

107TH CONGRESS  
1ST SESSION

# H. R. 3104

To protect the public's ability to fish for sport, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 11, 2001

Mr. PETERSON of Minnesota (for himself, Mr. McHUGH, Mr. SAXTON, Mr. GREEN of Wisconsin, Mr. PICKERING, and Mr. WALSH) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To protect the public's ability to fish for sport, 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 bill may be cited as the “Freedom to Fish Act”.

5       **SEC. 2. FINDINGS.**

6       The Congress makes the following findings:

7               (1) Recreational fishing is traditionally one of  
8       the most popular outdoor sports with more than 45  
9       million participants of all ages, in all regions of the  
10      country.

1           (2) Recreational fishing makes a substantial  
2       contribution to the local, State, and national econo-  
3       mies. According to the most recent economic figures,  
4       recreational fishing infuses \$108 billion annually  
5       into the national economy. Nationally, over 1.2 mil-  
6       lion jobs are related to recreational fishing; this rep-  
7       resents approximately 1 percent of the nation's en-  
8       tire civilian work force. For those communities and  
9       small businesses that rely on seasonal tourism, the  
10      expenditures of recreational fishers result in sub-  
11      stantial benefits to the local economies.

12          (3) Recreational fishers have long demonstrated  
13      a conservation ethic, including through catch-and-re-  
14      lease fisheries and through the use of non-lethal  
15      fishing gear. In addition to payment of Federal ex-  
16      cise taxes on fishing equipment, motorboats, and  
17      fuel, as well as license fees, recreational fishers con-  
18      tribute over \$500 million annually to State fisheries  
19      conservation management programs and projects.

20          (4) The single most important element of rec-  
21      reational fishing is open access to places to fish. The  
22      open access principle is universally accepted on all  
23      Federal lands and waters including national wildlife  
24      refuges, national parks, wilderness areas, and the  
25      exclusive economic zone.

1           (5) All recreational fishery resources can be  
2           maintained through a variety of management meas-  
3           ures, including take limits, minimum size require-  
4           ments, and closed seasons, without unnecessarily re-  
5           stricting public access to places to fish.

6           (6) The absence of clear congressional policy  
7           has confused the general public as to how programs  
8           within the National Oceanic and Atmospheric Ad-  
9           ministration complement one another with respect to  
10          recreational fishing.

11 **SEC. 3. POLICY.**

12          It is the policy of the Congress in this Act—

13           (1) to ensure that all Federal regulations pro-  
14           mote open access for recreational fishing to the max-  
15           imum extent practicable;

16           (2) to ensure that recreational fishers will be  
17           actively involved in any regulatory procedures that  
18           contemplate restrictions on their access to places to  
19           fish; and

20           (3) To ensure that whenever access to fishing  
21           places is restricted, that the restricted areas be as  
22           small as are scientifically necessary to provide for  
23           the conservation of the fishery resource.

1 **SEC. 4. MAGNUSON-STEVENSON FISHERY CONSERVATION AND**  
2 **MANAGEMENT ACT AMENDMENT.**

3 Section 303(a) of the Magnuson-Stevens Fishery  
4 Conservation and Management Act (16 U.S.C. 1853(a))  
5 is amended—

6 (1) by striking “and” after the semicolon in  
7 paragraph (13);

8 (2) by striking “fishery.” in paragraph (14)  
9 and inserting “fishery; and;” and

10 (3) by adding at the end the following:

11 “(15) not establish areas closed to recreational  
12 fishing unless—

13 “(A) there is a clear indication that rec-  
14 reational fishermen are the cause of a specific  
15 conservation problem and that less severe con-  
16 servation measures, such as gear restrictions,  
17 quotas, or closed seasons, will not adequately  
18 provide for conservation and management of  
19 the affected stocks of fish;

20 “(B) the closed area regulation includes  
21 specific measurable criteria to determine the  
22 conservation benefit of the closed area on the  
23 affected stocks of fish and provides a timetable  
24 for periodic review of the continued need for the  
25 closed area at least once every three years;

1           “(C) the closed area is no larger than that  
 2           which is supported by the best available sci-  
 3           entific information; or

4           “(D) provision is made to reopen the  
 5           closed area to recreational fishing whenever the  
 6           condition in subparagraph (A), (B), or (C) that  
 7           was the basis of the closure no longer exists.”.

8   **SEC. 5. NATIONAL MARINE SANCTUARIES ACT AMEND-**  
 9           **MENT.**

10       Section 304(a)(5) of the National Marine Sanctuaries  
 11   Act (16 U.S.C. 1434(a)(5)) is amended to read as follows:

12       “(5) FISHING REGULATIONS.—The Secretary shall  
 13   provide the appropriate Regional Fishery Management  
 14   Council with the opportunity to propose, and revise from  
 15   time to time, all regulations applicable to fishing within  
 16   designated marine sanctuaries according to the standards  
 17   and procedures of the Magnuson-Stevens Fishery Con-  
 18   servation and Management Act (16 U.S.C. 1801 et. seq.).  
 19   The regulations, upon approval by the Secretary, shall  
 20   apply within the exclusive economic zone, and may be ap-  
 21   plied within the boundaries of a State, with the approval  
 22   of the Governor of the State, or pursuant to the authority  
 23   of the Secretary under section 306(b) of that Act (16  
 24   U.S.C. 1856(b)).”.

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