

111TH CONGRESS
2D SESSION

H. R. 5155

To direct the Secretary of Commerce to conduct an aerial assessment of sea turtle populations in United States waters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2010

Mr. JONES (for himself and Mr. ORTIZ) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To direct the Secretary of Commerce to conduct an aerial assessment of sea turtle populations in United States waters, 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. AERIAL ASSESSMENT OF SEA TURTLE POPU-**
4 **LATIONS IN UNITED STATES WATERS.**

5 (a) STUDY.—The Secretary of Commerce shall con-
6 duct an aerial assessment of and report to Congress on
7 the population abundance and spatial and temporal dis-
8 tribution of Green, Loggerhead, Leatherback, Kemp’s
9 Ridley, and Hawksbill sea turtles in State and Federal wa-
10 ters of the United States.

1 (b) LIMITATION ON RULEMAKING AUTHORITY.—

2 (1) IN GENERAL.—The Secretary may not issue
3 any rule regarding incidental fisheries bycatch of
4 any of the species referred to in subsection (a) under
5 the Endangered Species Act of 1973 (16 U.S.C.
6 1531 et seq.) or the Magnuson-Stevens Fishery Con-
7 servation and Management Act (16 U.S.C. 1801 et
8 seq.) before the date the Secretary submits a report
9 to Congress on the findings of the study required
10 under subsection (a).

11 (2) EXCEPTION.—Paragraph (1) shall not
12 apply to any rule to alter or restrict use of a specific
13 gear type in a specific fishery, if the Secretary cer-
14 tifies to Congress in writing that the rule is an
15 emergency rule determined by the Secretary, based
16 on independently peer-reviewed science, to be nec-
17 essary—

18 (A) to protect a species referred to in sub-
19 section (a) from being imminently determined
20 by the Secretary under the Endangered Species
21 Act of 1973 (16 U.S.C. 1531 et seq.) to be an
22 endangered species primarily as a result of inci-
23 dental take of such species by that gear type in
24 that fishery; or

1 (B) to protect a species referred to in sub-
2 section (a) that is listed under that Act as an
3 endangered species from imminent extinction
4 primarily as a result of incidental take of such
5 species by that gear type in that fishery.

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