

106TH CONGRESS
2D SESSION

H. R. 4046

To amend the Magnuson-Stevens Fishery Conservation and Management Act to recover depleted fish stocks and promote the long-term sustainability of marine fisheries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2000

Mr. GILCREST (for himself, Mr. FARR of California, Mr. ENGLISH, and Mr. GREENWOOD) introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to recover depleted fish stocks and promote the long-term sustainability of marine fisheries, 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 “Fisheries Recovery Act
5 of 2000”.

6 **SEC. 2. REFERENCES.**

7 Except as otherwise specifically provided in this Act,
8 any amendment to, repeal of, or reference to a section or

1 other provision of law shall be considered to be made to
2 such provision of the Magnuson-Stevens Fishery Con-
3 servation and Management Act (16 U.S.C. 1801 et seq.).

4 **SEC. 3. MINIMIZING BYCATCH.**

5 (a) FINDINGS AND POLICY.—

6 (1) FINDINGS.—Section 2(a) (16 U.S.C.
7 1801(a)) is further amended by adding at the end
8 the following:

9 “(10) The magnitude of bycatch and discards
10 of living marine resources in United States marine
11 fisheries can have profound population, ecosystem,
12 and socio-economic effects on United States fishery
13 resources and the fishing communities that depend
14 on those resources.”.

15 (2) POLICY.—Section 2(c)(3) (16 U.S.C.
16 1801(c)(3)) is amended by striking “practical meas-
17 ures” and all that follows through “fish;” and in-
18 serting the following: “practical measures that avoid
19 bycatch, minimize the mortality of bycatch that can-
20 not be avoided, and minimize unnecessary waste of
21 fish;”.

22 (b) DEFINITIONS.—Section 3(2) (16 U.S.C. 1802(2))
23 is amended to read as follows:

24 “(2) the term ‘bycatch’ means—

1 “(A) catch of non-target fish species and
2 non-fish species;

3 “(B) economic and regulatory discards in-
4 cluding discards of target species; and

5 “(C) fish and non-fish species that are oth-
6 erwise killed or injured as a result of fishing.

7 Such term does not include target species of fish of
8 a recreational catch and release fishing program
9 that are released alive in accordance with that pro-
10 gram.”.

11 (c) NATIONAL STANDARDS FOR FISHERY CONSERVA-
12 TION AND MANAGEMENT.—Section 301(a)(9) (16 U.S.C.
13 1859(a)(9)) is amended by striking “, to the extent prac-
14 ticable, (A) minimize” and insert “(A) avoid”.

15 (d) REQUIRED PROVISIONS OF FISHERY MANAGE-
16 MENT PLANS.—Section 303(a) (16 U.S.C. 1853(a)) is
17 amended—

18 (1) by amending paragraph (11) to read as fol-
19 lows:

20 “(11) establish and implement an accurate and
21 reliable standardized reporting methodology to as-
22 sess the amount and type of bycatch occurring in
23 the fishery within 1 year after the date of enactment
24 of the Fisheries Recovery Act of 2000, specify objec-
25 tive and measurable bycatch targets that reduce by-

1 catch to levels approaching zero, and specify a time-
2 table, not to exceed 5 years, for achieving those tar-
3 gets through conservation and management meas-
4 ures that, in the following priority—

5 “(A) avoid bycatch; and

6 “(B) minimize the mortality of bycatch
7 which cannot be avoided;”; and

8 (2) by striking “and” after the semicolon at the
9 end of paragraph (13), by striking the period at the
10 end of paragraph (14) and inserting a semicolon,
11 and by adding at the end the following:

12 “(15) account for all sources of fishing mor-
13 tality, including discard mortality, in determining
14 the maximum sustainable yield for the fishery, in es-
15 tablishing total allowable catch and other catch lim-
16 its necessary to achieve the optimum yield, and in
17 counting catch;

18 “(16) include conservation and management
19 measures that provide catch incentives for partici-
20 pants within and among gear categories to employ
21 fishing practices that avoid bycatch or result in
22 lower levels of the mortality of bycatch that cannot
23 be avoided;”.

1 **SEC. 4. PROTECTION OF ESSENTIAL FISH HABITAT.**

2 (a) DEFINITION.—Section 3(10) (16 U.S.C.
3 1802(10)) is amended by inserting “, whether managed
4 or not,” after “to fish”.

5 (b) REQUIRED PROVISIONS OF FISHERY MANAGE-
6 MENT PLANS.—Section 303(a)(7) (16 U.S.C. 1853(a)(7))
7 is amended to read as follows:

8 “(7) describe and identify essential fish habitat
9 based on the guidelines established by the Secretary
10 under section 305(b)(1)(A), giving priority to those
11 fish species that are managed in the fishery pursu-
12 ant to section 302(h)(1), and—

13 “(A) analyze the impacts of fishing on es-
14 sential fish habitat;

15 “(B) minimize any adverse impacts on es-
16 sential fish habitat from fishing;

17 “(C) close an area to a fishing gear or
18 practice if such fishing gear or practice may ad-
19 versely affect essential fish habitat, unless the
20 Council determines based on the best scientific
21 information available that a closure is not nec-
22 essary to protect such habitat; and

23 “(D) identify other actions to encourage
24 the conservation and enhancement of such habi-
25 tats;”.

1 (c) RESTRICTIONS ON FISHING GEAR AND FISH-
2 ING.—Section 305(b) (16 U.S.C. 1855(b)) is amended by
3 adding at the end the following:

4 “(5) No person or vessel may—

5 “(A) employ fishing gear or engage in a fishery
6 in an area closed to that fishing gear or fishery un-
7 less the Secretary, after notice and opportunity for
8 public comment, finds that the fishing gear or fish-
9 ery will have a minimal adverse impact on essential
10 fish habitat and minimal bycatch of non-target spe-
11 cies; or

12 “(B) use fishing gear in a fishery that is not
13 currently used in the fishery, or that is not included
14 on the list published pursuant to subsection (a)(1),
15 unless the Secretary, after notice and opportunity
16 for public comment, finds that the fishing gear will
17 have a minimal adverse impact on essential fish
18 habitat and result in minimal bycatch of non-target
19 species.”.

20 (d) RESPONSE TO SECRETARY’S RECOMMENDA-
21 TIONS.—Section 305(b)(4)(B) (16 U.S.C. 1855(b)(4)(B))
22 is amended by adding at the end the following: “A Federal
23 agency receiving a recommendation under subparagraph
24 (A) shall ensure that its action is not likely to adversely
25 modify or impair essential fish habitat.”.

1 **SEC. 5. REFORM OF THE REGIONAL FISHERY MANAGE-**
2 **MENT COUNCILS.**

3 Section 302(b)(2) (16 U.S.C. 1852(b)(2)) is
4 amended—

5 (1) in subparagraph (B) in the first sentence—

6 (A) by striking “of the active participants”
7 and inserting “among the active participants”;
8 and

9 (B) by inserting before the period the fol-
10 lowing: “and representatives of the public inter-
11 est in marine fish conservation, including rep-
12 resentatives of conservation organizations with
13 knowledge regarding the conservation and man-
14 agement of the fishery resources of the geo-
15 graphic area concerned”; and

16 (2) in subparagraph (C) in the second sentence
17 by inserting “and representatives of conservation or-
18 ganizations” after “commercial and recreational
19 fishery interests”.

20 **SEC. 6. CONSERVING ATLANTIC HIGHLY MIGRATORY SPE-**
21 **CIES.**

22 (a) **MAGNUSON-STEVENS FISHERY CONSERVATION**
23 **ACT AMENDMENTS.**—Section 304 (16 U.S.C. 1854) is
24 amended—

25 (1) in subsection (e)(1)—

1 (A) by striking “or international agree-
2 ment”; and

3 (B) by striking “or agreement”;

4 (2) in subsection (e)(4)—

5 (A) in subparagraph (A)(i) by striking “,
6 recommendations by international organizations
7 in which the United States participates,”;

8 (B) in subparagraph (A)(ii) by striking “,
9 or management measures under an inter-
10 national agreement in which the United States
11 participates”; and

12 (C) by adding “and” after the semicolon at
13 the end of subparagraph (A), striking “; and”
14 at the end of subparagraph (B) and inserting a
15 period, and striking subparagraph (C);

16 (3) in subsection (g)(1) by redesignating sub-
17 paragraphs (A) through (G) in order as subpara-
18 graphs (B) through (H), and inserting before sub-
19 paragraph (B) (as so redesignated) the following:

20 “(A) ensure that all conservation and man-
21 agement measures promulgated under this sub-
22 section are consistent with the national stand-
23 ards and other provisions of this Act;”;

1 (4) in subparagraph (D) (as so redesignated)
2 by striking “minimize, to the extent practicable,”
3 and inserting “take into account”; and

4 (5) in subparagraph (E) (as so redesignated) by
5 inserting before the semicolon at the end the fol-
6 lowing: “, if the Secretary has determined that such
7 harvest prevents overfishing, minimizes bycatch, and
8 is otherwise consistent with the national standards
9 and other provisions of this Act”.

10 (b) ATLANTIC TUNAS CONVENTION ACT OF 1975
11 AMENDMENTS.—The Atlantic Tunas Convention Act of
12 1975 is amended—

13 (1) in section 3(a)(1) (16 U.S.C. 971a(a)(1))
14 by striking “three” and inserting “four”;

15 (2) in section 3(a)(2) (16 U.S.C. 971a(a)(2))
16 by striking “and” after the semicolon at the end of
17 subparagraph (A), by striking the period at the end
18 of subparagraph (B) and inserting “; and”, and by
19 adding at the end the following:

20 “(C) one shall be appointed from among
21 representatives of the public interest in marine
22 fish conservation, including representatives of
23 conservation organizations with knowledge and
24 experience regarding the highly migratory spe-

1 cies fisheries in the Atlantic Ocean, Gulf of
2 Mexico, and Caribbean Sea.”; and

3 (3) in section 6(c)(3) (16 U.S.C. 971d(c)(3)) in
4 the matter following subparagraph (K) by striking
5 “or decreasing”.

6 **SEC. 7. MANDATORY FISHERY OBSERVER PROGRAM.**

7 (a) FINDING.—Section 2(a)(6) (16 U.S.C.
8 1801(a)(6)) is amended by inserting “, including a na-
9 tional fisheries observer program,” after “United States”.

10 (b) REQUIRED FISHERY MANAGEMENT PLAN PROVI-
11 SIONS.—

12 (1) IN GENERAL.—Section 303(a) (16 U.S.C.
13 1853(a)) is further amended by adding at the end
14 the following:

15 “(17) to the extent necessary to collect statis-
16 tically significant and reliable data, require that one
17 or more observers be carried on board a vessel of the
18 United States (other than vessels engaged in charter
19 fishing that are carrying 10 or fewer passengers for
20 hire) engaged in commercial fishing for species that
21 are subject to the plan, for the purpose of collecting
22 statistically significant and reliable data necessary
23 for the conservation and management of the fishery,
24 including monitoring and reporting of bycatch and
25 discards, landings, impacts on essential fish habitat,

1 and other relevant information; except that such a
2 vessel shall not be required to carry an observer on
3 board if the facilities of the vessel for the quartering
4 of an observer, or for carrying out observer func-
5 tions, are so inadequate or unsafe that the health
6 or safety of the observer or the safe operation of
7 the vessel would be jeopardized;

8 “(18) require a permit to be obtained from, and
9 fees to be paid to, the Secretary, with respect to—

10 “(A) any fishing vessel of the United
11 States fishing, or that the owner or operator of
12 which selects to use to fish, in the exclusive eco-
13 nomic zone or special areas or for anadromous
14 species of Continental Shelf fishery resources
15 beyond such zone or areas;

16 “(B) the operator of any such vessel; or

17 “(C) any United States fish processor who
18 first receives fish that are subject to the plan;
19 and”.

20 (2) CONFORMING AMENDMENT.—(A) Section
21 303(b) (16 U.S.C. 1853(b)) is amended by striking
22 paragraphs (1) and (8).

23 (B) Section 304(d)(1) (16 U.S.C. 1854(d)(1))
24 is amended by striking “section 303(b)(1)” and in-
25 serting “section 303(a)(18)”.

1 **SEC. 8. CONSERVING MARINE ECOSYSTEMS.**

2 (a) FINDINGS, PURPOSES, AND POLICY.—Section 2
3 (16 U.S.C. 1801) is amended—

4 (1) in subsection (a) by striking paragraph (7)
5 and redesignating paragraphs (8), (9), and (10) as
6 paragraphs (7), (8), and (9);

7 (2) in subsection (b) by striking paragraph (6),
8 redesignating paragraph (7) as paragraph (8), and
9 inserting after paragraph (5) the following:

10 “(6) to assure that development of fisheries by
11 the United States fishing industry takes into consid-
12 eration the ecosystem needs of target species and
13 the impacts of fishing on other species in the eco-
14 system;

15 “(7) to promote management decisions incor-
16 porating the precautionary approach, especially in
17 cases in which the effects of fishing are unknown or
18 uncertain, in order to maintain ecosystem health and
19 sustainability; and”;

20 (3) in subsection (c)(3) by striking “considers
21 efficiency;” and inserting “incorporates and applies
22 ecosystem principles; considers how fishing affects
23 predator-prey and other important ecological rela-
24 tionships within marine ecosystems;”.

25 (b) DEFINITIONS.—Section 3(29) (16 U.S.C.
26 1802(29)) is amended—

1 (1) by striking “fishery” and inserting “stock
2 of fish”; and

3 (2) by inserting before the period the following:
4 “or, through direct or indirect impacts on other spe-
5 cies, jeopardizes the ecological integrity and sustain-
6 ability of marine ecosystems”.

7 (c) NATIONAL STANDARDS.—Section 301(a) (16
8 U.S.C. 1851(a)) is further amended by adding at the end
9 the following:

10 “(10) Conservation and management measures
11 shall—

12 “(A) in any case in which information is
13 uncertain, unreliable, or inadequate, reduce
14 risks by setting precautionary reference points
15 for each stock of fish and the action to be taken
16 if such a reference point is approached or ex-
17 ceeded;

18 “(B) take into account the direct and indi-
19 rect impacts of fishing on other species and
20 their habitats and the conservation of those
21 species and their habitats as important compo-
22 nents of the ecosystem; and

23 “(C) allow the expansion of existing fish-
24 eries or the development of new fisheries only
25 after measures are in place to prevent adverse

1 impacts on the stocks, associated species, and
2 the ecosystem.”.

3 (d) **REQUIRED FISHERY MANAGEMENT PLAN PROVI-**
4 **SIONS.**—Section 303(a) (16 U.S.C. 1853(a)) is further
5 amended—

6 (1) in paragraph (1)(A) by inserting before the
7 semicolon the following “and the ecosystem within
8 which the fishery functions”; and

9 (2) by adding at the end the following:

10 “(19) include a fishery impact statement for
11 the plan or amendment that shall assess, specify,
12 and describe the likely effects, if any, of the con-
13 servation and management measures on other spe-
14 cies, including key predator-prey interactions, in the
15 ecosystem, for the purpose of determining consist-
16 ency with the relevant Fisheries Ecosystem Plan as
17 required under section 305(j).”.

18 (e) **FISHERIES ECOSYSTEM PLANS.**—Section 305 (16
19 U.S.C. (1855)) is amended by adding at the end the fol-
20 lowing:

21 “(j) **FISHERIES ECOSYSTEM PLANS.**—(1) Each
22 Council shall, within 18 months after the date of the en-
23 actment of the Fisheries Recovery Act of 2000, prepare
24 and submit to the Secretary a Fisheries Ecosystem Plan
25 for each major marine ecosystem within its jurisdiction.

1 In the case in which significant portions of a major eco-
2 system are in the jurisdictions of adjacent Councils, the
3 Councils shall jointly prepare a plan for the major eco-
4 system. The Secretary shall issue regulations that estab-
5 lish a process for preparing and developing Fisheries Eco-
6 system Plans that is consistent with the fishery manage-
7 ment plan process under section 304.

8 “(2) Each Fisheries Ecosystem Plan shall—

9 “(A) contain information on the structure and
10 function of the ecosystem in which fishing activities
11 occur, including the geographic extent of the eco-
12 system and its biological, physical, and chemical dy-
13 namics, a description of the significant food web in-
14 cluding key predator-prey relationships, and the
15 habitat needs of different life stages of species that
16 make up the significant food web;

17 “(B) establish indices of ecosystem health and
18 integrity;

19 “(C) describe how the information on ecosystem
20 structure and function is to be incorporated into the
21 context of fishery-specific management plans;

22 “(D) include specific recommendations for im-
23 plementing ecosystem protections in fishery manage-
24 ment plans; and

1 “(E) outline a long-term monitoring program to
2 evaluate fishery-dependent and fishery-independent
3 changes in the ecosystem.

4 “(3) No later than 6 months after the date of the
5 enactment of the Fisheries Recovery Act of 2000, the Sec-
6 retary shall prepare guidance for Fisheries Ecosystem
7 Plan development, in conjunction with the Councils and
8 other scientific, fisheries, and conservation interests as ap-
9 propriate, and provide them to the Councils to facilitate
10 development and implementation of the required Fisheries
11 Ecosystem Plans within the prescribed time period.

12 “(4) The Secretary shall review each Fisheries Eco-
13 system Plan according to the guidance prepared pursuant
14 to paragraph (3) and approve or disapprove the plan, in
15 whole or in part, according to the process described in sec-
16 tion 304. If the Secretary disapproves or partially ap-
17 proves a plan, the Council shall revise and resubmit the
18 plan within 9 months after its disapproval.

19 “(5) If, within the 18-month period beginning on the
20 date of the enactment of the Fisheries Recovery Act of
21 2000, a Council fails to develop and submit to the Sec-
22 retary a Fisheries Ecosystem Plan as required under this
23 section, or if the Secretary disapproves in whole or in part
24 such a plan, the Secretary shall prepare a plan for that

1 ecosystem concerned within 27 months after the date of
2 the enactment of the Fisheries Recovery Act of 2000.

3 “(6)(A) The Secretary may not approve a fisheries
4 management plan or an amendment to such a plan, and
5 such a plan or amendment shall not be effective after the
6 24-month period beginning on the date the Secretary ap-
7 proves or prepares a relevant Fisheries Ecosystem Plan,
8 unless the Secretary determines that the fisheries manage-
9 ment plan or an amendment is consistent with the prin-
10 ciples, goals, policies, and recommendations of each rel-
11 evant Fisheries Ecosystem Plan approved or prepared by
12 the Secretary.

13 “(B) Within 24 months after the date the Secretary
14 approves or prepares a final Fisheries Ecosystem Plan,
15 each Council shall submit to the Secretary any fishery
16 management plans or plan amendments required to make
17 all fishery management plans under its jurisdiction con-
18 sistent with the principles, goals, policies, and rec-
19 ommendations of the Fisheries Ecosystem Plan.

20 “(C) If a Council fails to submit any fishery manage-
21 ment plan or amendment required under subparagraph
22 (A) before the end of the 24-month period beginning on
23 the date of such approval, or if the Secretary disapproves
24 in whole or in part such plan or amendment, the Secretary

1 shall prepare such plan or amendment within 33 months
2 after the date of such approval.”.

3 **SEC. 9. ELIMINATION OF OVERFISHING AND REBUILDING**
4 **OF OVERFISHED POPULATIONS.**

5 (a) FINDINGS, PURPOSES, AND POLICY.—Section 2
6 (16 U.S.C. 1801) is further amended—

7 (1) in subsection (a)(1) by striking “valuable”
8 and inserting “ecologically and economically valu-
9 able”;

10 (2) in subsection (b)(3) by striking “promote”
11 and inserting “provide for”; and

12 (3) in subsection (c)(6) by striking “diversity”
13 and inserting “abundance and diversity”.

14 (b) DEFINITIONS.—Section 3 (16 U.S.C. 1802) is
15 amended—

16 (1) in paragraph (5) by striking subparagraphs
17 (ii) and (iii) and inserting the following:

18 “(ii) irreversible, long-term, or significant
19 short-term adverse effects on fishery resources
20 and the marine environment are avoided;

21 “(iii) there will be a multiplicity of options
22 available with respect to future uses of these re-
23 sources; and

1 “(iv) explicit buffers against scientific un-
2 certainty are used to prevent and stop over-
3 fishing.”; and

4 (2) in paragraph (37) by inserting before the
5 period the following: “but, does not, in any case, in-
6 clude more than one species of fish”.

7 (c) NATIONAL STANDARDS FOR FISHERY CONSERVA-
8 TION AND MANAGEMENT.—Section 301 (16 U.S.C. 1851)
9 is amended—

10 (1) in subsection (a)—

11 (A) by amending paragraph (1) to read as
12 follows:

13 “(1) Conservation and management measures
14 shall prevent overfishing of each stock of fish while
15 achieving, on a continuing basis, the optimum yield
16 from each fishery for the United States.”;

17 (B) in paragraph (3) by striking “as a
18 unit” the second place it appears;

19 (C) in paragraph (5) by striking “shall”
20 and inserting “should”;

21 (D) in paragraph (6) by inserting before
22 the period the following: “but no such measures
23 shall allow the overfishing of any stock of fish
24 at any time”; and

1 (E) by striking paragraph (7) and redesignig-
2 nating paragraphs (8), (9), and (10) in order as
3 paragraphs (7), (8), and (9); and

4 (2) in subsection (b) by striking “advisory” and
5 all that follows through “, based” and inserting
6 “guidelines, based”.

7 (d) REQUIRED FISHERY MANAGEMENT PLAN PROVI-
8 SIONS.—Section 303(a) (16 U.S.C. 1853(a)) is
9 amended—

10 (1) in paragraph (1)(B) by striking “and” after
11 the semicolon;

12 (2) by striking paragraph (1)(C) and inserting
13 the following:

14 “(C) consistent with the national standards
15 and the other provisions of this Act, except
16 such consistency is not required if the regula-
17 tions would likely cause overfishing, allow con-
18 tinued overfishing, or delay the rebuilding of
19 any overfished species or stock of fish managed
20 under this Act; and

21 “(D) consistent with any other applicable
22 law;”;

23 (3) in paragraph (5) by inserting after “number
24 of hauls,” the following: “the number and species of
25 all fish caught in the course of the fishery,”; and

1 (4) by amending paragraph (10) to read as fol-
2 lows:

3 “(10) specify objective and measurable criteria
4 for identifying when the fishery to which the plan
5 applies is overfished, such definition shall be devel-
6 oped and expressed in terms of a minimum level of
7 spawning biomass and maximum level or rate of
8 fishing mortality, designed to ensure the restoration
9 and maintenance of the fish population’s abundance,
10 age structure, sex ratio, and size structure so as to
11 provide maximum sustainable yield and maintain ec-
12 ological integrity, (with an analysis of how the cri-
13 teria were determined and the relationship of the
14 criteria to the reproductive potential of stocks of fish
15 in that fishery) and, in the case of a fishery which
16 the Council or the Secretary has determined is ap-
17 proaching an overfished condition or is overfished,
18 contain conservation and management measures to
19 prevent overfishing or end overfishing and rebuild
20 the fishery;”.

21 (e) ACTION BY THE SECRETARY.—Section 304(e) (16
22 U.S.C. 1854(e)) is amended—

23 (1) by amending paragraph (5) to read as fol-
24 lows:

1 “(5) If, within the one-year period beginning on
2 the date of identification or notification that a fish-
3 ery is overfished or is approaching an overfished
4 condition, the Council does not submit to the Sec-
5 retary a fishery management plan, plan amendment,
6 or proposed regulations required by paragraph (3),
7 the Secretary shall prepare a fishery management
8 and any accompanying regulations to prevent or stop
9 overfishing and rebuild affected stocks of fish within
10 9 months under subsection (c).”; and

11 (2) by striking paragraph (7) and inserting the
12 following:

13 “(7) The Secretary shall review any fishery
14 management plan, plan amendment, or regulations
15 required by this subsection at routine intervals that
16 may not exceed two years. If the Secretary finds as
17 a result of the review or as a result of any informa-
18 tion provided to the Secretary that such plan,
19 amendment, or regulations have not resulted or are
20 not likely to result in ending overfishing and rebuild-
21 ing affected fish stocks in the timeframe required by
22 subsection (4), the Secretary shall—

23 “(A) in the case of a fishery to which sec-
24 tion 302(a)(3) applies, immediately make revi-

1 sions necessary to end overfishing and rebuild
2 overfished stocks as required by this section; or

3 “(B) for all other fisheries, immediately
4 notify the appropriate Council and recommend
5 to the Council further conservation and man-
6 agement measures that the Council should take
7 under paragraph (3).

8 “(8) The Secretary shall complete an assess-
9 ment of the status of each fish stock that is subject
10 to a fisheries management plan, by not later than 5
11 years after the date of the enactment of the Fish-
12 eries Recovery Act of 2000.

13 **SEC. 10. PRECAUTIONARY APPROACH TO FISHERIES MAN-**
14 **AGEMENT.**

15 (a) FINDINGS AND POLICY.—Section 2 (16 U.S.C.
16 1801) is amended—

17 (1) in subsection (a) by adding at the end the
18 following:

19 “(11) Fishery management must be based on
20 the best scientific information available and must be
21 precautionary in favor of conservation when data is
22 absent, uncertain, unreliable, or inadequate.”; and

23 (2) in subsection (c)(3) by striking “utilizes,
24 and is based upon,” and inserting “utilizes the pre-
25 cautionary approach and is based upon”.

1 (b) PRECAUTIONARY APPROACH DEFINED.—Section
2 3 (16 U.S.C. 1802) is amended by adding at the end the
3 following:

4 “(46) The term ‘precautionary approach’
5 means—

6 “(A) exercising additional caution in favor
7 of conservation in any case in which informa-
8 tion is absent, uncertain, unreliable, or inad-
9 equate as to the effects of any existing or pro-
10 posed action on fish, essential fish habitat,
11 other marine species, and the marine ecosystem
12 in which a fishery occurs; and

13 “(B) selecting and implementing any ac-
14 tion that will be significantly more likely than
15 not to satisfy the conservation objectives of this
16 Act.”.

17 (c) NATIONAL STANDARD FOR FISHERY CONSERVA-
18 TION AND MANAGEMENT.—Section 301(a) (16 U.S.C.
19 1851) is amended by adding at the end the following:

20 “(11) The precautionary approach shall apply
21 to conservation and management measures, in par-
22 ticular, and without limitation, to the application of
23 the national standard set forth in paragraph (1).”.

1 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—Section 4 (16 U.S.C. 1803) is
3 amended to read as follows:

4 **“SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

5 “There are authorized to be appropriated to the Sec-
6 retary to carry out this Act the following:

7 “(1) For information collection and analysis—

8 “(A) \$195,000,000 for fiscal year 2001;

9 “(B) \$205,000,000 for fiscal year 2002;

10 “(C) \$215,000,000 for fiscal year 2003;

11 “(D) \$225,000,000 for fiscal year 2004;

12 and

13 “(E) \$235,000,000 for fiscal year 2005.

14 “(2) For conservation and management
15 operations—

16 “(A) \$120,000,000 for fiscal year 2001;

17 “(B) \$126,000,000 for fiscal year 2002;

18 “(C) \$132,000,000 for fiscal year 2003;

19 “(D) \$139,000,000 for fiscal year 2004;

20 and

21 “(E) \$146,000,000 for fiscal year 2005.

22 “(3) For State and industry assistance pro-
23 grams, \$3,000,000 for each of fiscal years 2001,
24 2002, 2003, 2004, and 2005.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the end of the first section is amended by inserting after
3 the item relating to section 3 the following:

“Sec. 4. Authorization of appropriations.”.

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