

109TH CONGRESS
1ST SESSION

S. _____

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

_____ introduced the following bill; which was read twice and referred to the Committee on _____

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 Trawling and
5 Coral Habitat Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

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

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

4 (3) Deep ocean habitats provide fishery re-
5 sources and sites for deep sea corals and deep sea
6 sponges.

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

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

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

20 (7) Vessel monitoring systems are increasingly
21 used in the fishing industry. For example, coverage
22 of such systems for bottom trawl vessels in the Pa-
23 cific and North Pacific is 100 percent.

24 (8) Deep sea corals and deep sea sponges host
25 biological diversity that, according to the United

1 States Commission on Ocean Policy, “may rival that
2 of coral communities in warmer, shallower waters”.
3 For example, more than 1,300 species live among
4 *Lophelia* coral reefs in the northeastern Atlantic
5 Ocean.

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

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

17 (11) Deep sea corals and deep sea sponges have
18 not been fully studied for their benefit to society or
19 for their ecological importance to other associated
20 species.

21 (12) Deep sea corals, deep sea sponges, and
22 their associated invertebrates are a potential source
23 of compounds with biomedical properties, some of
24 which are currently in clinical trials to study their

1 anti-cancer, anti-tumor, and anti-inflammatory prop-
2 erties.

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

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

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

21 (16) In 2005, the North Pacific Fishery Man-
22 agement Council proposed measures that will be
23 adopted pending approval by the Secretary of Com-
24 merce to confine use of bottom trawls in the Aleu-
25 tian Islands exclusive economic zone to specified his-

1 torically productive fishing areas, to disallow use of
2 bottom trawls in historically unfished areas of Aleu-
3 tian Islands waters where deep sea corals have been
4 undisturbed, to designate as no-trawling zones those
5 areas where coral ecosystems are known to exist,
6 and to develop a comprehensive plan for research
7 and monitoring.

8 **SEC. 3. PURPOSES.**

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

10 (1) to permit fishermen to use bottom trawls in
11 areas that, traditionally, have been fished using bot-
12 tom trawls and that do not contain deep sea coral
13 and sponge ecosystems;

14 (2) to provide long-term protection for deep sea
15 coral and sponge ecosystems, particularly in areas
16 that have not traditionally been fished with bottom
17 trawls; and

18 (3) to identify, map, and assess deep sea coral
19 and sponge ecosystems to create a balanced policy
20 for maintenance of fishing and protection of deep
21 sea ecosystems.

22 (b) PROCESS.—The Secretary shall use a process
23 that achieves an outcome similar to the outcome achieved
24 by the North Pacific Regional Fishery Management Coun-
25 cil—

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

4 (2) to identify areas that are open to the use
5 of bottom trawls and areas closed to such use where
6 deep sea coral and sponge ecosystems are present
7 and protected.

8 **SEC. 4. DEFINITIONS.**

9 In this Act:

10 (1) **BOTTOM TRAWL.**—The term “bottom
11 trawl” means any trawl or dredge fishing gear that
12 contacts the seafloor while in use, including pelagic
13 trawls that contact the seafloor while in use, otter
14 trawls, and scallop dredges.

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

18 (3) **CORAL HABITAT CONSERVATION ZONE.**—
19 The term “Coral Habitat Conservation Zone” means
20 any area designated under section 8 or section 11 as
21 a Coral Habitat Conservation Zone.

22 (4) **COUNCIL.**—The term “Council” means any
23 Regional Fishery Management Council established
24 by section 302 of the Magnuson-Stevens Fishery

1 Conservation and Management Act (16 U.S.C.
2 1852).

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

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

14 (A) occur at a depth of greater than 50
15 meters;

16 (B) do not contain symbiotic algae; and

17 (C) are in the phylum Cnidaria, in the
18 order—

19 (i) Antipatharia (black corals);

20 (ii) Scleractinia (stony corals);

21 (iii) Gorgonacea (horny corals);

22 (iv) Alcyonacea (soft corals);

23 (v) Pennatulacea (sea pens), in the
24 class Anthozoa; or

1 (vi) Hydrocorallina (hydrocorals), in
2 the class Hydrozoa.

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

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

11 (9) SECRETARY.—The term “Secretary” means
12 the Secretary of Commerce or the Secretary’s des-
13 ignee.

14 (10) VESSEL MONITORING SYSTEM.—The term
15 “Vessel Monitoring System” means a type of mobile
16 transceiver unit that—

17 (A) is approved by the Office of Law En-
18 forcement of the National Marine Fisheries
19 Service; and

20 (B) automatically determines the vessel’s
21 position and transmits that information to a
22 communications service provider that is ap-
23 proved by such Office for transmission and
24 relay to such Office.

1 **SEC. 5. MAPPING AND RESEARCH.**

2 (a) **REQUIREMENT FOR MAPPING AND RESEARCH.**—

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

7 (b) **DESCRIPTION OF MAPPING AND RESEARCH.**—

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

9 (1) creating maps of the locations of deep sea
10 coral and sponge ecosystems; and

11 (2) conducting research related to deep sea cor-
12 als and deep sea sponges, including research related
13 to—

14 (A) the natural history of such species;

15 (B) the taxonomic classification of such
16 species;

17 (C) the ecological roles of such species;

18 (D) the growth rates of such species;

19 (E) the anthropogenic, ecological, and
20 other benefits of such species and the habitats
21 of such species; and

22 (F) the correlation of deep sea corals and
23 deep sea sponges with various types of geologic
24 formations, physical features, and other predic-
25 tors of presence.

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

4 (1) the ideal areas for the use of bottom trawls;
5 and

6 (2) the locations of deep sea corals and deep
7 sea sponges.

8 (d) THRESHOLDS OF DEEP SEA CORAL AND SPONGE
9 PRESENCE.—

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

19 (2) CRITERIA.—In determining the thresholds
20 under paragraph (1), the Secretary shall consider
21 the following criteria:

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

24 (B) Presence of deep sea corals or deep
25 sea sponges in research surveys.

1 (C) Predictions of the presence of deep sea
2 corals or deep sea sponges based on correlations
3 with geologic or physical features.

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

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

7 (a) REQUIREMENT.—The Secretary shall use the best
8 available data to determine if an area shall be designated
9 as a Bottom Trawl Zone or as a Coral Habitat Conserva-
10 tion Zone.

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

16 (1) the precision and accuracy of the available
17 trawl location data considered in making such deter-
18 mination;

19 (2) the precision and accuracy of deep sea coral
20 and deep sea sponge presence data considered in
21 making such determination;

22 (3) the economic cost of such designation to in-
23 dustry and the ecological costs and benefits of such
24 designation to deep sea corals and deep sea sponges
25 in the area; and

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

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

7 (1) shall ensure that each area that is deter-
8 mined to contain a deep sea coral and sponge eco-
9 system is designated as a Coral Habitat Conserva-
10 tion Zone; and

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

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

18 (a) RECOMMENDATION BY A COUNCIL.—Not later
19 than 24 months after the date of enactment of this Act,
20 each Council, after notice and an opportunity for public
21 comment, shall submit to the Secretary and the Secretary
22 shall publish in the Federal Register—

23 (1) a list of all areas for which the Council has
24 responsibilities that were fished using bottom trawls

1 during the 7-year period ending on December 31,
2 2004; and

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

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

10 (c) DESIGNATION PROCESS.—

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

19 (2) FAILURE TO RECOMMEND.—If a Council
20 fails to submit recommendations to the Secretary
21 under subsection (a), not later than 33 months after
22 the date of enactment of this Act, the Secretary
23 shall publish in the Federal Register a list of areas
24 located in the area for which such Council has re-

1 sponsibility that the Secretary proposes to designate
2 as Bottom Trawl Zones.

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

7 (4) FINAL DETERMINATION.—

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

15 (B) PUBLICATION.—The Secretary shall
16 publish in the Federal Register each designa-
17 tion made under subparagraph (A).

18 (d) ACTIVITIES WITHIN BOTTOM TRAWL ZONES.—
19 After the date that is 30 days after the date of the end
20 of the comment period described in paragraph (3), bottom
21 trawls may not be used in an area that is not designated
22 as a Bottom Trawl Zone.

23 **SEC. 8. INITIAL DESIGNATION OF CORAL HABITAT CON-**
24 **SERVATION ZONES.**

25 (a) DESIGNATION BY THE SECRETARY.—

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

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

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

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

21 (b) RECOMMENDATION BY A COUNCIL.—

22 (1) SUBMISSION TO THE SECRETARY.—Not
23 later than 24 months after the date of enactment of
24 this Act, each Council, after notice and an oppor-
25 tunity for public comment, shall submit to the Sec-

1 retary a list of all areas known to contain deep sea
2 corals or deep sea sponges.

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

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

12 (c) DESIGNATION PROCESS.—

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

20 (2) FAILURE TO RECOMMEND.—If a Council
21 fails to submit recommendations to the Secretary
22 under subsection (b)(1), not later than 33 months
23 after the date of enactment of this Act, the Sec-
24 retary shall publish in the Federal Register a list of
25 areas located in the area for which such Council has

1 responsibility that the Secretary proposes to des-
2 ignate as Coral Habitat Conservation Zones.

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

7 (4) FINAL DETERMINATION.—

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

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

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

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

24 (C) INACTION.—If the Secretary does not
25 publish the designation of an area under sub-

1 paragraph (A)(i) or the justification required
2 under paragraph (A)(ii) for such area within 30
3 days of the date of the end of the comment pe-
4 riod described in paragraph (3), such area shall
5 be designated as a Coral Habitat Conservation
6 Zone as if so designated by the Secretary.

7 **SEC. 9. UNDESIGNATED AREAS.**

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

13 **SEC. 10. SUBSEQUENT DESIGNATION OF BOTTOM TRAWL**
14 **ZONES.**

15 (a) **STANDARDS FOR SUBSEQUENT DESIGNATION.—**

16 After the initial designations of Bottom Trawl Zones made
17 under section 7, the Secretary, in consultation with the
18 relevant Council, shall designate an area as a Bottom
19 Trawl Zone if—

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

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

24 (b) **RECOMMENDATION BY A COUNCIL.—**Upon the

25 recommendation of the appropriate Council, the Secretary

1 may consider any previously undesignated area for des-
2 ignation as a Bottom Trawl Zone. The Secretary may des-
3 ignate such area as a Bottom Trawl Zone under this sec-
4 tion only if such area meets the designation standards set
5 out in paragraphs (1) and (2) of subsection (a).

6 (c) DESIGNATION PROCESS.—

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

15 (2) COMMENT PERIOD.—The Secretary shall
16 accept comments on any proposed rule published
17 under paragraph (1) for 60 days after the date of
18 the publication of such proposed rule.

19 (3) FINAL DETERMINATION.—

20 (A) IN GENERAL.—Not later than 30 days
21 after the date of the end of the comment period
22 described in paragraph (2), the Secretary shall
23 designate as a Bottom Trawl Area each area, or
24 part of such area, included in a proposed rule
25 published under paragraph (1) if the area

1 meets the requirements of paragraphs (1) and
2 (2) of subsection (a).

3 (B) PUBLICATION.—The Secretary shall
4 publish in the Federal Register each designa-
5 tion made under subparagraph (A).

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

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

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

15 (1) REVIEW OF DATA.—The Secretary shall
16 continually collect and review, for the purpose of
17 making a determination on the presence of deep sea
18 coral and sponge ecosystems in an area, the fol-
19 lowing data:

20 (A) Bycatch records.

21 (B) Data and analysis that results from
22 the mapping and research conducted pursuant
23 to section 5.

1 (C) Any other research, mapping, or sur-
2 vey data that the Secretary determines is ap-
3 propriate.

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

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

17 (d) DESIGNATION PROCESS.—

18 (1) PROPOSED RULE.—The Secretary shall
19 publish in the Federal Register a proposed rule to
20 designate an area identified by the Secretary, in con-
21 sultation with the appropriate Councils, under sub-
22 section (a) or (b) or by a Council under subsection
23 (c) as a Coral Habitat Conservation Zone if data in-
24 dicate the presence of a deep sea coral and sponge
25 ecosystem in such area.

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

5 (3) FINAL DETERMINATION.—

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

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

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

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 (2), such area
7 shall be designated as a Coral Habitat Con-
8 servation Zone as if so designated by the Sec-
9 retary.

10 **SEC. 12. STRICTER REGULATION PERMITTED AND SAVINGS**

11 **CLAUSE.**

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

18 (b) SAVINGS CLAUSE.—All rules and regulations
19 issued by the Secretary under the Magnuson-Stevens
20 Fishery Conservation and Management Act (16 U.S.C.
21 1801 et seq.) pertaining to the conservation, management,
22 or protection of deep sea corals or deep sea sponges shall
23 continue in full force and effect after the date of enact-
24 ment of this Act until modified or rescinded by the Sec-

1 retary, in exercise of the authority provided to the Sec-
2 retary under any provision of law.

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

4 Not later than 24 months after the date of enactment
5 of this Act, a vessel that uses a bottom trawl shall use
6 a Vessel Monitoring System capable of accurately detect-
7 ing and reporting the position of the vessel whenever the
8 vessel leaves port with a bottom trawl on board.

9 **SEC. 14. PENALTIES AND ENFORCEMENT.**

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

19 (b) CRIMINAL OFFENSES.—

20 (1) OFFENSES.—A person is guilty of an of-
21 fense if the person commits an act prohibited by
22 subparagraph (D), (E), (F), (H), (I), or (L) of sec-
23 tion 307(1) of the Magnuson-Stevens Fishery Con-
24 servation and Management Act (16 U.S.C. 1857(1))

1 in an area designated as a Coral Habitat Conserva-
2 tion Zone.

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

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

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

1 **SEC. 15. INTERNATIONAL PROTECTIONS FOR DEEP SEA**
2 **CORALS AND DEEP SEA SPONGES.**

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

10 **SEC. 16. REPORTS TO CONGRESS.**

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

16 (b) CONTENT.—Each report required by subsection
17 (a) shall include—

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

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

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

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

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

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

10 (c) PUBLICATION.—Notice of the availability of each
11 report required by this section shall be published in the
12 Federal Register.

13 **SEC. 17. AUTHORIZATION OF APPROPRIATIONS.**

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