

# ATLANTIC STRIPED BASS CONSERVATION ACT AMENDMENTS OF 1997

Mr. PETERSON of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1658) to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws, as amended.

The Clerk read as follows:

H.R. 1658

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Atlantic Striped Bass Conservation Act Amendments of 1997".

## SEC. 2. REAUTHORIZATION AND AMENDMENT OF ATLANTIC STRIPED BASS CONSERVATION ACT.

The Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:

### "SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Atlantic Striped Bass Conservation Act'.

### "SEC. 2. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds and declares the following:

"(1) Atlantic striped bass are of historic commercial and recreational importance and economic benefit to the Atlantic coastal States and to the Nation.

"(2) No single government entity has full management authority throughout the range of the Atlantic striped bass.

"(3) The population of Atlantic striped bass—

"(A) has been subject to large fluctuations due to natural causes, fishing pressure, environmental pollution, loss and alteration of habitat, inadequacy of fisheries conservation and management practices, and other causes; and

"(B) risks potential depletion in the future without effective monitoring and conservation and management measures.

"(4) It is in the national interest to implement effective procedures and measures to provide for effective interjurisdictional conservation and management of this species.

"(b) PURPOSE.—It is therefore declared to be the purpose of the Congress in this Act to support and encourage the development, implementation, and enforcement of effective interstate action regarding the conservation and management of the Atlantic striped bass.

### "SEC. 3. DEFINITIONS.

"As used in this Act—

"(1) the term 'Magnuson Act' means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

"(2) The term 'Atlantic striped bass' means members of stocks or populations of the species *Morone saxatilis*, which ordinarily migrate seaward of the waters described in paragraph (3)(A)(i).

"(3) The term 'coastal waters' means—

"(A) for each coastal State referred to in paragraph (4)(A)—

"(i) all waters, whether salt or fresh, of the coastal State shoreward of the baseline from which the territorial sea of the United States is measured; and

"(ii) the waters of the coastal State seaward from the baseline referred to in clause (i) to the inner boundary of the exclusive economic zone;

"(B) for the District of Columbia, those waters within its jurisdiction; and

"(C) for the Potomac River Fisheries Commission, those waters of the Potomac River within the boundaries established by the Potomac River Compact of 1958.

"(4) The term 'coastal State' means—

"(A) Pennsylvania and each State of the United States bordering on the Atlantic Ocean north of the State of South Carolina;

"(B) the District of Columbia; and

"(C) the Potomac River Fisheries Commission established by the Potomac River Compact of 1958.

"(5) The term 'Commission' means the Atlantic States Marine Fisheries Commission established under the interstate compact consented to and approved by the Congress in Public Laws 77-539 and 81-721.

"(6) The term 'exclusive economic zone' has the meaning given such term in section 3(6) of the Magnuson Act (16 U.S.C. 1802(6)).

"(7) The term 'fishing' means—

"(A) the catching, taking, or harvesting of Atlantic striped bass, except when incidental to harvesting that occurs in the course of commercial or recreational fish catching activities directed at a species other than Atlantic striped bass;

"(B) the attempted catching, taking, or harvesting of Atlantic striped bass; and

"(C) any operation at sea in support of, or in preparation for, any activity described in subparagraph (A) or (B).

The term does not include any scientific research authorized by the Federal Government or by any State government.

"(8) The term 'moratorium area' means the coastal waters with respect to which a declaration under section 5(a) applies.

"(9) The term 'moratorium period' means the period beginning on the day on which moratorium is declared under section 5(a) regarding a coastal State and ending on the day on which the Commission notifies the Secretaries that that State has taken appropriate remedial action with respect to those matters that were the case of the moratorium being declared.

"(10) The term 'Plan' means a plan for managing Atlantic striped bass, or an amendment to such plan, that is prepared and adopted by the Commission.

"(11) The term 'Secretary' means the Secretary of Commerce or a designee of the Secretary of the Secretary of Commerce.

"(12) The term 'Secretaries' means the Secretary of Commerce and the Secretary of the Interior or their designees.

## "SEC. 4. MONITORING OF IMPLEMENTATION AND ENFORCEMENT BY COASTAL STATES.

"(a) DETERMINATION.—During December of each fiscal year, and at any other time it deems necessary the Commission shall determine—

"(1) whether each coastal State has adopted all regulatory measures necessary to fully implement the Plan in its coastal waters; and

"(2) whether the enforcement of the Plan by each coastal State is satisfactory.

"(b) SATISFACTORY STATE ENFORCEMENT.—For purposes of subsection (a)(2), enforcement by a coastal State shall not be considered satisfactory by the Commission if, in its view, the enforcement is being carried out in such a manner that the implementation of the Plan within the coastal waters of the State is being, or will likely be, substantially and adversely affected.

"(c) NOTIFICATION OF SECRETARIES.—The Commission shall immediately notify the Secretaries of each negative determination made by it under subsection (a).

## "SEC. 5. MORATORIUM.

"(a) SECRETARIAL ACTION AFTER NOTIFICATION.—Upon receiving notice from the Commission under section 4(c) of a negative determination regarding a coastal State, the Secretaries shall determine jointly, within thirty days, whether that coastal State is in compliance with the Plan and, if the State is not in compliance, the Secretaries shall declare jointly a moratorium on fishing for Atlantic striped bass within the coastal waters of that coastal State. In making such a determination, the Secretaries shall carefully consider and review the comments of the Commission and that coastal State in question.

"(b) PROHIBITED ACTS DURING MORATORIUM.—During a moratorium period, it is unlawful for any person—

"(1) to engage in fishing within the moratorium area;

"(2) to land, or attempt to land, Atlantic striped bass that are caught, taken, or harvested in violation of paragraph (1);

"(3) to land lawfully harvested Atlantic striped bass within the boundaries of a coastal State when a moratorium declared under subsection (a) applies to that State; or

"(4) to fail to return to the water Atlantic striped bass to which the moratorium applies that are caught incidental to harvesting that occurs in the course of commercial or recreational fish catching activities, regardless of the physical condition of the striped bass when caught.

"(c) CIVIL PENALTIES.—

"(1) CIVIL PENALTY.—Any person who commits any act that is unlawful under subsection (b) shall be liable to the United States for a civil penalty as provided by section 308 of the Magnuson Act (16 U.S.C. 1858).

"(2) CIVIL FORFEITURES.—

"(A) IN GENERAL.—Any vessel (including its gear, equipment, appurtenances, stores, and cargo) used, and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with, or as the result of, the commission of any act that is unlawful under subsection (b) shall be subject to forfeiture to the United States as provided in section 310 of the Magnuson Act (16 U.S.C. 1860).

"(B) DISPOSAL OF FISH.—Any fish seized pursuant to this Act may be disposed of pursuant to the order of a court of competent jurisdiction, or, if perishable, in a manner prescribed in regulations.

"(d) ENFORCEMENT.—A person authorized by the Secretary or the Secretary of the department in which the Coast Guard is operating may take any action to enforce a moratorium declared under subsection (a) that an officer authorized by the Secretary under section 311(b) of the Magnuson Act (16 U.S.C. 1861(b)) may take to enforce that Act (16 U.S.C. 1801 et seq.). The Secretary may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal department or agency and of any agency of a State in carrying out that enforcement.

"(e) REGULATIONS.—The Secretary may issue regulations to implement this section.

## "SEC. 6. CONTINUING STUDIES OF STRIPED BASS POPULATIONS.

"(a) IN GENERAL.—For the purposes of carrying out this Act, the Secretaries shall conduct continuing, comprehensive studies of Atlantic striped bass stocks. These studies shall include, but shall not be limited to, the following:

"(1) Annual stock assessments, using fishery-dependent and fishery-independent data, for the purposes of extending the long-term population record generated by the annual striped bass study conducted by the Secretaries before 1994 and understanding the population dynamics of Atlantic striped bass.

"(2) Investigations of the causes of fluctuations in Atlantic striped bass populations.

"(3) Investigations of the effects of water quality, land use, and other environmental factors on the recruitment, spawning potential, mortality, and abundance of Atlantic striped bass populations, including the Delaware River population.

"(4) Investigations of—

"(A) the interactions between Atlantic striped bass and other fish, including bluefish, menhaden, mackerel, and other forage fish or possible competitors, stock assessments of these species, to the extent appropriate; and

"(B) the effects of interspecies predation and competition on the recruitment, spawning potential mortality, and abundance of Atlantic striped bass.

"(b) REPORTS.—The Secretaries shall make biennial reports to the Congress and to the Commission concerning the progress and findings of studies conducted under subsection (a) and

shall make those reports public. Such reports shall, to the extent appropriate, contain recommendations of actions which could be taken to encourage the sustainable management of Atlantic striped bass.

**"SEC. 7. AUTHORIZATION OF APPROPRIATIONS; COOPERATIVE AGREEMENTS.**

"(a) AUTHORIZATION.—For each of fiscal years 1998, 1999, and 2000, there are authorized to be appropriated to carry out this Act—

"(1) \$800,000 to the Secretary of Commerce; and

"(2) \$250,000 to the Secretary of the Interior.

"(b) COOPERATIVE AGREEMENTS.—The Secretaries may enter into cooperative agreements with the Atlantic States Marine Fisheries Commission or with States, for the purpose of using amounts appropriated pursuant to this section to provide financial assistance for carrying out the purposes of this Act.

**"SEC. 8. PUBLIC PARTICIPATION IN PREPARATION OF MANAGEMENT PLANS AND AMENDMENTS.**

"(a) STANDARDS AND PROCEDURES.—In order to ensure the opportunity for public participation in the preparation of management plans and amendments to management plans for Atlantic striped bass, the Commission shall prepare such plans and amendments in accordance with the standards and procedures established under section 805(a)(2) of the Atlantic Coastal Fisheries Cooperative Management Act.

"(b) APPLICATION.—Subsection (a) shall apply to management plans and amendments adopted by the Commission after the 6-month period beginning on the date of enactment of the Atlantic Striped Bass Conservation Act Amendments of 1997.

**"SEC. 9. PROTECTION OF STRIPED BASS IN THE EXCLUSIVE ECONOMIC ZONE.**

"(a) REGULATION OF FISHING IN EXCLUSIVE ECONOMIC ZONE.—The Secretary shall promulgate regulations governing fishing for Atlantic striped bass in the exclusive economic zone that the Secretary determines are—

"(1) consistent with the national standards set forth in section 301 of the Magnuson Act (16 U.S.C. 1851);

"(2) compatible with the Plan and each Federal moratorium in effect on fishing for Atlantic striped bass within the coastal waters of a coastal State; and

"(3) sufficient to assure the long-term conservation of Atlantic striped bass populations.

"(b) CONSULTATION; PERIODIC REVIEW OF REGULATIONS.—In preparing regulations under subsection (a), the Secretary shall consult with the Atlantic States Marine Fisheries Commission, the appropriate Regional Fishery Management Councils, and each affected Federal, State, and local government entity. The Secretary shall periodically review regulations promulgated under subsection (a), and if necessary to ensure their continued consistency with the requirements of subsection (a), shall amend those regulations.

"(c) APPLICABILITY OF MAGNUSON ACT PROVISIONS.—The provisions of sections 307, 308, 309, 310, and 311 of the Magnuson Act (16 U.S.C. 1857, 1858, 1859, 1860, and 1861) regarding prohibited acts, civil penalties, criminal offenses, civil forfeitures, and enforcement shall apply with respect to regulations and any plan issued under subsection (a) of this section as if such regulations or plan were issued under the Magnuson Act."

**SEC. 3. REPEALS.**

(a) ANADROMOUS FISH CONSERVATION ACT.—Section 7 of the Anadromous Fish Conservation Act (16 U.S.C. 757g) is repealed.

(b) ALBERMARLE SOUND-ROANOKE RIVER BASIN.—Section 5 of the Act entitled "An Act to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes", approved November 3, 1988 (16 U.S.C. 1851 note; 102 Stat. 2984), relating to studies of

the Albermarle Sound-Roanoke River Basin striped bass stock, is repealed.

(c) REGULATION OF FISHING IN EXCLUSIVE ECONOMIC ZONE.—Section 6 of the Act entitled "An Act to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes", approved November 3, 1988 (102 Stat. 2986; 16 U.S.C. 1851 note) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. PETERSON] and the gentleman from New Jersey [Mr. PALLONE] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. PETERSON].

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to speak in support of H.R. 1658, a bill to reauthorize the Atlantic Striped Bass Conservation Act.

The Striped Bass Act is one of the few true success stories in fisheries management. It was enacted in 1984, several years after the Atlantic coast stock of striped bass suffered a severe population crash. The Striped Bass Act provided a means of enforcing a single interstate management plan throughout the eastern seaboard, which allowed fisheries managers to take the action needed to save the fishery from extinction.

Over the last 13 years, this program has succeeded beyond any expectations. In 1984, the outlook was truly bleak for striped bass and the fishermen who depend on them. Now stripers are as abundant as they have ever been. They stand as a rare example of how to bring an irreplaceable recreational and commercial resource back from the brink of disaster.

This bill before us today would continue this successful restoration program. It would reauthorize the Striped Bass Act and continue the striped bass study which started in 1980 and has provided information necessary to make good management decisions. The restoration program would not have been nearly as successful without these studies. We must continue gathering the best information possible to protect the gains that we have made.

In addition, this bill makes technical corrections to the Striped Bass Act to make it consistent with the Atlantic States Cooperative Fisheries Management Act. It also provides for greater public input into the writing of striped bass management plans.

H.R. 1658 will ensure that the successful striped bass management program continues into the future. I urge all my colleagues to join me in supporting it.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of this legislation. Mr. Speaker, the striped bass fishery is one of the most important fisheries for marine recreational anglers. The fishery extends north from Cape Hatteras to Maine. In 1995, over 1 mil-

lion anglers made almost 7 million trips and nearly spent \$160 million in pursuit of this fish.

For the last three decades Atlantic striped bass stocks have been declining due to overfishing, pollution, habitat destruction, and other factors. Fishermen and managers alike were concerned that the fishery would soon become an endangered species.

Recently, however, the Atlantic striped bass stocks have grown and are slowly returning to their previous abundance. Many Atlantic coast States have recognized the significance of this growth and understand the pressure that commercial fishing interests may have on commercial breeding stocks. In response, States such as New Jersey, Connecticut, Pennsylvania, Georgia, and several others have passed game fish laws or have prohibited Atlantic striped bass commercial angling.

The enactment of the Striped Bass Conservation Act or the Striped Bass Act, which was passed in 1984, has authorized an annual study population assessment of striped bass stocks to be done with the NMFS and the U.S. Fish and Wildlife Service. It was enacted to encourage coastal States to comply with interstate management plans developed by the Atlantic States Marine Fisheries Commission to conserve striped bass populations. Unfortunately, Mr. Speaker, the last study that was actually done on striped bass was in 1994.

Mr. Speaker, when this bill had a hearing, when we had a field hearing of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans in Manahawkin, NJ, a few months ago, many spoke out about the effects of environmental changes and interspecies competition on striped bass populations. I think support of this legislation would allow us to better understand striped bass stock and design management plans that not only benefit the stock, but also the striped bass fishing community.

I also want to commend the sponsor of the bill, my colleague the gentleman from New Jersey [Mr. SAXTON], because the bill increases public participation in the preparation of striped bass management plans.

Today, the implementation of the Federal-State partnership embodied in the Striped Bass Act has restored the striper to its former glory as one of the most important sport and commercial fisheries on the east coast. It is clear evidence that conservation can work. And knowing the importance of this fishery to American anglers, I would urge Members of this body, my colleagues, to support the legislation and reauthorize the appropriations for the annual striped bass study.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. DELAHUNT].

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, for some of us the conservation of a threatened species such as striped bass is more than a legislative priority. Last weekend I took part in the annual striped bass tournament on Martha's Vineyard, in my congressional district. I was led by some exceptionally talented surf casters to Lobsterville Beach, where we fished for stripers until midnight.

As for results, let us just say I did not win the tournament. In fact, let us just say I did not land a single fish. My partners concluded that this must be part of my own personal plan to help save striped bass.

We can achieve this important objective, however, without doing it one fish at a time. I rise today in support of legislation which will help ensure the continued health of striped bass stocks from Maine to South Carolina, and hopefully will increase my own chances for the next tournament on Martha's Vineyard, or anywhere, for that matter.

When my predecessor, Gerry Studds, first introduced the Striped Bass Conservation Act in 1984, the species had been battered by pollution and overfishing. Harvests had plummeted so far, so fast, by over 10 million pounds over the preceding 10 years, that there was legitimate fear that the future of the species was clearly in danger.

If the problem was clear, the solution was not. The striped bass are highly migratory and move primarily along the 3-mile coastal zone which is under the combined jurisdictions of 12 States and the District of Columbia. Balancing the needs of the fish, the fishermen, and regulators, Congressman Studds and his colleagues created a unique and, as it turned out, highly effective scheme to bolster State management efforts to restore the stock.

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By all measures, the results of this cooperation among the States and between the State and Federal Government has been astonishingly successful. Today the fish are found in record numbers up and down the coast, and all the people involved are still talking courteously to each other.

The Federal-State partnership embodied in the Striped Bass Act has restored the species to its former considerable glory as one of the most important sport and commercial fisheries on the east coast. We have demonstrated to fishermen and fisheries managers alike that conservation, if properly conceived and sensibly executed, can work.

H.R. 1658 will ensure that we stay the course that has nursed this fishery back to health and that, given enough time, encouragement and good bait, even Members of Congress might one day experience the thrill of hooking one of these spectacular fish.

Mr. SAXTON. Mr. Speaker, today we are considering H.R. 1658, the Atlantic Striped Bass Conservation Act Amendments of 1997.

I have stood here many times to speak about striped bass and the Atlantic Striped Bass Conservation Act. In fact, I represent many Atlantic striped bass. Young stripers live the first part of their lives in the Delaware River, at one end of the third district of New Jersey. When they grow up, they inhabit the bays, inlets, and coastal waters at the other end of the district.

My other constituents who are recreational fishermen consider striped bass one of the premier saltwater game fish on the east coast. They support a large industry of charter boats, bait, and tackle shops, and other businesses, not only in New Jersey but all along the Atlantic coast. In other east coast States, striped bass also support a significant commercial fishery.

The larger importance of striped bass is that they nearly disappeared 20 years ago. In the late 1970's, heavy fishing pressure and inconsistent State management policies coincided with pollution and other environmental factors to cause a serious population crash. This devastated the commercial fishery and nearly wiped out the species as a game fish. Congress responded by enacting the Atlantic Striped Bass Conservation Act, which enforced a single management plan throughout all the east coast States. This allowed fisheries managers to take the action that was needed to end overfishing and restore the population.

Over the last 13 years, this program has succeeded beyond any expectations. In 1984, the outlook for striped bass was bleak. Now, they are as abundant as they have ever been. Striped bass are one of the few true success stories in fisheries management, and stand as an example of how conservative, forward-looking management can bring an irreplaceable resource back from disaster.

H.R. 1658 would continue this successful program. It updates the objectives of the Striped Bass Act to reflect the current state of the fishery. It makes technical corrections to increase consistency with the Atlantic States Cooperative Fisheries Management Act, which governs other coastal fisheries. It increases public input into striped bass management plans. Most important, it reauthorizes the annual striped bass study. This study started in 1980 and provides the information that fisheries managers need to make good management decisions.

Without these studies, the restoration program would have been much less successful. Likewise, a shortage of information will compromise future management efforts. We need the best information possible to protect the gains that we have made. Only a commitment to careful study and conservative management can ensure that striped bass will remain a livelihood for commercial fishermen, a thrill for anglers, and a common sight in east coast waters well into the future.

Mr. Speaker, this bill will continue an extremely successful program. I urge you and all other members to support it.

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to rise in support of the Striped Bass Conservation Act Amendments, and I compliment the author of the bill, JIM SAXTON, for his continued efforts to move this legislation.

The Atlantic coast stock of striped bass are found in waters from North Carolina to Maine. They are highly migratory but move primarily along the coast within the 3-mile zone, which is subject to State fishery management.

While striped bass populations have fluctuated dramatically in the past, the population suffered a drastic decline in the 1970's. Striped bass harvests plummeted from 15 million pounds in 1973 to 3.5 million pounds in 1983.

In response to this serious problem, Congress approved an emergency striped bass study and the Atlantic Striped Bass Conservation Act of 1984. This law requires all affected coastal States to implement management measures to conserve and protect Atlantic striped bass stocks.

After 15 years of careful management, the striped bass population has fully recovered to pre-decline levels. This is a major fishery management success. H.R. 1658 will ensure that this remarkable recovery is not compromised in the days ahead.

As reported by the Resources Committee, this legislation reauthorizes the study provisions of the Striped Bass Act and related laws, makes technical changes to increase consistency with other fishery conservation laws, and encourages greater public participation in the writing of management plans.

Mr. Speaker, I hope more of our fishery management efforts prove to be this successful in the future. I urge an "aye" vote on H.R. 1658.

Mr. PALLONE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLING). The question is on the motion offered by the gentleman from Pennsylvania [Mr. PETERSON] that the House suspend the rules and pass the bill, H.R. 1658, as amended.

The question was taken.

Mr. PETERSON of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### GENERAL LEAVE

Mr. PETERSON of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1658, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### CODIFYING LAWS RELATED TO TRANSPORTATION

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1086) to codify without substantive change laws related to transportation and to improve the United States Code, as amended.

The Clerk read as follows:

H.R. 1086

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*