

109TH CONGRESS
1ST SESSION

S. 1635

To establish ocean bottom trawl areas in which trawling is permitted, to protect deep sea corals and sponges, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8, 2005

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

A BILL

To establish ocean bottom trawl areas in which trawling is permitted, to protect deep sea corals and sponges, 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 “Bottom Trawl and
5 Deep Sea Coral Habitat Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Ocean resources are a vital component of
2 the United States economy, as noted by the United
3 States Commission on Ocean Policy.

4 (2) A proper balance of use and protection of
5 ocean resources is necessary to ensure the sustain-
6 ability of such resources.

7 (3) Deep ocean habitats provide fishery re-
8 sources and sites for deep sea corals and deep sea
9 sponges.

10 (4) Many fishermen of the United States derive
11 their livelihoods from fishing in deep ocean areas.

12 (5) It is important that fishermen continue to
13 be permitted to use areas that have traditionally
14 been fished, as long as conservation considerations
15 allow.

16 (6) According to the National Research Council,
17 approximately 10 percent of the United States Ex-
18 clusive Economic Zone, an area of a total of
19 3,400,000 square nautical miles, is used each year
20 by fishermen who employ bottom trawls and, in the
21 area that is 50 miles or less from shore, this per-
22 centage is higher than 75 percent in some regions.

23 (7) Vessel monitoring systems are increasingly
24 used in the fishing industry. For example, coverage

1 of such systems for bottom trawl vessels in the Pa-
2 cific and North Pacific is 100 percent.

3 (8) Deep sea corals and deep sea sponges host
4 biological diversity that, according to the United
5 States Commission on Ocean Policy, “may rival that
6 of coral communities in warmer, shallower waters”.
7 For example, more than 1,300 species live among
8 *Lophelia* coral reefs in the northeastern Atlantic
9 Ocean.

10 (9) Complex seafloor habitats created by struc-
11 ture-forming organisms, such as deep sea corals and
12 deep sea sponges, provide spawning habitat, food,
13 and shelter to numerous fishes and other associated
14 species, including commercially and recreationally
15 targeted species.

16 (10) Deep sea corals and deep sea sponges typi-
17 cally exhibit slow growth, extreme longevity, and
18 highly patchy distribution, predominately along con-
19 tinental margins, seamounts, undersea canyons, and
20 ridges.

21 (11) Deep sea corals and deep sea sponges have
22 not been fully studied for their benefit to society or
23 for their ecological importance to other associated
24 species.

1 (12) Deep sea corals, deep sea sponges, and
2 their associated invertebrates are a potential source
3 of compounds with biomedical properties, some of
4 which are currently in clinical trials to study their
5 anti-cancer, anti-tumor, and anti-inflammatory prop-
6 erties.

7 (13) The United States Commission on Ocean
8 Policy found that deep sea corals, along with their
9 shallow-water counterparts, are declining at a “dis-
10 turbing pace,” and that certain types of fishing gear
11 damage deep sea coral ecosystems.

12 (14) The National Research Council, in a 2002
13 report to Congress on the effects of trawling and
14 dredging on seafloor habitats, found that deep sea
15 corals warrant protection, based on evidence of the
16 destruction of structured habitats caused by bottom
17 trawls and dredges.

18 (15) The President’s Ocean Action Plan of
19 2004 “encourages all regional fishery management
20 councils to take action, where appropriate, to protect
21 deep-sea corals when developing and implementing
22 regional fishery management plans” and includes
23 provisions to “research, survey, and protect deep-sea
24 coral communities”.

1 (16) In 2005, the North Pacific Fishery Man-
2 agement Council proposed measures that will be
3 adopted pending approval by the Secretary of Com-
4 merce to confine use of bottom trawls in the Aleu-
5 tian Islands exclusive economic zone to specified his-
6 torically productive fishing areas, to disallow use of
7 bottom trawls in historically unfished areas of Aleu-
8 tian Islands waters where deep sea corals have been
9 undisturbed, to designate as no-trawling zones those
10 areas where coral ecosystems are known to exist,
11 and to develop a comprehensive plan for research
12 and monitoring.

13 **SEC. 3. PURPOSES.**

14 (a) IN GENERAL.—The purposes of this Act are—

15 (1) to permit fishermen to use bottom trawls in
16 areas that, traditionally, have been fished using bot-
17 tom trawls and that do not contain deep sea coral
18 and sponge ecosystems;

19 (2) to provide long-term protection for deep sea
20 coral and sponge ecosystems, particularly in areas
21 that have not traditionally been fished with bottom
22 trawls; and

23 (3) to identify, map, and assess deep sea coral
24 and sponge ecosystems to create a balanced policy

1 for maintenance of fishing and protection of deep
2 sea ecosystems.

3 (b) PROCESS.—The Secretary shall use a process
4 that achieves an outcome similar to the outcome achieved
5 by the North Pacific Regional Fishery Management Coun-
6 cil—

7 (1) to protect the habitat of deep sea corals or
8 deep sea sponges to carry out the purposes of this
9 Act; and

10 (2) to identify areas that are open to the use
11 of bottom trawls and areas closed to such use where
12 deep sea coral and sponge ecosystems are present
13 and protected.

14 **SEC. 4. DEFINITIONS.**

15 In this Act:

16 (1) BOTTOM TRAWL.—The term “bottom
17 trawl” means any trawl or dredge fishing gear that
18 contacts the seafloor while in use, including pelagic
19 trawls that contact the seafloor while in use, otter
20 trawls, and scallop dredges.

21 (2) BOTTOM TRAWL ZONE.—The term “Bottom
22 Trawl Zone” means any area designated under sec-
23 tion 7 or section 10 as a Bottom Trawl Zone.

24 (3) CORAL HABITAT CONSERVATION ZONE.—
25 The term “Coral Habitat Conservation Zone” means

1 any area designated under section 8 or section 11 as
 2 a Coral Habitat Conservation Zone.

3 (4) COUNCIL.—The term “Council” means any
 4 Regional Fishery Management Council established
 5 by section 302 of the Magnuson-Stevens Fishery
 6 Conservation and Management Act (16 U.S.C.
 7 1852).

8 (5) DEEP SEA CORAL AND SPONGE ECO-
 9 SYSTEM.—The term “deep sea coral and sponge eco-
 10 system” means an ecosystem that meets the criteria
 11 established by the Secretary pursuant to section 5(d)
 12 of this Act composed of living deep sea corals or
 13 deep sea sponges, the benthic and demersal species
 14 associated with them, and the biological, physical,
 15 chemical, and geologic components that constitute
 16 habitat for corals or sponges.

17 (6) DEEP SEA CORALS.—The term “deep sea
 18 corals” means the species that—

19 (A) occur at a depth of greater than 50
 20 meters;

21 (B) do not contain symbiotic algae; and

22 (C) are in the phylum Cnidaria, in the
 23 order—

24 (i) Antipatharia (black corals);

25 (ii) Scleractinia (stony corals);

- 1 (iii) Gorgonacea (horny corals);
- 2 (iv) Alcyonacea (soft corals);
- 3 (v) Pennatulacea (sea pens), in the
- 4 class Anthozoa; or
- 5 (vi) Hydrocorallina (hydrocorals), in
- 6 the class Hydrozoa.

7 (7) DEEP SEA SPONGES.—The term “deep sea
8 sponges” means species of the phylum Porifera that
9 occur at a depth of greater than 50 meters.

10 (8) EXCLUSIVE ECONOMIC ZONE.—The term
11 “exclusive economic zone” has the meaning given
12 that term in section 3 of the Magnuson-Stevens
13 Fishery Conservation and Management Act (16
14 U.S.C. 1802).

15 (9) SECRETARY.—The term “Secretary” means
16 the Secretary of Commerce or the Secretary’s des-
17 ignee.

18 (10) VESSEL MONITORING SYSTEM.—The term
19 “Vessel Monitoring System” means a type of mobile
20 transceiver unit that—

21 (A) is approved by the Office of Law En-
22 forcement of the National Marine Fisheries
23 Service; and

24 (B) automatically determines the vessel’s
25 position and transmits that information to a

1 communications service provider that is ap-
2 proved by such Office for transmission and
3 relay to such Office.

4 **SEC. 5. MAPPING AND RESEARCH.**

5 (a) REQUIREMENT FOR MAPPING AND RESEARCH.—

6 The Secretary shall direct the Under Secretary for Oceans
7 and Atmosphere to prepare and carry out a comprehensive
8 program to explore, identify, research, and map the loca-
9 tions of deep sea corals and deep sea sponges.

10 (b) DESCRIPTION OF MAPPING AND RESEARCH.—

11 The program described in subsection (a) shall include—

12 (1) creating maps of the locations of deep sea
13 coral and sponge ecosystems; and

14 (2) conducting research related to deep sea cor-
15 als and deep sea sponges, including research related
16 to—

17 (A) the natural history of such species;

18 (B) the taxonomic classification of such
19 species;

20 (C) the ecological roles of such species;

21 (D) the growth rates of such species;

22 (E) the anthropogenic, ecological, and
23 other benefits of such species and the habitats
24 of such species; and

1 (F) the correlation of deep sea corals and
2 deep sea sponges with various types of geologic
3 formations, physical features, and other predic-
4 tors of presence.

5 (c) COOPERATIVE RESEARCH PROGRAM.—The Sec-
6 retary, in consultation with the Councils, shall develop a
7 cooperative research program to identify—

8 (1) the ideal areas for the use of bottom trawls;
9 and

10 (2) the locations of deep sea corals and deep
11 sea sponges.

12 (d) THRESHOLDS OF DEEP SEA CORAL AND SPONGE
13 PRESENCE.—

14 (1) IN GENERAL.—The Secretary, in consulta-
15 tion with the Councils and expert scientists, shall de-
16 termine the thresholds above which the abundances
17 of various deep sea corals or deep sea sponges shall
18 be considered to constitute an ecosystem. In deter-
19 mining such thresholds, the Secretary shall consider
20 the life histories and growth rates of deep sea corals
21 and deep sea sponges and the criteria set out in
22 paragraph (2).

23 (2) CRITERIA.—In determining the thresholds
24 under paragraph (1), the Secretary shall consider
25 the following criteria:

1 (A) Bycatch per unit effort of deep sea
2 corals or deep sea sponges in fishery trawls.

3 (B) Presence of deep sea corals or deep
4 sea sponges in research surveys.

5 (C) Predictions of the presence of deep sea
6 corals or deep sea sponges based on correlations
7 with geologic or physical features.

8 (D) Other methods indicating ecologically
9 meaningful presence of these species in an area.

10 **SEC. 6. USE OF BEST AVAILABLE DATA.**

11 (a) REQUIREMENT.—The Secretary shall use the best
12 available data to determine if an area shall be designated
13 as a Bottom Trawl Zone or as a Coral Habitat Conserva-
14 tion Zone.

15 (b) CONSIDERATIONS.—In delineating the boundary
16 and determining the size of an area to be designated as
17 a Bottom Trawl Zone or a Coral Habitat Conservation
18 Zone, the relevant council and the Secretary shall con-
19 sider—

20 (1) the precision and accuracy of the available
21 trawl location data considered in making such deter-
22 mination;

23 (2) the precision and accuracy of deep sea coral
24 and deep sea sponge presence data considered in
25 making such determination;

1 (3) the economic cost of such designation to in-
 2 dustry and the ecological costs and benefits of such
 3 designation to deep sea corals and deep sea sponges
 4 in the area; and

5 (4) the ease of enforcement of such designation.

6 (c) CORAL HABITAT CONSERVATION ZONES.—Not-
 7 withstanding the considerations in subsection (b), in delin-
 8 eating the boundary and determining the size of an area
 9 to be designated as a Coral Habitat Conservation Zone,
 10 the relevant Council and the Secretary—

11 (1) shall ensure that each area that is deter-
 12 mined to contain a deep sea coral and sponge eco-
 13 system is designated as a Coral Habitat Conserva-
 14 tion Zone; and

15 (2) may include a buffer area around deep sea
 16 corals or deep sea sponges present in such Zone to
 17 ensure the complete protection of potential deep sea
 18 corals or deep sea sponges in the area or to facilitate
 19 the enforcement of any appropriate prohibitions,
 20 rules, or regulations within such Zone.

21 **SEC. 7. INITIAL DESIGNATION OF BOTTOM TRAWL ZONES.**

22 (a) RECOMMENDATION BY A COUNCIL.—Not later
 23 than 24 months after the date of enactment of this Act,
 24 each Council, after notice and an opportunity for public

1 comment, shall submit to the Secretary and the Secretary
2 shall publish in the Federal Register—

3 (1) a list of all areas for which the Council has
4 responsibilities that were fished using bottom trawls
5 during the 7-year period ending on December 31,
6 2004; and

7 (2) recommendations on which portions of the
8 areas identified in paragraph (1) should be des-
9 ignated as Bottom Trawl Zones.

10 (b) STANDARDS FOR INITIAL DESIGNATION.—An
11 area may not be designated as a Bottom Trawl Zone if
12 there is evidence that a deep sea coral and sponge eco-
13 system is present in such area.

14 (c) DESIGNATION PROCESS.—

15 (1) PROPOSED RULE.—Not later than 9 months
16 after the date of the publication of a Council's rec-
17 ommendations in the Federal Register pursuant to
18 subsection (a)(2), the Secretary shall publish in the
19 Federal Register a proposed rule to designate each
20 area or the portion of such area that does not con-
21 tain a deep sea coral and sponge ecosystem as a
22 Bottom Trawl Zone.

23 (2) FAILURE TO RECOMMEND.—If a Council
24 fails to submit recommendations to the Secretary
25 under subsection (a), not later than 33 months after

1 the date of enactment of this Act, the Secretary
2 shall publish in the Federal Register a list of areas
3 located in the area for which such Council has re-
4 sponsibility that the Secretary proposes to designate
5 as Bottom Trawl Zones.

6 (3) COMMENT PERIOD.—The Secretary shall
7 accept comments on a proposal published under
8 paragraph (1) or (2) for 60 days after the date of
9 such publication.

10 (4) FINAL DETERMINATION.—

11 (A) IN GENERAL.—Not later than 30 days
12 after the date of the end of the comment period
13 described in paragraph (3), the Secretary shall
14 designate an area included in a proposal pub-
15 lished under paragraph (1) or (2) as a Bottom
16 Trawl Zone if such area meets the standards
17 for such designation set out in subsection (b).

18 (B) PUBLICATION.—The Secretary shall
19 publish in the Federal Register each designa-
20 tion made under subparagraph (A).

21 (d) ACTIVITIES WITHIN BOTTOM TRAWL ZONES.—
22 After the date that is 30 days after the date of the end
23 of the comment period described in subsection (c)(3), bot-
24 tom trawls may not be used in an area that is not des-
25 ignated as a Bottom Trawl Zone.

1 **SEC. 8. INITIAL DESIGNATION OF CORAL HABITAT CON-**
2 **SERVATION ZONES.**

3 (a) DESIGNATION BY THE SECRETARY.—

4 (1) IN GENERAL.—Not later than 60 days after
5 the date of enactment of this Act, the Secretary
6 shall designate as a Coral Habitat Conservation
7 Zone each area—

8 (A) that a Council, prior to the date of en-
9 actment of this Act, has designated as an area
10 in which the use of bottom trawls is prohibited
11 for the protection of seafloor habitat; or

12 (B) for which a map of the presence of
13 deep sea corals or deep sea sponges has been
14 developed and for which the best available data
15 confirm the presence of deep sea corals or deep
16 sea sponges.

17 (2) PUBLICATION AND EFFECTIVE DATE.—Not
18 later than 60 days after the date of enactment of
19 this Act, the Secretary shall publish in the Federal
20 Register each area designated as a Coral Habitat
21 Conservation Zone under paragraph (1) and such
22 designation shall become effective on the date of
23 such publication.

24 (b) RECOMMENDATION BY A COUNCIL.—

25 (1) SUBMISSION TO THE SECRETARY.—Not
26 later than 24 months after the date of enactment of

1 this Act, each Council, after notice and an oppor-
2 tunity for public comment, shall submit to the Sec-
3 retary a list of all areas known to contain deep sea
4 corals or deep sea sponges.

5 (2) INCLUDED AREAS.—A list submitted by a
6 Council under paragraph (1) shall include each area
7 that was considered for designation as a Bottom
8 Trawl Zone under section 7(a) if such area that was
9 determined by the Council or the Secretary to con-
10 tain a deep sea coral and sponge ecosystem.

11 (3) PUBLICATION.—The Secretary shall publish
12 in the Federal Register a list submitted by a Council
13 under paragraph (1).

14 (c) DESIGNATION PROCESS.—

15 (1) PROPOSED RULE.—Not later than 9 months
16 after the date of the publication of a Council's rec-
17 ommendations pursuant to subsection (b)(3), the
18 Secretary shall publish in the Federal Register a
19 proposed rule to designate each area identified in
20 such publication as a Coral Habitat Conservation
21 Zone.

22 (2) FAILURE TO RECOMMEND.—If a Council
23 fails to submit recommendations to the Secretary
24 under subsection (b)(1), not later than 33 months
25 after the date of enactment of this Act, the Sec-

1 retary shall publish in the Federal Register a list of
2 areas located in the area for which such Council has
3 responsibility that the Secretary proposes to des-
4 ignate as Coral Habitat Conservation Zones.

5 (3) COMMENT PERIOD.—The Secretary shall
6 accept comments on any proposed rule published
7 under paragraph (1) or (2) for 60 days after the
8 date of such publication.

9 (4) FINAL DETERMINATION.—

10 (A) IN GENERAL.—Not later than 30 days
11 after the date of the end of the comment period
12 described in paragraph (3), the Secretary
13 shall—

14 (i) designate each area, or portion of
15 such area, included in a proposed rule pub-
16 lished under paragraph (1) as a Coral
17 Habitat Conservation Zone, if there is ra-
18 tional basis for such designation; or

19 (ii) if the Secretary fails to make a
20 designation under clause (i) for an area,
21 provide a justification for such failure.

22 (B) PUBLICATION.—The Secretary shall
23 publish in the Federal Register each designa-
24 tion made under subparagraph (A)(i) or jus-
25 tification required under subparagraph (A)(ii).

1 (C) INACTION.—If the Secretary does not
2 publish the designation of an area under sub-
3 paragraph (A)(i) or the justification required
4 under subparagraph (A)(ii) for such area within
5 30 days of the date of the end of the comment
6 period described in paragraph (3), such area
7 shall be deemed to be a Coral Habitat Con-
8 servation Zone as if so designated by the Sec-
9 retary.

10 **SEC. 9. UNDESIGNATED AREAS.**

11 An area not initially designated as a Bottom Trawl
12 Zone under section 7 or as a Coral Habitat Conservation
13 Zone under section 8 shall be available for subsequent des-
14 ignation as a Bottom Trawl Zone under section 10 or as
15 a Coral Habitat Conservation Zone under section 11.

16 **SEC. 10. SUBSEQUENT DESIGNATION OF BOTTOM TRAWL**
17 **ZONES.**

18 (a) STANDARDS FOR SUBSEQUENT DESIGNATION.—
19 After the initial designations of Bottom Trawl Zones made
20 under section 7, the Secretary, in consultation with the
21 relevant Council, shall designate an area as a Bottom
22 Trawl Zone if—

23 (1) the area has been surveyed for the presence
24 of deep sea corals and deep sea sponges; and

1 (2) there is no deep sea coral and sponge eco-
2 system present in the area.

3 (b) RECOMMENDATION BY A COUNCIL.—Upon the
4 recommendation of the appropriate Council, the Secretary
5 may consider any previously undesignated area for des-
6 ignation as a Bottom Trawl Zone. The Secretary may des-
7 ignate such area as a Bottom Trawl Zone under this sec-
8 tion only if such area meets the designation standards set
9 out in paragraphs (1) and (2) of subsection (a).

10 (c) DESIGNATION PROCESS.—

11 (1) PROPOSED RULE.—The Secretary shall
12 publish in the Federal Register a proposed rule to
13 designate an area that is not a Bottom Trawl Zone
14 or a Coral Habitat Conservation Zone and that
15 meets the standards set out in paragraphs (1) and
16 (2) of subsection (a) as a Bottom Trawl Zone
17 whether identified by the Secretary or by a Council
18 pursuant to subsection (b).

19 (2) COMMENT PERIOD.—The Secretary shall
20 accept comments on any proposed rule published
21 under paragraph (1) for 60 days after the date of
22 the publication of such proposed rule.

23 (3) FINAL DETERMINATION.—

24 (A) IN GENERAL.—Not later than 30 days
25 after the date of the end of the comment period

described in paragraph (2), the Secretary shall designate as a Bottom Trawl Area each area, or part of such area, included in a proposed rule published under paragraph (1) if the area meets the requirements of paragraphs (1) and (2) of subsection (a).

(B) PUBLICATION.—The Secretary shall publish in the Federal Register each designation made under subparagraph (A).

**SEC. 11. SUBSEQUENT DESIGNATION OF CORAL HABITAT
CONSERVATION ZONES.**

(a) STANDARDS FOR SUBSEQUENT DESIGNATION.—The Secretary, in consultation with the Councils, shall designate an area as a Coral Habitat Conservation Zone if the best available data indicate the presence of a deep sea coral and sponge ecosystem in such area.

(b) SUBSEQUENT DESIGNATION THROUGH BYCATCH RECORDS, RESEARCH, OR MAPPING.—

(1) REVIEW OF DATA.—The Secretary shall continually collect and review, for the purpose of making a determination on the presence of deep sea coral and sponge ecosystems in an area, the following data:

(A) Bycatch records.

1 (B) Data and analysis that results from
2 the mapping and research conducted pursuant
3 to section 5.

4 (C) Any other research, mapping, or sur-
5 vey data that the Secretary determines is ap-
6 propriate.

7 (2) DESIGNATIONS BASED ON THE REVIEW OF
8 DATA.—If the Secretary, in consultation with the
9 relevant Council, determines that data reviewed
10 under paragraph (1) indicates the presence of a deep
11 sea coral and sponge ecosystem, the Secretary, in
12 consultation with the Council, shall designate the
13 area as a Coral Habitat Conservation Zone and, if
14 appropriate, terminate the designation of the area as
15 a Bottom Trawl Zone.

16 (c) RECOMMENDATION BY A COUNCIL.—Upon the
17 recommendation of the appropriate Council, the Secretary
18 may consider any area for designation as a Coral Habitat
19 Conservation Zone.

20 (d) DESIGNATION PROCESS.—

21 (1) PROPOSED RULE.—The Secretary shall
22 publish in the Federal Register a proposed rule to
23 designate an area identified by the Secretary, in con-
24 sultation with the appropriate Councils, under sub-
25 section (a) or (b) or by a Council under subsection

1 (c) as a Coral Habitat Conservation Zone if data in-
2 dicate the presence of a deep sea coral and sponge
3 ecosystem in such area.

4 (2) COMMENT PERIOD.—The Secretary shall
5 accept comments on any proposed rule published
6 under paragraph (1) for 60 days after the date of
7 the publication of such proposed rule.

8 (3) FINAL DETERMINATION.—

9 (A) IN GENERAL.—Not later than 30 days
10 after the date of the end of the comment period
11 described in paragraph (2), the Secretary
12 shall—

13 (i) designate as a Coral Habitat Con-
14 servation Zone each area, or part of such
15 area, included in a proposed rule published
16 under paragraph (1) if data indicate the
17 presence of a deep sea coral and sponge
18 ecosystem in such area; or

19 (ii) if the Secretary fails to make a
20 designation under clause (i) for an area,
21 provide a justification that explains the
22 reasons that the best available data do not
23 indicate the presence of a deep sea coral
24 and sponge ecosystem in such area.

1 (B) PUBLICATION.—The Secretary shall
 2 publish in the Federal Register each designa-
 3 tion made under subparagraph (A)(i) or jus-
 4 tification required under subparagraph (A)(ii).

5 (C) INACTION.—If the Secretary does not
 6 publish the designation of an area under sub-
 7 paragraph (A)(i) or the justification required
 8 under subparagraph (A)(ii) for such area within
 9 30 days of the date of the end of the comment
 10 period described in paragraph (2), such area
 11 shall be deemed to be a Coral Habitat Con-
 12 servation Zone as if so designated by the Sec-
 13 retary.

14 **SEC. 12. STRICTER REGULATION PERMITTED AND SAVINGS**
 15 **CLAUSE.**

16 (a) IN GENERAL.—Nothing in this Act shall restrict
 17 the authority provided to the Secretary by any other provi-
 18 sion of law to promulgate, with or without the advice of
 19 the appropriate Council, fishery or habitat protection
 20 measures for any purpose that are more restrictive than
 21 the measures set out in this Act.

22 (b) SAVINGS CLAUSE.—All rules and regulations
 23 issued by the Secretary under the Magnuson-Stevens
 24 Fishery Conservation and Management Act (16 U.S.C.
 25 1801 et seq.) pertaining to the conservation, management,

1 or protection of deep sea corals or deep sea sponges shall
2 continue in full force and effect after the date of enact-
3 ment of this Act until modified or rescinded by the Sec-
4 retary, in exercise of the authority provided to the Sec-
5 retary under any provision of law.

6 **SEC. 13. USE OF VESSEL MONITORING SYSTEMS.**

7 Not later than 24 months after the date of enactment
8 of this Act, a vessel that uses a bottom trawl in waters
9 deeper than 50 meters shall use a Vessel Monitoring Sys-
10 tem capable of accurately detecting and reporting the posi-
11 tion of the vessel whenever the vessel leaves port with a
12 bottom trawl on board.

13 **SEC. 14. PENALTIES AND ENFORCEMENT.**

14 (a) CIVIL PENALTIES.—Any person who is found by
15 the Secretary, after notice and an opportunity for a hear-
16 ing in accordance with section 554 of title 5, United States
17 Code, to have violated the prohibition set out in section
18 7(d) is liable to the United States for a civil penalty under
19 section 308 of the Magnuson-Stevens Fishery Conserva-
20 tion and Management Act (16 U.S.C. 1858) as if such
21 person had committed an act prohibited by section 307
22 of such Act (16 U.S.C. 1857).

23 (b) CRIMINAL OFFENSES.—

24 (1) OFFENSES.—A person is guilty of an of-
25 fense if the person commits an act prohibited by

1 subparagraph (D), (E), (F), (H), (I), or (L) of sec-
2 tion 307(1) of the Magnuson-Stevens Fishery Con-
3 servation and Management Act (16 U.S.C. 1857(1))
4 in an area designated as a Coral Habitat Conserva-
5 tion Zone.

6 (2) PUNISHMENT.—An offense referred to in
7 paragraph (1) is punishable by the punishments set
8 out in section 309(b) of the Magnuson-Stevens Fish-
9 ery Conservation and Management Act (16 U.S.C.
10 1859(b)).

11 (c) CIVIL FORFEITURES.—Any fishing vessel (includ-
12 ing its fishing gear, furniture, appurtenances, stores, and
13 cargo) used, and fish (or the fair market value thereof)
14 taken or retained, in any manner, in connection with or
15 as a result of the commission of a violation of the prohibi-
16 tion set out in section 7(d) (other than such a violation
17 for which the issuance of a citation is sufficient sanction)
18 shall be subject to the civil forfeiture provisions set out
19 in section 310 of the Magnuson-Stevens Fishery Conserva-
20 tion and Management Act (16 U.S.C. 1860).

21 (d) ENFORCEMENT.—The provisions of this Act shall
22 be enforced by the officers responsible for the enforcement
23 of the Magnuson-Stevens Fishery Conservation and Man-
24 agement Act as provided for in subsection (a) of section
25 311 of such Act (16 U.S.C. 1861). Such officers shall have

1 the powers and authorities to enforce this Act as are pro-
2 vided in such section.

3 **SEC. 15. INTERNATIONAL PROTECTIONS FOR DEEP SEA**
4 **CORALS AND DEEP SEA SPONGES.**

5 The President is authorized to permit the Secretary,
6 in consultation with the Secretary of State, to work with
7 appropriate international organizations and foreign na-
8 tions to develop the data necessary to identify areas lo-
9 cated in international waters that contain deep sea corals
10 or deep sea sponges and to protect such deep sea corals
11 or deep sea sponges.

12 **SEC. 16. REPORTS TO CONGRESS.**

13 (a) IN GENERAL.—Not more than 3 years after the
14 date of enactment of this Act, and every 3 years there-
15 after, the Secretary shall publish and submit to Congress
16 a report on the activities undertaken to carry out the pro-
17 visions of this Act.

18 (b) CONTENT.—Each report required by subsection

19 (a) shall include—

20 (1) a description of the activities carried out to
21 protect and define areas in which the use of bottom
22 trawls has traditionally been permitted;

23 (2) a description of the activities carried out to
24 protect and monitor deep sea corals or deep sea
25 sponges;

1 (3) a description of any area designated either
2 as a Bottom Trawl Zone or a Coral Habitat Con-
3 servation Zone;

4 (4) a summary of the research strategy created
5 pursuant to section 5;

6 (5) a summary of any bycatch or other data
7 that indicates the presence of a deep sea coral and
8 sponge ecosystem in an area; and

9 (6) a summary of geologic structures that indi-
10 cate the presence of deep sea coral and sponge eco-
11 systems in an area, as determined by research activi-
12 ties described in section 5.

13 (c) PUBLICATION.—Notice of the availability of each
14 report required by this section shall be published in the
15 Federal Register.

16 **SEC. 17. AUTHORIZATION OF APPROPRIATIONS.**

17 There is authorized to be appropriated \$15,000,000
18 to carry out this Act.

○