexpended and unobligated*
 25 *after all payments are made under this section, the remain-*

1 *der of such amounts shall be available for obligation and*
 2 *expenditure for the research program established under sec-*
 3 *tion 11.*

4 **SEC. 8. RESTRICTIONS ON VESSELS.**

5 *(a) IN GENERAL.—*

6 *(1) All commercial fishing permits or licenses*
 7 *held by an eligible permit holder accepting compensa-*
 8 *tion under section 7 shall be revoked upon receipt by*
 9 *the Secretary of the letter of acceptance under section*
 10 *7(g).*

11 *(2) For each eligible vessel for which an eligible*
 12 *permit holder whose commercial fishing permits and*
 13 *licenses have been revoked and who accepted a land-*
 14 *ing payment, such vessel shall never again be used by*
 15 *any person anywhere in the world (regardless of the*
 16 *national status of such person) for commercial fish-*
 17 *ing.*

18 *(b) INELIGIBILITY FOR FISHERIES ENDORSEMENT.—*
 19 *Section 12108(d) of title 46, United States Code, is amend-*
 20 *ed by inserting “, or a vessel whose commercial fishing per-*
 21 *mits and licenses have been revoked under section 8(a)(2)*
 22 *of the Atlantic Highly Migratory Species Conservation Act*
 23 *of 1999,” before “is not eligible”.*

24 *(c) TRANSFER TO FOREIGN OWNERSHIP OR REGISTRY*
 25 *PROHIBITED.—*

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

2 (A) sell, lease, charter, deliver, or in any
3 manner transfer, or agree to sell, lease, charter,
4 deliver, or in any manner transfer, to a person
5 not a citizen of the United States, any interest
6 in or control of a vessel whose commercial fish-
7 ing permits and licenses have been revoked; or

8 (B) place that vessel under foreign registry
9 or operate that vessel under the authority of a
10 foreign country.

11 (2) *VOID EFFECT*.—Any charter, sale, or transfer
12 of a vessel, or interest in or control of that vessel, in
13 violation of this subsection is void.

14 (d) *PENALTIES*.—

15 (1) *CRIMINAL PENALTY*.—Any person that know-
16 ingly charters, sells, or transfers a vessel (or interest
17 in or control of that vessel) in violation of this sec-
18 tion, or knowingly uses that vessel for commercial
19 fishing in violation of this section, or knowingly sub-
20 mits false documentation for the landing payment
21 under section 7 shall be fined under title 18, United
22 States Code, imprisoned for not more than 5 years,
23 or both.

24 (2) *FORFEITURE*.—A vessel (including its fishing
25 gear, furniture, appurtenances, stores, and cargo)

1 *may be seized by, and forfeited to, the United States*
 2 *Government if—*

3 *(A)(i) the vessel is placed under foreign reg-*
 4 *istry or operated under the authority of a foreign*
 5 *country in violation of this section;*

6 *(ii) a person knowingly charters, sells, or*
 7 *transfers a vessel, or interest or control in that*
 8 *vessel, in violation of this section;*

9 *(B) the vessel is used for commercial fishing*
 10 *in violation of this section*

11 *(C) the permit holder submits false docu-*
 12 *mentation for the landing payment under section*
 13 *7.*

14 *(3) CIVIL PENALTY.—A person that charters,*
 15 *sells, or transfers a vessel (or an interest in or control*
 16 *of a vessel) in violation of this section, uses a vessel*
 17 *for commercial fishing in violation of this section, or*
 18 *submits false documentation for the landing payment*
 19 *under section 7 is liable to the United States Govern-*
 20 *ment for a civil penalty of not more than \$10,000 for*
 21 *each violation.*

22 *(e) VESSEL IDENTIFICATION SYSTEM.—The Secretary*
 23 *of Transportation shall ensure that, for each vessel whose*
 24 *commercial fishing permits and licenses have been revoked,*
 25 *information is recorded and maintained in the vessel iden-*

1 *tification system established under chapter 125 of title 46,*
 2 *United States Code, stating that the vessel is forbidden*
 3 *under this Act from engaging in commercial fishing any-*
 4 *where in the world, that the vessel is not eligible for any*
 5 *commercial fishing permit or license (regardless of whether*
 6 *the permit or license is issued by the Federal Government,*
 7 *or a State government or political subdivision thereof), and*
 8 *that use of the vessel in any commercial fishing operation*
 9 *may result in Federal civil and criminal penalties and for-*
 10 *feiture of the vessel and its cargo and equipment.*

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

12 (a) *IN GENERAL.*—*There is established a fishery con-*
 13 *servation fee system, to be administered by the Secretary,*
 14 *for repayment of the direct loan made under section 7(f),*
 15 *with the commercial share to be repaid under subsection*
 16 *(b) of this section and the recreational share to be repaid*
 17 *under subsection (c) of this section. Fees under this section*
 18 *are established notwithstanding the requirements of section*
 19 *304 or 312 of the Magnuson-Stevens Act (16 U.S.C. 1854*
 20 *and 1861a).*

21 (b) *COMMERCIAL SHARE.*—

22 (1) *DESCRIPTION.*—*The commercial share of the*
 23 *fishery conservation fee system shall be 50 percent of*
 24 *the original principal amount of the loan plus all in-*

1 *terest accruing on that 50 percent of the principal*
 2 *amount.*

3 (2) *METHOD OF PAYMENT.*—*The Secretary shall,*
 4 *for the repayment of the commercial share of the loan*
 5 *obligation, plus associated interest, establish a fee,*
 6 *which—*

7 (A) *shall be an amount determined by the*
 8 *Secretary to be sufficient to amortize the com-*
 9 *mercial share over the loan term of 30 years, not*
 10 *to exceed five cents, for each pound of all Atlan-*
 11 *tic swordfish sold by swordfish dealers;*

12 (B) *shall be collected beginning on the 365th*
 13 *day after the date of enactment of this Act and*
 14 *continue without interruption, regardless of the*
 15 *loan's maturity until such commercial share is*
 16 *fully paid; and*

17 (C) *shall be deducted by the swordfish dealer*
 18 *from all proceeds received from the sale by the*
 19 *dealer of all Atlantic swordfish and accounted*
 20 *for and forwarded by the dealer to the Secretary*
 21 *in the following manner:*

22 (i) *The fee for all proceeds received*
 23 *during each month shall be forwarded by*
 24 *not later than the 15th calendar day of each*
 25 *month immediately following the month for*

1 *which the fees were collected and fee pay-*
 2 *ments shall be late if not received at the lock*
 3 *box by the 20th calendar day of each such*
 4 *immediately following month.*

5 (ii) *All fees forwarded shall include a*
 6 *settlement sheet that establishes the total*
 7 *proceeds received during the previous*
 8 *month, the total pounds of all Atlantic*
 9 *swordfish sold upon which such receipts*
 10 *were based, and the total fee forwarded.*

11 (iii) *All fees shall be forwarded to a*
 12 *lock box account that the Secretary shall*
 13 *designate by a letter to each swordfish deal-*
 14 *er holding a swordfish dealer's permit at its*
 15 *record address.*

16 (iv) *All fee matters shall be in accord-*
 17 *ance with such other conditions as the Sec-*
 18 *retary shall establish, and amend from time*
 19 *to time by a letter (but not by regulation or*
 20 *any other form of notice) sent to each*
 21 *swordfish dealer holding a swordfish deal-*
 22 *er's permit at its record address.*

23 (3) *DUTY OF PROMPT NOTIFICATION.—The Sec-*
 24 *retary shall immediately notify swordfish dealers and*
 25 *swordfish limited access permit holders when the com-*

1 *mercial share has been fully repaid and the collection*
 2 *requirement terminates. This shall be accomplished by*
 3 *the Secretary's letter sent to each swordfish dealer,*
 4 *holding a swordfish dealer's permit and each sword-*
 5 *fish limited access permit holder at its record address.*

6 (4) *AUDIT.*—*The Secretary may at reasonable*
 7 *times and places conduct audits of swordfish dealer's*
 8 *books and records to determine compliance with this*
 9 *section. Swordfish dealers shall furnish such books*
 10 *and records as the Secretary may reasonably require*
 11 *for the conduct of such audits.*

12 (5) *PENALTY INTEREST ON LATE FEE PAY-*
 13 *MENTS.*—*Swordfish dealers shall pay penalty interest*
 14 *equal to one and one-half percent the full amount of*
 15 *each late fee payment for each month, or portion*
 16 *thereof, in which a late fee payment remains unpaid.*

17 (6) *ENFORCEMENT.*—*The Secretary shall collect*
 18 *all unpaid fees by such manner as the Secretary con-*
 19 *siders appropriate, including bringing collection en-*
 20 *forcement actions at law and attaching and liqui-*
 21 *dating swordfish dealers' assets.*

22 (7) *CONTINUING OBLIGATION.*—*Notwithstanding*
 23 *that the commercial share of the loan is not paid in*
 24 *full by the loan's maturity date, the fee shall continue*

1 *without interruption until such time as the commer-*
 2 *cial share is paid in full.*

3 (c) *RECREATIONAL SHARE.*—

4 (1) *DESCRIPTION.*—*The recreational share of the*
 5 *fishery conservation fee system shall be 50 percent of*
 6 *the original principal amount of the loan plus all in-*
 7 *terest accruing on 50 percent of the principal*
 8 *amount.*

9 (2) *METHODS OF PAYMENT.*—*The recreational*
 10 *share of the loan obligation, plus associated interest,*
 11 *shall be repaid through payment by affected States*
 12 *under paragraph (3), and by the sale of fishery con-*
 13 *servation permits issued under paragraph (4).*

14 (3) *PAYMENT BY AFFECTED STATE.*—*A vessel*
 15 *registered in an affected State will not be required to*
 16 *purchase a Federal fishery conservation permit if the*
 17 *State, no later than the 240th calendar day after the*
 18 *date of enactment of this Act, makes a binding, le-*
 19 *gally enforceable agreement with the United States*
 20 *Government to pay fully, within 4 years after the*
 21 *date of enactment of this Act, the State's recreational*
 22 *share allocation, plus associated interest. The alloca-*
 23 *tions for each affected State shall not exceed 40 per-*
 24 *cent for any affected States and will be based on the*
 25 *State's percentage of the total length of coastline adja-*

cent to any area closed under section 6 and the total number of marine anglers for all 7 States. Such allocations are as follows:

(A) South Carolina—9.4 percent;

(B) Georgia—4.3 percent;

(C) Florida—40.0 percent;

(D) Alabama—3.2 percent;

(E) Mississippi—2.6 percent;

(F) Louisiana—14.6 percent; and

(G) Texas—19.9 percent.

(4) *FISHERY CONSERVATION PERMITS.*—

(A) *ISSUANCE AND SALE.*—On or about one year after the date of enactment of this Act and thereafter until the recreational share is fully repaid, the Secretary shall issue for \$25 each an annual fishery conservation permit to vessels over 18 feet in length wishing to engage in recreational fishing for highly migratory species in any area closed under section 6. For vessels registered in a State electing to pay the recreational share, the Secretary shall issue the permit free of charge.

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

1 (i) may, to the extent practicable, au-
 2 thorize the permits to be issued or sold by
 3 a variety of persons, including state agen-
 4 cies, retail dealers, and through convenient
 5 means, including the Internet and toll-free
 6 telephone numbers; and

7 (ii) may establish procedures for such
 8 persons to account for and forward the pro-
 9 ceeds of sale to the Secretary.

10 (C) *EXCEPTION.*—The Secretary may not
 11 issue such permits after the repayment of the rec-
 12 reational share of the loan obligation.

13 (D) *VESSELS REGISTERED IN AFFECTED*
 14 *STATES.*—Vessels registered in affected States
 15 agreeing to pay the recreational share shall ob-
 16 tain a fishery conservation permit from the Sec-
 17 retary or the affected State where the vessel is
 18 registered.

19 (5) *PROHIBITION.*—After the 240th day after the
 20 date of enactment of this Act until the recreational
 21 share is fully repaid under this Act, no person may
 22 engage in recreational fishing for highly migratory
 23 species in any closed area from a vessel of 18 feet or
 24 more in length, unless the vessel has been issued a
 25 valid fishery conservation permit. Such permit must

1 *be retained on the vessel. It shall be a rebuttable pre-*
 2 *sumption that any 18 foot or larger recreational ves-*
 3 *sel with gear aboard capable of catching HMS species*
 4 *shall be presumed to be fishing for HMS species. Once*
 5 *the recreational share has been fully repaid this pro-*
 6 *hibition shall be null and void.*

7 (6) *DUTY OF PROMPT NOTIFICATION.*—*The Sec-*
 8 *retary shall immediately notify the Coast Guard, the*
 9 *heads of the agencies of the affected States that have*
 10 *responsibility for marine fishery law enforcement, re-*
 11 *tail dealers and others who sell fishery conservation*
 12 *permits under this subsection, and the public when:*
 13 *payment of the recreational share begins, and the rec-*
 14 *reational share has been fully repaid. This shall be*
 15 *accomplished by a Federal Register notice, direct*
 16 *communication, and such other means as the Sec-*
 17 *retary determines are effective and appropriate.*

18 (7) *REPAYMENT.*—*Money received under sub-*
 19 *sections (3) and (4), shall be accounted for and paid*
 20 *by the Secretary into the subaccount of the Treasury*
 21 *established for the repayment of the direct loan made*
 22 *under section 7(i).*

1 **SEC. 10. PROHIBITED ACT UNDER MAGNUSON-STEVENS**
 2 **ACT.**

3 *A person who violates this Act shall, in addition to*
 4 *any other penalties provided in this Act or elsewhere, be*
 5 *considered to have committed an act prohibited under sec-*
 6 *tion 307(1)(A) of the Magnuson-Stevens Act (16 U.S.C.*
 7 *1857(1)(A)).*

8 **SEC. 11. HIGHLY MIGRATORY SPECIES BYCATCH MOR-**
 9 **TALITY REDUCTION RESEARCH PROGRAM.**

10 *(a) ESTABLISHMENT OF PROGRAM.—There is estab-*
 11 *lished within the National Marine Fisheries Service at the*
 12 *Southeast Fisheries Science Center a Pelagic Longline*
 13 *Highly Migratory Species Bycatch and Mortality Reduc-*
 14 *tion Research Program. The Program shall identify and*
 15 *test a variety of pelagic longline fishing gear configurations*
 16 *and uses and determine which of those configurations and*
 17 *uses are the most effective in reducing highly migratory spe-*
 18 *cies bycatch mortality in the pelagic longline fisheries in*
 19 *the exclusive economic zone of the Gulf of Mexico and the*
 20 *Atlantic Ocean. The program shall also evaluate impacts*
 21 *of gear changes on protected species and include provision*
 22 *for observers to be placed on pelagic longline fishing vessels*
 23 *for the purposes of monitoring the fishery and participating*
 24 *in the research program.*

25 *(b) PROGRAM DESIGN.—The Program design shall be*
 26 *developed through a scientific workshop organized and con-*

1 *vened by the Southeast Fisheries Science Center of the Na-*
 2 *tional Marine Fisheries Service. Knowledgeable members of*
 3 *the pelagic longline fishing sector and the recreational fish-*
 4 *ing sector, and conservation community, along with sci-*
 5 *entists associated with each such industry, shall be invited*
 6 *to participate on the workshop design team. The Center*
 7 *shall make its best efforts to ensure that each such sector*
 8 *is fairly represented on the design team. The program de-*
 9 *sign shall be submitted to the Secretary no later than the*
 10 *120th calendar day after the date of enactment of this Act*
 11 *and shall include a scientifically-based recommendation for*
 12 *the level of observer coverage on pelagic longline fishing ves-*
 13 *sels that is necessary to monitor the fishery effectively and*
 14 *participate in the research program.*

15 (c) *MONITOR AND REPORT.*—*The Secretary is directed*
 16 *to aggressively monitor the mid-Atlantic bight during the*
 17 *months of June, July, and August to determine if there has*
 18 *been a substantial net increase in the number of vessels or*
 19 *effort from the remaining pelagic longline fleet and whether*
 20 *that net increase is causing significant negative impact on*
 21 *the recreational billfish catch. In the event the Secretary*
 22 *so finds, the Secretary shall immediately report the finding*
 23 *to the Committee on Commerce, Science, and Transpor-*
 24 *tation of the Senate and the Committee on Resources of the*

1 *House of Representatives along with his recommendations*
 2 *to address the impact.*

3 (d) *REPORT TO CONGRESS.*—No later than the 90th
 4 *calendar day after the third year of closure of the Gulf Of*
 5 *Mexico Conservation Zone For Highly Migratory Species*
 6 *under section 6(c), the Secretary shall submit a report on*
 7 *the Program’s determinations to the Committee on Com-*
 8 *merce, Science, and Transportation of the Senate and the*
 9 *Committee on Resources of the House of Representatives.*
 10 *The report shall include any recommendations for legisla-*
 11 *tion that may be appropriate prior to the expiration of the*
 12 *closure of the Gulf Of Mexico Conservation Zone For Highly*
 13 *Migratory Species.*

14 **SEC. 12. INTERIM REGULATIONS.**

15 (a) *INTERIM REGULATIONS.*—The Secretary may not
 16 *propose, approve, or implement before a date that is either*
 17 *one year after the date on which the Secretary submits the*
 18 *report to Congress on the results of the Pelagic Longline*
 19 *Highly Migratory Species Bycatch Mortality Reduction Re-*
 20 *search Program under section 11(c) or 4 years after the date*
 21 *of enactment of this Act, whichever is later, any rules or*
 22 *regulations that have the effect of establishing any time-area*
 23 *closures for pelagic longline fishing in the Atlantic by*
 24 *United States fishing vessels that are in addition to, or oth-*

1 *erwise expand, those time-area closures established under*
 2 *this Act.*

3 (b) *EXCEPTION.—The prohibition set forth in sub-*
 4 *section (a) shall not apply—*

5 (1) *to rules or regulations necessary to imple-*
 6 *ment any future recommendation of ICCAT;*

7 (2) *to strictly technical and conforming correc-*
 8 *tions to those time-area closures established under this*
 9 *Act that the Secretary finds are necessary for public*
 10 *safety and enforcement of this Act; or*

11 (3) *if the Secretary, after consultation with the*
 12 *Commissioners appointed under the Atlantic Tunas*
 13 *Convention Act of 1975, finds that—*

14 (A) *fishing by United States pelagic*
 15 *longline fishing vessels is causing an emergency*
 16 *with respect to the conservation of an Atlantic*
 17 *highly migratory species of fish;*

18 (B) *such emergency can not or will not be*
 19 *addressed by the International Commission for*
 20 *the Conservation of Atlantic Tunas in a timely*
 21 *manner; and*

22 (C) *time-area closures for pelagic longline*
 23 *fishing in the Atlantic by United States fishing*
 24 *vessels that are in addition to, or otherwise ex-*
 25 *pand, those time-area closures established under*

1 *this Act are necessary to address such emergency*
 2 *and there are no other practicable means avail-*
 3 *able to address such emergency.*

4 *(4) to any action taken under either the Marine*
 5 *Mammal Protection Act or the Endangered Species*
 6 *Act.*

7 **SEC. 13. VESSEL MONITORING DEVICE.**

8 *(a) IN GENERAL.—After the 165th day of enactment*
 9 *of this Act, no pelagic longline vessel shall operate within*
 10 *the Atlantic HMS fishery without a vessel monitoring de-*
 11 *vice approved by the Secretary.*

12 *(b) NOT REQUIRED TO CARRY MONITORING DE-*
 13 *VICE.—No vessel accepting the buyout under section 7 will*
 14 *be required to carry a vessel monitoring device.*

15 *(c) COSTS.—Any costs attributable to the purchase and*
 16 *installation of vessel monitoring devices on any pelagic*
 17 *longline vessel fishing in the Atlantic HMS fishery that is*
 18 *required to carry such a device under this section shall be*
 19 *the responsibility of the Secretary.*

20 **SEC. 14. NULLIFICATION.**

21 *(1) In the event Congress fails to appropriate*
 22 *funds adequate to complete the buyout under section*
 23 *7 and establish the research program under section 3,*
 24 *then no provision of this Act shall be effective.*

1 (2) *In the event Congress fails to appropriate*
2 *funds adequate to place vessel monitoring devices on*
3 *vessels, then the requirement in section 13 to carry*
4 *such devices shall have no effect.*

5 (3) *In the event that the nullification provided*
6 *in subsection (1) or (2) becomes effective the nullifica-*
7 *tion does not affect the authority of the Secretary to*
8 *take action under any other authority.*

9 **SEC. 15. AUTHORIZATION OF APPROPRIATIONS.**

10 *There are authorized to be appropriated to the Sec-*
11 *retary \$250,000 per year as the cost of carrying out the*
12 *compensation program; \$2,250,000 for vessel monitoring*
13 *devices; \$3,000,000 for research; plus such other sums as*
14 *may be necessary for carrying out all other functions in*
15 *the Act. In addition, there are authorized to be appro-*
16 *priated to the Secretary not more than \$400,000 for the*
17 *Southeast Fisheries Science Center to conduct additional re-*
18 *search on billfish and swordfish.*

Calendar No. 678

106TH CONGRESS
2D SESSION

S. 1911

[Report No. 106-339]

A BILL

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

JULY 12, 2000

Reported with an amendment