

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.

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

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—

1 **SEC. 4. MAGNUSON-STEVENS 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).”.

