

107TH CONGRESS
1ST SESSION

S. 1314

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

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2001

Mr. BREAU (for himself and Mrs. HUTCHISON) introduced the following bill;
which was read twice and referred to the Committee on Commerce,
Science, and Transportation

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. Through catch-and-release fish-
14 eries and through the use of non-lethal fishing gear.
15 In addition to payment of Federal excise taxes on
16 fishing equipment, motorboats and fuel, as well as li-
17 cense fees, recreational fishers contribute over \$500
18 million annually to State fisheries conservation man-
19 agement 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 wildlife refuges,
24 national parks, wilderness areas, and the exclusive
25 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)).”.

○