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Fishery, Aquaculture, and Marine Mammal Legislation in the 110th Congress

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Summary

Fish and marine mammals are important resources in open ocean and nearshore coastal areas; many federal laws and regulations guide their management. Bills to reauthorize and amend major legislation — the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) and the Marine Mammal Protection Act (MMPA) — were acted upon by the 109th Congress; the authorization of appropriations for both laws had expired at the end of FY1999. P.L. 109-479 reauthorized and extensively amended the MSFCMA; a bill proposing to reauthorize and amend the MMPA (H.R. 4075) passed the House, but received no further action.

Commercial and sport fishing are jointly managed by the federal government and individual states. States generally have jurisdiction within 3 miles of the coast. Beyond state jurisdiction and out to 200 miles, the federal government manages fisheries under the MSFCMA through eight regional fishery management councils. Beyond 200 miles, the United States participates in international agreements relating to specific areas or species. The 110th Congress may oversee implementation of the MSFCMA as well as address individual habitat and management concerns for U.S. commercial and sport fisheries to achieve a sustainable balance between resource use and protection.

Aquaculture — the farming of fish, shellfish, and other aquatic animals and plants in a controlled environment — is expanding rapidly abroad, with more modest advances in the United States. In the United States, important species cultured include catfish, salmon, shellfish, and trout. The Administration has stated that it plans to offer new draft legislation to promote the development of aquaculture in offshore federal waters. In addition, the 110th Congress may consider other measures to guide federal activities related to aquaculture.

Marine mammals are protected under the MMPA. With few exemptions, the MMPA prohibits harm or harassment ("take") of marine mammals, unless restrictive permits are obtained. It addresses specific situations of concern, such as dolphin mortality, primarily associated with the eastern tropical Pacific tuna fishery. The 110th Congress may consider bills to reauthorize and amend the MMPA as well as measures to address specific habitat and management concerns.

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Increasing use of coastal and marine resources is driving proposals to alter relationships between environmental protection and sustainable resource management. Recent reports note declines in marine resources and shortcomings in the fragmented and limited approaches to resource protection and management in federal and state waters. A further concern is the increasing pressures and conflicts that arise from economic activity associated with continued human population growth in coastal areas. A common concern is habitat loss or alteration, due to both natural processes, such as climate variation, as well as development, changes in land management practices, competition from invasive species, and other factors, nearly all related to economic, political, or social interests. Congress faces the issue of how to balance these diverse interests (which may fall on various sides of any given controversy) while promoting the sustainable management of fishery and other marine resources.

In the final hours of the 109th Congress, the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) was reauthorized and extensively amended in P.L. 109-479. Reauthorization of the Marine Mammal Protection Act (MMPA) was not finalized. The 110th Congress may consider measures to reauthorize the MMPA, address aquatic habitat concerns, modify or extend fishery disaster assistance, and address fishery-specific concerns, as well as conducting oversight of MSFCMA implementation. (Members and staff may request e-mail notification of new CRS reports on marine and freshwater fisheries, aquaculture, and marine mammal issues by contacting Gene Buck at [gbuck@crs.loc.gov] and requesting to be added to his notification list.)

Commercial and Sport Fisheries: Background and Issues

Historically, coastal states managed marine sport and commercial fisheries in nearshore waters, where most seafood was caught. However, as fishing techniques improved, fishermen ventured farther offshore. Before the 1950s, the federal government assumed limited responsibility for marine fisheries, responding primarily to international fishery concerns and treaties (by enacting implementing legislation for treaties, e.g., the Northern Pacific Halibut Act in 1937) as well as to interstate fishery conflicts (by consenting to interstate fishery compacts, e.g., the Pacific Marine Fisheries Compact in 1947). In the late 1940s and early 1950s, several Latin American nations proclaimed marine jurisdictions extending 200 miles or further offshore. This action was denounced by those within the United States and other distant-water fishing nations who sought to preserve access for far-ranging fishing

vessels. Beginning in the 1950s (Atlantic) and 1960s (Pacific), increasing numbers of foreign fishing vessels steamed into U.S. offshore waters to catch the substantially unexploited seafood resources. Since the United States then claimed only a 3-mile jurisdiction (in 1964, P.L. 88-308 prohibited fishing by foreign-flag vessels within 3 miles of the coast; in 1966, P.L. 89-658 proclaimed an expanded 12-mile exclusive U.S. fishery jurisdiction), foreign vessels could fish many of the same stocks caught by U.S. fishermen. U.S. fishermen deplored this "foreign encroachment" and alleged that overfishing was causing stress on, or outright depletion of, fish stocks. Protracted Law of the Sea Treaty negotiations in the early and mid-1970s provided impetus for unilateral U.S. action.

The enactment of the Fishery Conservation and Management Act (FCMA) in 1976 (later renamed the Magnuson Fishery Conservation and Management Act and more recently the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA; 16 U.S.C. §§1801, et seq.) ushered in a new era of federal marine fishery management. The FCMA was signed into law on April 13, 1976, after several years of debate. On March 1, 1977, marine fishery resources within 200 miles of all U.S. coasts, but outside state jurisdiction, came under federal jurisdiction, and an entirely new multifaceted regional management system began allocating fishing rights, with priority given to domestic enterprise.

Primary federal management authority was vested in the National Marine Fisheries Service (NMFS, also popularly referred to as NOAA Fisheries) within the National Oceanic and Atmospheric Administration (NOAA) of the U.S. Department of Commerce.[1] The 200-mile fishery conservation zone was superseded by an Exclusive Economic Zone (EEZ), proclaimed by President Reagan on March 10, 1983 (Presidential Proclamation 5030).

Eight Regional Fishery Management Councils were created by the FCMA.[2] Council members are appointed by the Secretary of Commerce from lists of candidates knowledgeable of fishery resources, provided by coastal state governors.[3] The councils prepare fishery management plans (FMPs) for those fisheries that they determine require active federal management. After public hearings, revised FMPs are submitted to the Secretary of Commerce for approval. Approved plans are implemented through regulations published in the *Federal Register*. Together these councils and NMFS have developed and implemented 40 FMPs for various fish and shellfish resources, with 9 additional plans in various stages of development. Some plans are created for an individual species or a few related ones (e.g., FMPs for red drum by the South Atlantic Council and for shrimp by the Gulf of Mexico Council). Others are developed for larger species assemblages inhabiting similar habitats (e.g., FMPs for Gulf of Alaska groundfish by the North Pacific Council and for reef fish by the Gulf of Mexico Council). Many of the implemented plans have been amended

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[1] NMFS programs are described in detail at [http://www.nmfs.noaa.gov/].

[2] Links to individual Council websites are available at [http://www.nmfs.noaa.gov/councils/].

[3] For the 2005 Report to Congress on Council membership, see [http://www.nmfs.noaa.gov/sfa/reg_svcs/Council_Reportocongress/05ReporttoCongress.pdf].

(one over 30 times), and three have been developed and implemented jointly by two or more councils. The MSFCMA was reauthorized in the final hours of the 109th Congress by P.L. 109-479, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006.[4] The authorization of appropriations in §7 of this act expires at the end of FY2013.

Today, individual states manage marine fisheries in inshore and coastal waters, generally within 3 miles of the coast. Interstate coordination occurs through three regional (Atlantic, Gulf, and Pacific) interstate marine fishery commissions, created by congressionally approved compacts. Beyond state waters, out to 200 miles, the federal government manages fish and shellfish resources for which FMPs have been developed under the MSFCMA. Individual states manage fishermen operating state-registered vessels under state regulations consistent with any existing federal FMP when fishing in inshore state waters and, in the absence of a federal FMP, wherever they fish.

Under initial FCMA authority, a substantial portion of the fish catch from federal offshore waters was allocated to foreign fishing fleets. However, the 1980 American Fisheries Promotion Act (Title II of P.L. 96-561) and other FCMA amendments orchestrated a decrease in foreign catch allocations as domestic fishing and processing industries expanded. Foreign catch from the U.S. EEZ declined from about 3.8 billion pounds in 1977 to zero since 1992. Commensurate with the decline of foreign catch, domestic offshore catch in federal waters increased dramatically, from about 1.6 billion pounds (1977) to more than 6.3 billion pounds. Total (U.S. and foreign) offshore fishery landings from the U.S. EEZ (i.e., federal waters) increased about 24% between 1977 and 1986-1988 to a peak of 6.65 billion pounds.[5] Since this peak, annual landings have declined slightly and stabilized at around 6 billion pounds.

In 2004, U.S. commercial fishermen landed almost 7.8 billion pounds of edible, unprocessed fish and shellfish from combined state, federal, and international waters, worth almost $3.4 billion at the dock.[6] Imports of mostly processed products supplied almost 5 billion pounds, worth more than $11.3 billion. U.S. consumers spent an estimated $61.9 billion on edible seafood in 2004, with almost $43 billion of that amount spent in restaurants and other food service establishments. In addition, marine recreational anglers caught an estimated 441 million fish in 2004, of which the retained catch was about 254 million pounds.[7] In 2001, a nationwide

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[4] A detailed summary of the Sustainable Fisheries Act, including an explanation of issues and legislative history, can be found at [http://www.nmfs.noaa.gov/sfa/sfaguide/].

[5] This total includes both landings for human food and landings for industrial purposes, e.g., bait and animal food, reduction to meal and oil, etc.

[6] For additional domestic commercial fishery harvest statistics, see [http://www.st.nmfs.noaa.gov/st1/commercial/index.html].

[7] Recreational fishing programs at NMFS are discussed at [http://www.st.nmfs.gov/st1/recreational/index.html].

survey estimated that recreational anglers spent almost $36 billion each year pursuing their sport.[8]

NMFS reports annually on the status of fish stocks managed under the MSFCMA.[9] For 2005, NMFS made determinations for 237 fish stocks and complexes,[10] finding that 45 (19%) of them were subject to overfishing[11] and 192 (81%) were not. In addition, NMFS made determinations for 206 stocks and complexes, finding that 54 (26%) were overfished[12] and 152 (74%) were not. These numbers reflect no change in the overfishing percentages compared to 2004 (when 19% were subject to overfishing) and a slight improvement in the overfished numbers compared to that year (when 28% were overfished).

Magnuson-Stevens Act

The MSFCMA was reauthorized in the final hours of the 109th Congress in 2006 by P.L. 109-479, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. Some of the major issues addressed by this comprehensive measure included:

- modifying requirements for the appointment and training of members of regional councils as well as the conduct of business by regional council committees and panels to enhance transparency of the regional council process;
- setting a firm deadline to end overfishing by 2011 and modifying how depleted fisheries are to be rebuilt;
- increasing the consideration of economic and social impacts in fishery management;
- modifying research programs and improving data collection and management;
- increasing protection for deep sea corals and bottom habitat;
- implementing a pilot program of ecosystem-based management;
- promoting new gear technologies to further reduce bycatch;
- establishing national guidelines for individual fishing quota (limited access privilege) programs;
- modifying regional council fishery management plan procedures, including better coordinating environmental review under the

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[8] Details of the 2001 survey can be found at [http://www.census.gov/prod/www/abs/fishing.html].

[9] See [http://www.nmfs.noaa.gov/sfa/domes_fish/ReportsToCongress/finalSOS/Report_text_FINAL3.pdf].

[10] NMFS reviewed 530 individual stocks and stock complexes but had insufficient information to make determinations on all of them.

[11] A stock that is subject to overfishing has a fishing mortality (harvest) rate above the level that provides for the maximum sustainable yield.

[12] A stock that is overfished has a biomass level below a biological threshold specified in its fishery management plan.

National Environmental Policy Act (NEPA; 42 U.S.C. §§4321, et seq.); and
- strengthening the role of science in fishery management decision-making.

Pacific Salmon

Background. Five species of salmon spawn in Pacific coastal rivers and lakes, after which juveniles migrate to North Pacific ocean waters where they mature before returning to freshwater to spawn. Management is complicated because these fish may cross several state and national boundaries during their life spans. In addition to natural environmental fluctuations, threats to salmon include hydropower dams blocking rivers and creating reservoirs, sport and commercial harvests, habitat modification by competing resource industries and human development, and hatcheries seeking to supplement natural production but sometimes unintentionally causing genetic or developmental concerns. In response to declining salmon populations in Washington, Oregon, Idaho, and California, discrete population units have been listed as endangered or threatened species under the Endangered Species Act.[13] On September 13, 2006, a San Joaquin Restoration Settlement Agreement was announced, ending an 18-year legal dispute over the operation of Friant Dam, CA. This Agreement provides for river channel improvements and water flow to sustain Chinook salmon upstream from the confluence of the Merced River tributary while providing water supply certainty to Friant Division water contractors.

To address some of their concerns about Pacific salmon management, the United States and Canada negotiated a bilateral agreement on Pacific salmon in 1985. However, by the mid-1990s, controversy stalled renegotiations to adjust cooperative management of these fish. This deadlock was resolved in June 1999 when a new accord was concluded. Annex IV of this bilateral agreement outlines, in detail, the fishery regimes to be followed by Canada and the United States in cooperatively managing the six species of anadromous Pacific salmon and trout. Annex IV expires at the end of 2008 and is to be renegotiated.[14]

Congressional Action. In the 110th Congress, H.R. 24 and S. 27 would authorize the implementation of the San Joaquin River Restoration Settlement providing for the reintroduction of chinook salmon. H.R. 234 and S. 145 would appropriate $60.4 million for Pacific salmon emergency disaster assistance. S. 264 would authorize federal participation in funding fish passage improvements at Wallowa Lake Dam, OR.

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[13] For additional background on this issue, see CRS Report 98-666 ENR, *Pacific Salmon and Anadromous Trout: Management Under the Endangered Species Act*; and archived CRS Report RL31546, *The Endangered Species Act and Science: The Case of Pacific Salmon*, available from the author at [gbuck@crs.loc.gov].

[14] For additional information on the Pacific Salmon Treaty and renegotiation of its Annex IV, see CRS Report RL30234, *The Pacific Salmon Treaty: The 1999 Agreement and Renegotiation of Annex IV*.

Miscellaneous Issues

Habitat. H.R. 17 would amend the The Secure Rural Schools and Community Self-Determination Act of 2000 (P.L. 106-393) to authorize federal funding through FY2013 for projects providing for the protection, restoration and enhancement of fish habitat.

Marketing. H.R. 167 and H.R. 293 would provide assistance for the construction, improvement, and rehabilitation of farmers markets, including those selling local aquaculture and commercial fishing products.

Invasive Species. H.R. 260 would authorize various marine and freshwater research, development, and demonstration programs to address invasive species concerns. H.R. 83 would amend the Lacey Act to add four species of carp to the list of injurious species that are prohibited from being imported or shipped.

Great Lakes. H.R. 469 would authorize the Great Lakes Fishery Commission to investigate the effects of migratory birds on fish stock productivity.

Health Care. Section 2 of H.R. 241 and §202 of H.R. 324 would amend the Employee Retirement Income Security Act of 1974 (ERISA; P.L. 93-406; 29 U.S.C. §§1001, et seq.) to authorize fishing industry associations to provide health care plans for association members.

Aquaculture: Background and Issues

Aquaculture is broadly defined as the farming or husbandry of fish, shellfish, and other aquatic animals and plants, usually in a controlled or selected environment.[15] The diversity of aquaculture is typified by such activities as: fish farming, usually applied to freshwater commercial aquaculture operations (e.g., catfish and trout farms);[16] shellfish and seaweed culture; net-pen culture, used by the salmon industry, wherein fish remain captive throughout their lives in marine pens built from nets; and ocean ranching, used by the Pacific Coast salmon industry, whereby juvenile salmon are cultured, released to mature in the open ocean, and caught when they return as adults to spawn. Fish hatcheries can be either publicly or privately operated to raise fish for recreational and commercial stocking as well as to mitigate aquatic resource and habitat damage.

The U.N. Food and Agriculture Organization (FAO) has characterized aquaculture as one of the world's fastest growing food production activities. World aquaculture production more than doubled in 10 years, from about 10 million metric

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[15] For more background information, see CRS Report RL32694, *Open Ocean Aquaculture* and archived CRS Report 97-436, *Aquaculture and the Federal Role*, available from the author at [gbuck@crs.loc.gov] .

[16] For statistics on freshwater production, see [http://www.usda.gov/nass/pubs/stathigh/2002/livestock02.pdf].

tons in 1984 to 25.5 million metric tons in 1994; by 2002, global aquaculture production had reached almost 40 million metric tons. By mid-2006, FAO estimated that 43% of all fish consumed by humans came from aquaculture.[17] The FAO predicts that world aquaculture production could exceed 130 million metric tons by 2030.[18]

U.S. aquaculture, until recently and with a few exceptions, has been considered a minor industry. The U.S. Department of Agriculture's *2005 Census of Aquaculture* reported that U.S. sales of aquaculture products had reached nearly $1.1 billion, with more than half this value produced in Alabama, Arkansas, Louisiana, and Mississippi.[19] Despite considerable growth, the domestic aquaculture industry faces strong competition from imports of foreign aquacultural products, from the domestic poultry and livestock industries, and from wild harvests.[20] With growth, however, aquaculture operations face increasing scrutiny for habitat destruction, pollution, and other concerns. The major statute affecting U.S. aquaculture is the National Aquaculture Act of 1980, as amended (16 U.S.C. §§2801 et seq.).

In November 2006, NOAA released a draft 10-year plan for its marine aquaculture program.[21] The 110th Congress may consider legislation the Administration is drafting to modify the regulatory environment to promote the development of U.S. offshore, open-ocean aquaculture.

Congressional Action

Marketing. H.R. 167 and H.R. 293 would provide assistance for the construction, improvement, and rehabilitation of farmers markets, including those selling local aquaculture and commercial fishing products.

Asian Carp. H.R. 83 would amend the Lacey Act to add four species of carp to the list of injurious species that are prohibited from being imported or shipped.

Marine Mammals: Background and Issues

In 1972, Congress enacted the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1361, et seq.), due in part to the high level of dolphin mortality (estimated at more than 400,000 animals per year) in the eastern tropical Pacific tuna purse-seine fishery. While some critics assert that the MMPA is scientifically irrational because it identifies one group of organisms for special protection unrelated to their

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[17] For more details, see [http://www.fao.org/newsroom/en/news/2006/1000383/index.html].

[18] For more discussion of FAO projections for 2030, see Part 3 of [http://www.fao.org/docrep/007/y5600e/y5600e00.htm].

[19] See [http://www.nass.usda.gov/aquaculture/index.asp].

[20] For the latest information on domestic production and statistics, see [http://usda.mannlib.cornell.edu/MannUsda/viewDocumentInfo.do?documentID=1375].

[21] Available at [http://www.nmfs.noaa.gov/mediacenter/aquaculture/plan.htm].

abundance or ecological role, supporters note that the MMPA has accomplished much by way of promoting research and increased understanding of marine life as well as encouraging attention to incidental bycatch mortalities of marine life by the commercial fishing and other maritime industries.

The MMPA established a moratorium on the "taking" of marine mammals in U.S. waters and by U.S. nationals on the high seas. It also established a moratorium on importing marine mammals and marine mammal products into the United States. The MMPA protected marine mammals from "clubbing, mutilation, poisoning, capture in nets, and other human actions that lead to extinction." It also expressly authorized the Secretary of Commerce and the Secretary of the Interior to issue permits for the "taking" of marine mammals for certain purposes, such as scientific research and public display.

Under the MMPA, the Secretary of Commerce, acting through NMFS, is responsible for the conservation and management of whales, dolphins, porpoises, seals, and sea lions. The Secretary of the Interior, acting through the Fish and Wildlife Service (FWS), is responsible for walruses, sea and marine otters, polar bears, manatees, and dugongs. This division of authority derives from agency responsibilities as they existed when the MMPA was enacted. Title II of the MMPA established an independent Marine Mammal Commission (MMC) and its Committee of Scientific Advisors on Marine Mammals to oversee and recommend actions necessary to meet the requirements of the act.

Prior to passage of the MMPA, states were responsible for marine mammal management on lands and in waters under their jurisdiction. The MMPA shifted marine mammal management authority to the federal government. It provides, however, that management authority, on a species-by-species basis, could be returned to states that adopt conservation and management programs consistent with the purposes and policies of the MMPA. It also provides that the moratorium on taking can be waived for specific purposes, if the taking will not disadvantage the affected species or population. Permits may be issued to take or import any marine mammal species, including depleted species, for scientific research or to enhance the survival or recovery of the species or stock. The MMPA allows U.S. citizens to apply for and obtain authorization for taking small numbers of mammals incidental to activities other than commercial fishing (e.g., offshore oil and gas exploration and development) if the taking would have only a negligible impact on any marine mammal species or stock, provided that monitoring requirements and other conditions are met.

The MMPA's moratorium on taking does not apply to any Native American (Indian, Aleut, or Eskimo) who resides in Alaska near the coast of the North Pacific (including the Bering Sea) or Arctic Ocean (including the Chukchi and Beaufort Seas), if such taking is for subsistence purposes or for creating and selling authentic Native articles of handicrafts and clothing, and is not done wastefully.

The MMPA also authorizes the taking of marine mammals incidental to commercial fishing operations. In 1988, most U.S. commercial fish harvesters were exempted from otherwise applicable rulemaking and permit requirements for a five-year period, pending development of an improved system to govern the incidental

taking of marine mammals in the course of commercial fishing operations. This exemption expired at the end of FY1993, and was extended several times until new provisions were enacted in 1994 by P.L. 103-238, which reauthorized the MMPA through FY1999. The eastern tropical Pacific tuna fishery was excluded from the incidental take regimes enacted in 1988 and 1994. Instead, the taking of marine mammals incidental to that fishery is governed by separate provisions of the MMPA, and was substantially amended in 1997 by P.L. 105-42, the International Dolphin Conservation Program Act.

Marine Mammal Protection Act Reauthorization

Background. The MMPA was reauthorized by P.L. 103-238, the Marine Mammal Protection Act Amendments of 1994; the authorization for appropriations expired on September 30, 1999. The 1994 amendments indefinitely authorized the taking of marine mammals incidental to commercial fishing operations and provided for assessing marine mammal stocks in U.S. waters, for developing and implementing take-reduction plans for stocks that may be reduced or are being maintained below their optimum sustainable population levels due to interactions with commercial fisheries, and for studying pinniped-fishery interactions.[22]

Congressional Action. In the 109th Congress, several bills were introduced, proposing to extensively amend the MMPA and authorize appropriations for several marine mammal programs. Although the House passed H.R. 4075 (amended), no further action was taken before 109th Congress adjourned. The 110th Congress may again consider measures to amend and reauthorize the MMPA as well as bills to address specific marine mammal regulatory and management issues.[23]

NMFS Appropriations

On February 6, 2006, the Bush Administration requested FY2007 funds for federal agencies and programs, including $736.9 million for NMFS. (See **Table 1**.) On March 9, 2006, the House Resources Subcommittee on Fisheries and Oceans held an oversight hearing on NMFS's FY2007 budget request.

In the 109th Congress, H.R. 5672, proposing NMFS FY2007 funding at $559.4 million, was reported by the House Committee on Appropriations on June 22, 2006 (H.Rept. 109-520), and passed (amended) the House on June 29, 2006. According to NOAA calculations, FY2007 funding for NMFS would decline by approximately 28%, or $156 million below the current funding level, if the House-passed approach were enacted. Such a reduction would "force NOAA to close critical fisheries, terminate protected species programs and terminate the Seafood Quality and Safety Program, costing billions in economic losses and increasing the cost of seafood to US

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[22] For more background and information on the 1994 amendments, see out-of-print CRS Report 94-751 ENR, *Marine Mammal Protection Act Amendments of 1994*, available from the author at [gbuck@crs.loc.gov].

[23] For additional background on potential reauthorization issues, see CRS Report RL30120, *The Marine Mammal Protection Act: Reauthorization Issues*, by Eugene H. Buck.

consumers," according to NOAA's impact statement. Large reductions in funding for NOAA are inconsistent with the recommendations of the U.S. Commission on Ocean Policy and the Pew Oceans Commission.[24] The chairs of these commissions, Admiral James D. Watkins and Leon E. Panetta, issued a joint letter expressing their concern that the proposed funding cuts are being imposed at a time when there is clear recognition of the growing number and severity of problems compromising the health and associated economic benefits generated by our oceans, coasts, and Great Lakes. On July 13, 2006, the Senate Committee on Appropriations reported H.R. 5672 (amended), proposing NMFS FY2007 funding at $903.7 million (S.Rept. 109-280). The 109th Congress did not enact FY2007 appropriations for NMFS/NOAA and funding for these programs currently is provided under a continuing resolution (P.L. 109-383) through February 15, 2007.

Table 1. NMFS Appropriations

(in thousands of dollars)

	FY2006 Request	FY2006 Enacted	FY2007 Request	FY2007 Hse Pas'd	FY2007 Sen Rptd
Fisheries	351,932	352,585	347,023	317,600	436,261
Protected Resources	159,273	145,039	144,924	108,000	180,991
Habitat Conservation	34,096	46,629	39,896	40,000	56,927
Enforcement Surveillance	80,163	72,675	80,697	73,500	84,500
SUBTOTAL	**625,464**	**667,226***	**648,988***	**539,100**	**813,679***
Procurement, Acquisition, and Construction	2,000	30,444	0	0	0
Pacific Coastal Salmon Recovery	90,000	66,571	66,825	20,000	90,000
Other Accounts	10,419	39,579	21,088	287	0
TOTAL	**727,883**	**803,820**	**736,901**	**559,387**	**903,679**

Sources: Budget Justifications, House and Senate Committee Reports, and floor debate.

* Includes funds for "Alaska Composite Research and Development Program" — $50.3 million for FY2006; the Administration's FY2007 request is $36.45 million; the FY2007 Senate-reported amount was $55 million.

[24] The final report of the U.S. Commmission on Ocean Policy is available at [http://www.oceancommission.gov/documents/full_color_rpt/welcome.html]; the final report of the Pew Oceans Commission is available at [http://www.pewtrusts.org/pdf/env_pew_oceans_final_report.pdf].