

105TH CONGRESS  
2D SESSION

# H. R. 4500

To limit fishing in the United States Atlantic swordfish pelagic longline fishery.

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IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 1998

Mr. SAXTON introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To limit fishing in the United States Atlantic swordfish pelagic longline fishery.

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 “Atlantic Swordfish  
5 Management Improvement Act of 1998”.

6 **SEC. 2. LIMITED ACCESS SYSTEM FOR UNITED STATES AT-**  
7 **LANTIC SWORDFISH PELAGIC LONGLINE**  
8 **FISHERY.**

9 (a) IN GENERAL.—Notwithstanding the Magnuson-  
10 Stevens Fishery Conservation and Management Act (16

1 U.S.C. 1801 et seq.) or any other provision of law (other  
2 than subsection (b))—

3 (1) the Secretary of Commerce may not issue  
4 any new fishing permit that authorizes a vessel to  
5 fish in the United States Atlantic swordfish pelagic  
6 longline fishery unless the vessel had a valid fishing  
7 permit to fish in that fishery on August 1, 1998;

8 (2) a fishing permit that authorizes a vessel to  
9 fish in the United States Atlantic swordfish pelagic  
10 longline fishery may not be renewed or transferred  
11 after August 1, 1998, if no swordfish was reported  
12 before August 1, 1998, to the National Marine Fish-  
13 eries Service as landed pursuant to such permit  
14 after January 1, 1987; and

15 (3) the Secretary of Commerce shall ensure  
16 that after the date of the enactment of this Act, the  
17 total fishing capacity of all vessels that have valid  
18 fishing permits authorizing fishing in the United  
19 States Atlantic swordfish pelagic longline fishery,  
20 and the landings of swordfish pursuant to such per-  
21 mits that are reported to the National Marine Fish-  
22 eries Service, do not increase above levels of such ca-  
23 pacity and landings, respectively, in the period be-  
24 ginning January 1, 1987, and ending August 1,  
25 1998.

1           (b) PERMIT FOR REPLACEMENT OF LOST FISHING  
2 VESSELS.—Notwithstanding subsection (a)(1), the owner  
3 of an existing fishing vessel that had a valid permit au-  
4 thorizing the vessel to fish in the United States Atlantic  
5 swordfish pelagic longline fishery on August 1, 1998, and  
6 that is an actual total loss or constructive total loss after  
7 that date, may obtain a new permit for a replacement ves-  
8 sel if—

9           (1) the loss was not caused by the willful mis-  
10       conduct of the owner or an agent of the owner, in-  
11       cluding an act of God, an act of war, a collision, or  
12       an act or omission of a party other than the owner  
13       or agent; and

14       (2) the replacement vessel otherwise qualifies  
15       under the laws of the United States for such a per-  
16       mit.

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