

**AMENDMENT TO H.R. 200, AS REPORTED**  
**OFFERED BY MR. YOUNG OF ALASKA**

Page 17, strike lines 17 through 23 (and redesignate the subsequent quoted clauses).

Page 23, strike lines 20 through 23 and insert the following:

1       (b) PUBLICATION.—The Secretary of Commerce shall  
2 make available on the Internet Website of the National  
3 Oceanic and Atmospheric Administration the report re-  
4 quired under the amendment made by subsection (a) by  
5 not later than 1 year after the date of the enactment of  
6 this Act.

Beginning at page 31, strike line 23 and all that follows through page 36, line 25.

Beginning at page 40, line 17, strike section 304 and insert the following:

7 **SEC. 304. EXEMPTED FISHING PERMITS.**

8       (a) OBJECTIONS.—If the relevant Council, the Inter-  
9 state Marine Fisheries Commission, or the fish and wild-  
10 life agency of an affected State objects to the approval  
11 and issuance of an exempted fishing permit under section

1 600.745 of title 50, Code of Federal Regulations, or any  
2 successor regulation, the Regional Administrator of the  
3 National Marine Fisheries Service who issued such ex-  
4 empted fishing permit shall respond to such entity in writ-  
5 ing detailing why such exempted fishing permit was  
6 issued.

7 (b) 12-MONTH FINDING.—At the end of the 12-  
8 month period beginning on the date the exempted fishing  
9 permit is issued under section 600.745 of title 50, Code  
10 of Federal Regulations, or any successor regulation, the  
11 Council that prepared the fishery management plan, or the  
12 Secretary in the case of a fishery management plan pre-  
13 pared and implemented by the Secretary, shall review the  
14 exempted fishing permit and determine whether any unin-  
15 tended negative impacts have occurred that would warrant  
16 the discontinuation of the permit.

17 (c) CLARIFICATION.—The Secretary may not issue an  
18 exempted fishing permit under section 600.745 of title 50,  
19 Code of Federal Regulations, or any successor regulation  
20 that—

21 (1) establishes a limited access system as de-  
22 fined in section 3 of the Magnuson-Stevens Fishery  
23 Conservation and Management Act (16 U.S.C.  
24 1802);

1 (2) is consistent with section 303A of such Act  
2 (16 U.S.C. 1853a); or

3 (3) establishes a catch share program as de-  
4 fined in section 206(a) of this Act.

5 (d) SAVINGS PROVISION.—Except for subsection (b),  
6 nothing in this section may be construed to affect an ex-  
7 empted fishing permit approved under section 600.745 of  
8 title 50, Code of Federal Regulations, before the date of  
9 the enactment of this Act.

Beginning at page 44, line 1, strike section 306 and  
insert the following:

10 **SEC. \_\_\_\_ . FEDERAL GULF OF MEXICO RED SNAPPER MAN-**  
11 **AGEMENT.**

12 (a) IN GENERAL.—Section 407 (16 U.S.C. 1883) is  
13 amended to read as follows:

14 **“SEC. 407. CERTIFICATION OF STATE SURVEYS.**

15 “(a) SUBMISSION.—A Gulf State that conducts a ma-  
16 rine recreational fisheries statistical survey in the Gulf of  
17 Mexico to make catch estimates for red snapper landed  
18 in such State may submit such survey to the Secretary  
19 for certification.

20 “(b) CERTIFICATION STANDARDS.—Not later than  
21 90 days after the date of enactment of the Strengthening  
22 Fishing Communities and Increasing Flexibility in Fish-  
23 eries Management Act, the Secretary shall establish and

1 provide the Gulf States with standards for certifying State  
2 marine recreational fisheries statistical surveys that  
3 shall—

4 “(1) ensure that State marine recreational fish-  
5 eries statistical surveys are appropriately pilot test-  
6 ed, independently peer reviewed, and endorsed for  
7 implementation by the reviewers;

8 “(2) use designs consistent with accepted sur-  
9 vey sampling practices; and

10 “(3) minimize the potential for bias and known  
11 sources of survey error.

12 “(c) CERTIFICATION.—

13 “(1) IN GENERAL.—The Secretary shall make a  
14 certification or a denial of certification for any ma-  
15 rine recreational fisheries statistical survey sub-  
16 mitted under subsection (a) not later than the end  
17 of the 6-month period beginning on the date that the  
18 survey and information needed to evaluate the sur-  
19 vey under the standards established under sub-  
20 section (b) are submitted.

21 “(2) TIMING.—In the case of a certification re-  
22 quest from a Gulf State, the Secretary shall begin  
23 evaluation of the request upon receipt of all informa-  
24 tion necessary to make a determination consistent  
25 with the standards set forth under subsection (b).

1           “(3) DEEMED CERTIFIED.—A marine rec-  
2           reational fisheries statistical survey shall be deemed  
3           to be certified effective upon the expiration of the 6-  
4           month period described in paragraph (1) if the Sec-  
5           retary has not made a certification or denial of cer-  
6           tification.

7           “(d) MODIFICATION OF SURVEYS DENIED CERTIFI-  
8           CATION.—

9           “(1) IN GENERAL.—If a marine recreational  
10          fisheries statistical survey of a Gulf State is denied  
11          certification under subsection (c), the Secretary  
12          shall, not later than 60 days after the date of the  
13          denial, provide the Gulf State a proposal for modi-  
14          fications to the survey.

15          “(2) PROPOSAL.—A proposal provided to a Gulf  
16          State for a survey under paragraph (1)—

17                 “(A) shall be specific to the survey sub-  
18                 mitted by such Gulf State and may not be con-  
19                 strued to apply to any other Gulf State;

20                 “(B) shall require revision to the fewest  
21                 possible provisions of the survey; and

22                 “(C) may not unduly burden the ability of  
23                 such Gulf State to revise the survey.

24          “(3) MODIFIED SURVEY.—

1           “(A) AUTHORITY TO SUBMIT.—If a marine  
2 recreational fisheries statistical survey of a Gulf  
3 State was denied certification under subsection  
4 (c), the Gulf State may modify the survey and  
5 submit the modified survey to the Secretary for  
6 certification or denial of certification.

7           “(B) SCHEDULE.—The Secretary shall  
8 make a certification or denial of certification for  
9 any modified survey not later than the end of  
10 the 30-day period beginning on the date the  
11 modified survey is submitted.

12           “(C) DEEMED CERTIFIED.—A modified  
13 survey is deemed to be certified effective upon  
14 the expiration of the period described in sub-  
15 paragraph (B) if the Secretary has not made a  
16 certification or denial of certification.”.

17           (b) CLERICAL AMENDMENT.—The table of contents  
18 in the first section is amended by striking the item relating  
19 to section 407 and inserting the following:

“Sec. 407. Certification of State surveys.”.

Beginning at page 48, line 13, strike section 307.

Beginning at page 52, at line 8, strike section 406  
and insert the following:

1 **SEC. \_\_\_\_ . REALLOCATION OF CERTAIN UNUSED HARVEST**  
2 **ALLOCATION.**

3 (a) REALLOCATION.—Notwithstanding any other  
4 provision of law, each year upon receipt by the Secretary  
5 of Commerce (referred to in this section as the “Sec-  
6 retary”) of written notice from the allocation holder  
7 named in section 803 of division B of the Consolidated  
8 Appropriations Act, 2004 (Public Law 108–199, 16  
9 U.S.C. 1851 note) that such holder will not harvest all  
10 or a part of the allocation authorized pursuant to that Act,  
11 the Secretary shall reallocate for that year the unused por-  
12 tion of such allocation to the Bering Sea subarea of the  
13 BSAI (as defined in section 679.2 of title 50, Code of Fed-  
14 eral Regulations) and shall assign the reallocated unused  
15 portion of the allocation only to eligible vessels as de-  
16 scribed in subsection (b)(1) for harvest in the Bering Sea  
17 subarea of the BSAI, consistent with any agreements as  
18 described in subsection (c).

19 (b) ELIGIBILITY TO RECEIVE REALLOCATION.—

20 (1) IN GENERAL.—Only vessels defined in sub-  
21 section (a), (b), (c), or (e) of section 208 of the  
22 American Fisheries Act (16 U.S.C. 1851 note), or  
23 any vessels authorized to replace such vessels, may  
24 receive a reallocation described in subsection (a).

25 (2) LIMITATION ON REALLOCATIONS.—The  
26 Secretary shall not reallocate the allocation de-

1       scribed in subsection (a) in any year if such realloca-  
2       tion exceeds the annual catch limit for pollock in the  
3       Bering Sea subarea of the BSAI.

4           (3) CALCULATIONS.—Any amount of the re-  
5       allocation described in subsection (a) shall not be  
6       used in the calculation of harvesting or processing  
7       excessive shares as described in section 210(e) of the  
8       American Fisheries Act (16 U.S.C. 1851 note).

9           (4) CONDITIONS.—In any year, the assignment,  
10      transfer, or reallocation shall not violate the require-  
11      ments of section 206(b) of the American Fisheries  
12      Act (title II of the division C of Public Law 105–  
13      277; 16 U.S.C. 1851 note).

14      (c) AGREEMENTS.—

15           (1) IN GENERAL.—Each year, the allocation  
16      holder named in section 803(a) of division B of the  
17      Consolidated Appropriations Act, 2004 (Public Law  
18      108–199, 16 U.S.C. 1851 note) may establish one or  
19      more agreements with the owners of some or all of  
20      the eligible vessels as defined in subsection (b)(1).

21           (2) REQUIREMENTS.—Each agreement de-  
22      scribed in paragraph (1)—

23           (A) shall specify those eligible vessels that  
24      may receive a reallocation and the amount of



1 reallocation that such vessels may receive in ac-  
2 cordance with subsection (b)(2); and

3 (B) may contain other requirements or  
4 compensation agreed to by the allocation holder  
5 named in section 803 of division B of the Con-  
6 solidated Appropriations Act, 2004 (Public Law  
7 108–199, 16 U.S.C. 1851 note) and the owners  
8 of such eligible vessels, provided such require-  
9 ments or compensation are otherwise consistent  
10 with the American Fisheries Act (16 U.S.C.  
11 1851 note), the Magnuson-Stevens Fishery  
12 Conservation and Management Act (16 U.S.C.  
13 1801 et seq.), and any other applicable law.

14 (d) EXISTING AUTHORITY.—Except for the measures  
15 required by this section, nothing in this section shall be  
16 construed to limit the authority of the North Pacific Fish-  
17 ery Management Council or the Secretary under the  
18 American Fisheries Act (16 U.S.C. 1851 note), the Mag-  
19 nuson-Stevens Fishery Conservation and Management Act  
20 (16 U.S.C. 1801 et seq.), or other applicable law.

21 (e) ENFORCEMENT.—Taking or processing any part  
22 of the allocation made by section 803 of division B of the  
23 Consolidated Appropriations Act, 2004 (Public Law 108–  
24 199, 16 U.S.C. 1851 note), and reallocated under this sec-  
25 tion in a manner that is not consistent with the realloca-

1 tion authorized by the Secretary shall be considered in vio-  
2 lation of section 307 of the Magnuson-Stevens Fishery  
3 Conservation and Management Act (16 U.S.C. 1857) and  
4 subject to the penalties and sanctions under section 308  
5 of such Act (16 U.S.C. 1858), and subject to the forfeiture  
6 of any fish harvested or processed.

7 (f) CLARIFICATIONS.—

8 (1) AMENDMENT.—Subsection (e) of section  
9 803 of division B of the Consolidated Appropriations  
10 Act, 2004 (Public Law 108–199, 16 U.S.C. 1851  
11 note) is amended by striking “during the years 2004  
12 through 2008”.

13 (2) PURPOSE OF REALLOCATION.—Consistent  
14 with subsection (d) of section 803 of division B of  
15 the Consolidated Appropriations Act, 2004 (Public  
16 Law 108–199, 16 U.S.C. 1851 note), the realloca-  
17 tion of the unused portion of the allocation provided  
18 to the allocation holder named in subsection (a) of  
19 such section for harvest in the Bering Sea subarea  
20 of the BSAI is for the purposes of economic develop-  
21 ment in Adak, Alaska pursuant to the requirements  
22 of the Magnuson-Stevens Fishery Conservation and  
23 Management Act (16 U.S.C. 1801 et seq.).

Page 55, after line 4, insert the following (and re-  
designate the subsequent sections accordingly):

1 **SEC. \_\_\_\_ . COMMUNITY DEVELOPMENT QUOTA PROGRAM**

2 **PANEL VOTING PROCEDURES.**

3 Section 305(i)(1)(G)(iv) (16 U.S.C.

4 1855(i)(1)(G)(iv)) is amended to read as follows:

5 “(iv) VOTING REQUIREMENT.—The  
6 panel may act only by the affirmative vote  
7 of 5 of its members.”.

Beginning at page 57, line 1, strike section 408 and  
insert the following:

8 **SEC. \_\_\_\_ . RESTORATION OF HISTORICALLY FRESHWATER**

9 **ENVIRONMENT.**

10 Section 3(10) (16 U.S.C. 1802) is amended—

11 (1) by inserting a comma after “feeding”; and

12 (2) by inserting the following: “except that such

13 term—

14 “(A) does not include an area that—

15 “(i) was previously covered by land or

16 a fresh water environment; and

17 “(ii) is in a State where the average

18 annual land loss of such State during the

19 20 years before the date of the enactment

20 of the Strengthening Fishing Communities

21 and Increasing Flexibility in Fisheries

22 Management Act exceeds 10 square miles;

23 and

1           “(B) does not apply with respect to a  
2           project undertaken by a State or local govern-  
3           ment with the purpose of restoration or protec-  
4           tion of an area described in subparagraph  
5           (A).”.

