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:

(b) PUBLICATION.—The Secretary of Commerce shall make available on the Internet Website of the National Oceanic and Atmospheric Administration the report required under the amendment made by subsection (a) by not later than 1 year after the date of the enactment of 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:

SEC. 304. EXEMPTED FISHING PERMITS.

(a) OBJECTIONS.—If the relevant Council, the Interstate Marine Fisheries Commission, or the fish and wildlife agency of an affected State objects to the approval and issuance of an exempted fishing permit under section
600.745 of title 50, Code of Federal Regulations, or any successor regulation, the Regional Administrator of the National Marine Fisheries Service who issued such exempted fishing permit shall respond to such entity in writing detailing why such exempted fishing permit was issued.

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

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

(1) establishes a limited access system as defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802);
(2) is consistent with section 303A of such Act (16 U.S.C. 1853a); or 
(3) establishes a catch share program as defined in section 206(a) of this Act.

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

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

SEC. ___. FEDERAL GULF OF MEXICO RED SNAPPER MANAGEMENT.

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

“SEC. 407. CERTIFICATION OF STATE SURVEYS.

“(a) SUBMISSION.—A Gulf State that conducts a marine recreational fisheries statistical survey in the Gulf of Mexico to make catch estimates for red snapper landed in such State may submit such survey to the Secretary for certification.

“(b) CERTIFICATION STANDARDS.—Not later than 90 days after the date of enactment of the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act, the Secretary shall establish and
provide the Gulf States with standards for certifying State marine recreational fisheries statistical surveys that shall—

“(1) ensure that State marine recreational fisheries statistical surveys are appropriately pilot tested, independently peer reviewed, and endorsed for implementation by the reviewers;

“(2) use designs consistent with accepted survey sampling practices; and

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

“(c) CERTIFICATION.—

“(1) IN GENERAL.—The Secretary shall make a certification or a denial of certification for any marine recreational fisheries statistical survey submitted under subsection (a) not later than the end of the 6-month period beginning on the date that the survey and information needed to evaluate the survey under the standards established under subsection (b) are submitted.

“(2) TIMING.—In the case of a certification request from a Gulf State, the Secretary shall begin evaluation of the request upon receipt of all information necessary to make a determination consistent with the standards set forth under subsection (b).
“(3) DEEMED CERTIFIED.—A marine recreational fisheries statistical survey shall be deemed to be certified effective upon the expiration of the 6-month period described in paragraph (1) if the Secretary has not made a certification or denial of certification.

“(d) MODIFICATION OF SURVEYS DENIED CERTIFICATION.—

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

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

“(A) shall be specific to the survey submitted by such Gulf State and may not be construed to apply to any other Gulf State;

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

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

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

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

“(C) DEEMED CERTIFIED.—A modified survey is deemed to be certified effective upon the expiration of the period described in subparagraph (B) if the Secretary has not made a certification or denial of certification.”.

(b) CLERICAL AMENDMENT.—The table of contents in the first section is amended by striking the item relating 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:
SEC. ___. REALLOCATION OF CERTAIN UNUSED HARVEST

ALLOCATION.

(a) REALLOCATION.—Notwithstanding any other provision of law, each year upon receipt by the Secretary of Commerce (referred to in this section as the “Secretary”) of written notice from the allocation holder named in section 803 of division B of the Consolidated Appropriations Act, 2004 (Public Law 108–199, 16 U.S.C. 1851 note) that such holder will not harvest all or a part of the allocation authorized pursuant to that Act, the Secretary shall reallocate for that year the unused portion of such allocation to the Bering Sea subarea of the BSAI (as defined in section 679.2 of title 50, Code of Federal Regulations) and shall assign the reallocated unused portion of the allocation only to eligible vessels as described in subsection (b)(1) for harvest in the Bering Sea subarea of the BSAI, consistent with any agreements as described in subsection (c).

(b) ELIGIBILITY TO RECEIVE REALLOCATION.—

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

(2) LIMITATION ON REALLOCATIONS.—The Secretary shall not reallocate the allocation de-
scribed in subsection (a) in any year if such reallocation exceeds the annual catch limit for pollock in the Bering Sea subarea of the BSAI.

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

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

(e) AGREEMENTS.—

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

(2) REQUIREMENTS.—Each agreement described in paragraph (1)—

(A) shall specify those eligible vessels that may receive a reallocation and the amount of
reallocation that such vessels may receive in accordance with subsection (b)(2); and

(B) may contain other requirements or compensation agreed to by the allocation holder named in section 803 of division B of the Consolidated Appropriations Act, 2004 (Public Law 108–199, 16 U.S.C. 1851 note) and the owners of such eligible vessels, provided such requirements or compensation are otherwise consistent with the American Fisheries Act (16 U.S.C. 1851 note), the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and any other applicable law.

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

(e) ENFORCEMENT.—Taking or processing any part of the allocation made by section 803 of division B of the Consolidated Appropriations Act, 2004 (Public Law 108–199, 16 U.S.C. 1851 note), and reallocated under this section in a manner that is not consistent with the realloca-
tion authorized by the Secretary shall be considered in viol-
lation of section 307 of the Magnuson-Stevens Fishery
Conservation and Management Act (16 U.S.C. 1857) and
subject to the penalties and sanctions under section 308
of such Act (16 U.S.C. 1858), and subject to the forfeiture
of any fish harvested or processed.

(f) CLARIFICATIONS.—

(1) AMENDMENT.—Subsection (c) of section
803 of division B of the Consolidated Appropriations
note) is amended by striking “during the years 2004
through 2008”.

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

PANEL VOTING PROCEDURES.

Section 305(i)(1)(G)(iv) (16 U.S.C. 1855(i)(1)(G)(iv)) is amended to read as follows:

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

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

SEC. ___. RESTORATION OF HISTORICALLY FRESHWATER ENVIRONMENT.

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

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

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

“(A) does not include an area that—

“(i) was previously covered by land or a fresh water environment; and

“(ii) is in a State where the average annual land loss of such State during the 20 years before the date of the enactment of the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act exceeds 10 square miles; and
“(B) does not apply with respect to a project undertaken by a State or local government with the purpose of restoration or protection of an area described in subparagraph (A).”