

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 200  
OFFERED BY MR. HUFFMAN OF CALIFORNIA**

Page 3, strike lines 14 through 24 and insert the following (and redesignate the subsequent paragraph accordingly):

1           (1) by striking paragraph (34) and inserting  
2           the following:

3           “(34) The term ‘overfishing’ means a rate or  
4           level of fishing mortality that jeopardizes the capac-  
5           ity of a fishery to produce the maximum sustainable  
6           yield on a continuing basis.

7           “(35) The term ‘overfished or otherwise de-  
8           pleted’ means, with respect to a stock or stock com-  
9           plex, that its biomass has declined below the level at  
10          which the capacity of the stock or stock complex to  
11          produce maximum sustainable yield on a continuing  
12          basis has been jeopardized.”; and

Page 42, line 15, strike “and”.

Page 43, at line 3 strike the second period and insert “; and”, and after line 3 insert the following:

13           (3) by adding at the end the following:

1       “(g) ACCEPTANCE OF FUNDING.—The Secretary  
2 may, using the authority established under section 208 of  
3 Public Law 109–479 (16 U.S.C. 1891b), accept and use  
4 funding from other Federal agencies, academic institu-  
5 tions, persons, including fishery participants, and non-  
6 governmental organizations to expand cooperative fish-  
7 eries research and management efforts, including efforts  
8 to improve data collection in recreational fisheries, for the  
9 purposes of improving management certainty and out-  
10 comes.”.

Beginning at page 9, line 18, strike section 204 and  
insert the following:

11 **SEC. 204. MODIFICATIONS TO THE ANNUAL CATCH LIMIT**  
12 **REQUIREMENT.**

13       Section 302 (16 U.S.C. 1852) is amended by adding  
14 at the end the following:

15       “(m) CONSIDERATIONS FOR MODIFICATIONS TO AN-  
16 NUAL CATCH LIMIT REQUIREMENTS.—

17               “(1) CONSIDERATION OF ECOSYSTEM AND ECO-  
18 NOMIC IMPACTS.—In establishing annual catch lim-  
19 its pursuant to section 302(h)(6), Councils shall ac-  
20 count for relevant economic, social, and ecological  
21 factors consistent with section 3(33).

22               “(2) LIMITATIONS TO ANNUAL CATCH LIMIT  
23 REQUIREMENT FOR SPECIAL FISHERIES.—Notwith-

1 standing subsection (h)(6), a Council is not required  
2 to develop an annual catch limit for—

3 “(A) an ecosystem component species; and

4 “(B) a fishery for a species that has a nat-  
5 ural life cycle of approximately 1 year, and that  
6 the Secretary has determined—

7 “(i) is not subject to overfishing, is  
8 not approaching an overfished or otherwise  
9 depleted condition, and is not overfished or  
10 otherwise depleted; and

11 “(ii) is not likely to become subject to  
12 overfishing or depleted, based on the best  
13 scientific information available, in the ab-  
14 sence of conservation and management  
15 measures.

16 “(3) RELATIONSHIP TO INTERNATIONAL FISH-  
17 ERY EFFORTS.—In the course of setting annual  
18 catch limits to end and prevent overfishing, pursuant  
19 to section 302(h)(6) and section 303(a)(15), the  
20 Secretary and Councils)—

21 “(A) may take into account management  
22 measures under international agreements in  
23 which the United States participates; and

24 “(B) in the case of an annual catch limit  
25 for a species, shall take into account fishing for

1 the species outside the exclusive economic zone  
2 that is not subject to the jurisdiction of the  
3 United States, such that fishing by vessels of  
4 the United States does not contribute to over-  
5 fishing of the species as a whole.

6 “(4) AUTHORIZATION FOR MULTISPECIES COM-  
7 PLEXES AND MULTIYEAR ANNUAL CATCH LIMITS.—  
8 A Council may establish—

9 “(A) an annual catch limit for a stock  
10 complex that prevents overfishing on all species  
11 in the complex; or

12 “(B) annual catch limits for each year in  
13 any continuous period that is not more than  
14 three years in duration.

15 “(5) ECOSYSTEM COMPONENT SPECIES DE-  
16 FINED.—In this subsection the term ‘ecosystem com-  
17 ponent species’ means a stock of fish that a Council  
18 or the Secretary has determined does not require  
19 conservation and management, but has determined  
20 should be listed in a fishery management plan in  
21 order to achieve ecosystem management objectives.”.

Beginning at page 36, line 1, strike section 303 and  
insert the following:

1 **SEC. 303. FLEXIBILITY AND ACCOUNTABILITY IN REBUILD-**  
2 **ING FISH STOCKS.**

3 (a) GENERAL REQUIREMENTS.—Section 304(e) (16  
4 U.S.C. 1854(e)) is amended—

5 (1) in paragraph (4)—

6 (A) by amending subparagraph (A)(ii) to  
7 read as follows:

8 “(ii) not exceed the time the stock of  
9 fish would be rebuilt without fishing occur-  
10 ring plus one mean generation, unless  
11 management measures under an inter-  
12 national agreement in which the United  
13 States participates dictate otherwise;”  
14 and—”.

15 (B) by striking “and” after the semicolon  
16 at the end of subparagraph (B), by striking the  
17 period at the end of subparagraph (C) and in-  
18 serting “; and”, and by adding at the end the  
19 following:

20 “(D) specify a schedule for reviewing the  
21 rebuilding targets, evaluating environmental im-  
22 pacts on rebuilding progress, and evaluating  
23 progress being made toward reaching rebuilding  
24 targets.”;

25 (2) by amending paragraph (7) to read as fol-  
26 lows—

1           “(7)(A) The Secretary shall review any fishery  
2 management plan, plan amendment, or regulations  
3 required by this subsection at routine intervals that  
4 may not exceed 2 years. The Secretary shall find  
5 that adequate progress toward ending overfishing  
6 and rebuilding affected fish stocks has not resulted  
7 if—

8           “(i) the biomass of the stock is not in-  
9 creasing at a sufficient rate, such that it be-  
10 comes unlikely that the stock will be rebuilt  
11 within the time period for rebuilding set pursu-  
12 ant to this subsection without changes to the  
13 plan, plan amendment, or regulations;

14           “(ii) the level of fishing mortality or catch  
15 consistent with the fishery management plan,  
16 plan amendment, or regulations is exceeded,  
17 and the causes and rebuilding consequences of  
18 such exceedances have not been corrected;

19           “(iii) when the rebuilding expectations of a  
20 stock or stock complex are significantly changed  
21 due to new information about the status of the  
22 stock; or

23           “(iv) for other reasons, as appropriate.

24           “(B) If the Secretary finds as a result of such  
25 a review that such plan, amendment, or regulations

1 have not resulted in adequate progress toward end-  
2 ing overfishing and rebuilding affected fish stocks,  
3 the Secretary shall assess the extent to which by-  
4 catch, a lack of forage, or adverse effects to essential  
5 fish habitat are causing or contributing to the lack  
6 of adequate progress toward ending overfishing and  
7 rebuilding affected fish stocks. The Secretary shall—

8 “(i) in the case of a fishery to which sec-  
9 tion 302(a)(3) applies, immediately make revi-  
10 sions necessary to achieve adequate progress; or

11 “(ii) for all other fisheries, immediately no-  
12 tify the appropriate Council, including rec-  
13 ommendation of further conservation and man-  
14 agement measures the Council should consider  
15 under paragraph (3) to achieve adequate  
16 progress.

17 “(C) For any stock or stock complex for which  
18 the Secretary determines a lack of adequate  
19 progress, a revised rebuilding plan should be devel-  
20 oped that includes further conservation and manage-  
21 ment measures to ensure adequate progress is made.  
22 The deadline for rebuilding a stock or stock complex  
23 may not be changed unless a lack of adequate  
24 progress is found pursuant to subparagraph (A)(iii).

1           “(D) A Council shall not adopt, and the Sec-  
2           retary shall not approve, a fishery management plan,  
3           plan amendment, or proposed regulation required  
4           under this subsection for any fishery that has pre-  
5           viously been under such a plan that did not rebuild  
6           such fishery to the biomass necessary to achieve  
7           maximum sustainable yield, as determined by the  
8           Council’s scientific and statistical committee, unless  
9           the new plan, amendment, or proposed regulation  
10          has at least a 75-percent chance of rebuilding the  
11          overfished or otherwise depleted fishery within the  
12          time limit proposed by the Council, as calculated by  
13          the Council’s scientific and statistical committee  
14          pursuant to section 302(g)(1)(B).”;

15                 (3) by adding at the end the following:

16                 “(8) A fishery management plan, plan amend-  
17                 ment, or proposed regulations may use alternative  
18                 rebuilding strategies, including harvest control rules  
19                 and fishing mortality rate targets to the extent they  
20                 are in compliance with the requirements of this Act.

21                 “(9) A Council may terminate the application of  
22                 paragraph (3) to a fishery if the Council’s scientific  
23                 and statistical committee determines and the Sec-  
24                 retary concurs that the stock was not overfished in  
25                 the year that the overfished determination was based



1 on and has never been overfished in any subsequent  
2 year including the current year.”.

3 (b) REVIEW OF ADEQUATE PROGRESS.—Section 304  
4 (16 U.S.C. 1854) is amended by adding at the end the  
5 following—

6 “(k) REVIEW OF HABITAT, FORAGE, BYCATCH, AND  
7 REBUILDING PLANS.—At routine intervals not to exceed  
8 5 years, the Secretary shall review implementation of each  
9 Council’s plan developed under sections 302(h)(8), (9),  
10 and (10). If the Secretary finds as a result of such review  
11 that there is a lack of adequate progress toward achieving  
12 the objectives of any plan, including milestones and goals,  
13 the Secretary shall recommend plan revisions, including  
14 further conservation and management measures, that the  
15 Council shall consider in order to achieve adequate  
16 progress.”.

Beginning at page 47, line 21, strike section 307.

At the end of title III add the following:

17 **SEC. 3\_\_ . MODERNIZING FISHERIES DATA COLLECTION**  
18 **AND STORAGE.**

19 (a) VIDEO AND ACOUSTIC SURVEY TECH-  
20 NOLOGIES.—The Secretary shall work with the Regional  
21 Fishery Management Councils and nongovernmental enti-  
22 ties to develop and implement the use pursuant to the

1 Magnuson-Stevens Fishery Conservation and Manage-  
2 ment Act (16 U.S.C. 1801 et seq.) of video survey tech-  
3 nologies and expanded use of acoustic survey technologies.

4 (b) IMPROVED DATA MANAGEMENT.—The Secretary  
5 of Commerce shall—

6 (1) seek to enter into an agreement with the  
7 United States Digital Service within 90 days after  
8 the date of the enactment of this Act, under which  
9 the Service shall make recommendations to mod-  
10 ernize and streamline the fishery data collection,  
11 processing, analysis, and storage systems of the Na-  
12 tional Marine Fisheries Service, and specify in the  
13 agreement that the Secretary is seeking, at a min-  
14 imum, recommendations that promote user-centered  
15 data and include open, secure architecture and clear  
16 data performance specifications;

17 (2) under the agreement, provide the United  
18 States Digital Service with access to all data collec-  
19 tion, processing, analysis, and storage systems of the  
20 National Marine Fisheries Service and any other in-  
21 formation necessary to enable the development of  
22 recommendations that will ensure the optimization  
23 and modernization of such systems;

24 (3) working with the Councils and fishery  
25 stakeholders, consider and implement any rec-

1       ommendations made by the United States Digital  
2       Service , as appropriate; and

3               (4) within one year of the date of enactment of  
4       this Act, and every two years thereafter, report to  
5       Congress on the status of the agreement entered  
6       into pursuant to paragraph (1) and progress made  
7       in modernizing fisheries data systems.

At the end of title IV add the following:

8       **SEC. 4 \_\_\_\_ . SALTONSTALL-KENNEDY ACT REFORM.**

9       Section 2(b) of the Act of August 11, 1939 (com-  
10       monly known as the “Saltonstall-Kennedy Act”) (15  
11       U.S.C. 713c-3(b)), is amended—

12               (1) by striking “(1)”;

13               (2) by striking “and ending on June 30,  
14       1957,”;

15               (3) by striking “moneys” the first place it ap-  
16       pears and inserting “monies”; and

17               (4) by striking “shall be maintained in a sepa-  
18       rate fund only for” and all that follows and inserting  
19       “and shall only be used for the purposes described  
20       under subsection (c).”.

1 **SEC. 4 \_\_\_\_ . STRENGTHENING PARTICIPATION FOR PACIFIC**  
2 **TERRITORIES.**

3 (a) PARTICIPATION FOR UNITED STATES TERRI-  
4 TORIES.—Section 102 (16 U.S.C. 1812) is amended by  
5 adding at the end the following:

6 “(d) UNITED STATES TERRITORIES.—The Secretary  
7 shall ensure participation for, and consider the interests  
8 of, United States territories and their fishing communities  
9 in managing highly migratory species that frequent the  
10 exclusive economic zone adjoining such territories.”.

11 (b) APPOINTMENTS TO COMMISSION FOR THE CON-  
12 SERVATION AND MANAGEMENT OF HIGHLY MIGRATORY  
13 FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC  
14 OCEAN.—Section 503 of the Western and Central Pacific  
15 Fisheries Convention Implementation Act (16 U.S.C.  
16 6902) is amended by striking subsection (a) and inserting  
17 the following:

18 “(a) UNITED STATES COMMISSIONERS.—

19 “(1) IN GENERAL.—The United States shall be  
20 represented on the Commission by 5 United States  
21 Commissioners. The President shall appoint individ-  
22 uals to serve on the Commission at the pleasure of  
23 the President. In making the appointments, the  
24 President shall select Commissioners from among in-  
25 dividuals who are knowledgeable or experienced con-

1 cerning highly migratory fish stocks in the Western  
2 and Central Pacific Ocean.

3 “(2) REQUIRED APPOINTMENTS.—Of the Com-  
4 missioners appointed under paragraph (1)—

5 “(A) one shall be an officer or employee of  
6 the Department of Commerce;

7 “(B) one shall be the chairman or another  
8 member of the Western Pacific Fishery Man-  
9 agement Council;

10 “(C) one shall be the chairman or another  
11 member of the Pacific Fishery Management  
12 Council; and

13 “(D) one shall be a resident of American  
14 Samoa, Guam, or the Commonwealth of the  
15 Northern Mariana Islands who is not a member  
16 of the Western Pacific Fishery Management  
17 Council.

18 “(3) TERMS.—

19 “(A) IN GENERAL.—The term of a Com-  
20 missioner shall be 3 years.

21 “(B) COUNCIL APPOINTEES.—A Commis-  
22 sioner who is appointed as a member of the Pa-  
23 cific Fishery Management Council or Western  
24 Pacific Fishery Management Council and whose  
25 term on that Council ends during his or her

1 term as Commissioner may complete the cur-  
2 rent term as Commissioner but shall not be eli-  
3 gible for reappointment.

4 “(C) LIMIT ON CONSECUTIVE TERMS.—An  
5 individual appointed under paragraph (1) shall  
6 not be eligible to serve more than 2 consecutive  
7 terms as a Commissioner.

8 “(D) ROTATION OF TERRITORIAL AP-  
9 POINTMENTS.—Appointments under paragraph  
10 (2)(C) shall be rotated among residents of  
11 American Samoa, Guam, and the Northern  
12 Mariana Islands to ensure equal representation  
13 of such territories.

14 “(4) CHAIRMAN.—The United States Commis-  
15 sioners may adopt such rules of procedure as they  
16 find necessary and may select a chairman from  
17 among such Commissioners who are officers or em-  
18 ployees of the United States Government.”.

19 (c) USE OF WESTERN PACIFIC SUSTAINABLE FISH-  
20 ERIES FUND.—Section 204(e)(7) (16 U.S.C. 1824(e)(7))  
21 is amended—

22 (1) in subparagraph (A), by inserting “except  
23 as provided in subparagraph (D),” after “(A)”;

24 (2) in subparagraph (B)—

1 (A) by inserting “except as provided in  
2 subparagraph (D),” after “(B)”;

3 (B) by striking “and” after the semicolon  
4 at the end;

5 (3) in subparagraph (C)—

6 (A) by inserting “except as provided in  
7 subparagraph (D),” after “(C)”;

8 (B) by striking the period at the end and  
9 inserting “; and”;

10 (4) by adding at the end the following:

11 “(D) in the case of funds that are attrib-  
12 utable to a particular United States Partici-  
13 pating Territory under section 113 of division  
14 B of Public Law 112–55 (125 Stat. 603) and  
15 any regulation approving or otherwise giving ef-  
16 fect to such agreement, or any subsequent  
17 agreement, the Treasury of the United States  
18 Participating Territory to which those funds are  
19 attributed under this Act.”.

20 **SEC. 4 \_\_\_\_ . REFINANCING OF PACIFIC COAST GROUND FISH**  
21 **FISHING CAPACITY REDUCTION LOAN.**

22 Within 90 days after the date of the enactment of  
23 this Act, the Secretary shall implement section 3095 of

1 Public Law 113–291 without further appropriation from  
2 Congress.

